

IN THE MATTER OF * BEFORE THE MARYLAND
 PRISCILLA WEATHERALL, RCP * STATE BOARD OF
 Respondent * PHYSICIANS
 License Number: L05082 * Case Number: 2013-0430
 * * * * *

CONSENT ORDER

BACKGROUND

The Maryland Board of Physicians (the "Maryland Board") received information that Priscilla Weatherall, RCP, (the "Respondent") (D.O.B. 4/8/1986), License Number L05082, was disciplined by the District of Columbia Board of Respiratory Care (the "D.C. Board") for filing a false or misleading statement and certificate with the D.C. Board and failing to demonstrate completion of required continuing education credits. In an Order dated August 13, 2012, the D.C. Board disciplined the Respondent by suspension.

Based on the above referenced sanction, the Maryland Board has grounds to charge the Respondent with violating the following provisions of the Maryland Medical Practice Act (the "Act"), under H. O. § 14-5A-17(a)(17):

- (a) Subject to the hearing provisions of §14-405 of this title, the Board, on the affirmative vote of a majority of a quorum, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:
 - (17) Is disciplined by a licensing or disciplinary authority or is convicted or disciplined by a court of any state or country or is disciplined by any branch of the United States uniformed

services or the Veterans' Administration for an act that would be grounds for disciplinary action under the Board's disciplinary statutes.

The Maryland Board has determined that the acts for which the Respondent was disciplined in the District of Columbia would be grounds for disciplinary action under H.O. § 14-5A-17(a). The grounds for disciplinary action under H.O. § 14-5A-17(a) are as follows:

- (3) Is guilty of unprofessional or immoral conduct in the practice of respiratory care;
- (10) Willfully makes or files a false report or record in the practice of respiratory care.

Based on the action taken by the D.C. Board, the Respondent agrees to enter into this Consent Order with the Maryland Board of Physicians, consisting of Procedural Background, Findings of Fact, Conclusions of Law, and Order of reciprocal action.

I. FINDINGS OF FACT

The Board finds the following:

1. At all times relevant hereto, the Respondent was licensed to practice respiratory care in the State of Maryland. The Respondent was initially licensed in Maryland on or about September 23, 2008.
2. By Order dated August 13, 2012, the D.C. Board found that the Respondent filed a statement that she knew or should have known was false and failed to complete or demonstrate completion of the required continuing education hours.
3. Based on these findings, the D.C. Board suspended the Respondent's license.

A copy of the District of Columbia Order is attached hereto.

II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Maryland Board concludes as a matter of law that the disciplinary action taken by the D.C. Board against the Respondent was for an act or acts that would be grounds for disciplinary action under Health Occ. § 14-5A-17(a)(3) and (10) had those offenses been committed in this state.

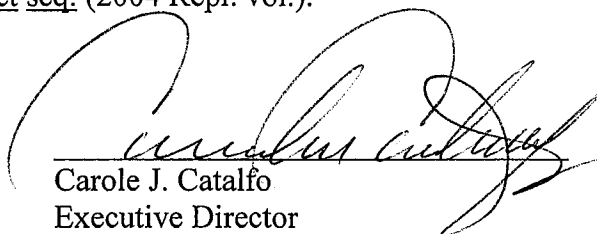
III. ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the Respondent's license to practice respiratory care in the State of Maryland be and is hereby **SUSPENDED** until such time as her license is reinstated by the D.C. Board of Respiratory Care; and be it further

ORDERED that this **CONSENT ORDER** is a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. § 10-611 et seq. (2004 Repl. vol.).

3-21-13
Date


Carole J. Catalfo
Executive Director
Maryland Board of Physicians

CONSENT

I, Priscilla Weatherall, RCP, acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I admit to the Findings of Fact and Conclusions of Law, and I agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Consent Order, and understand its meaning and effect.

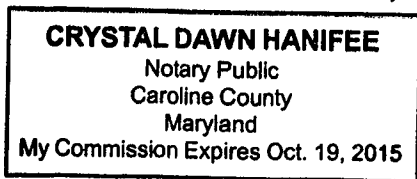
1/16/2013
Date

Priscilla Weatherall
Priscilla Weatherall, RCP
Respondent

STATE OF Maryland
CITY/COUNTY OF Denton/Caroline

I HEREBY CERTIFY that on this 16 day of January, 201³, before me, the subscriber, a Notary Public for the State and City/County aforesaid, personally appeared Priscilla Weatherall, RCP, and made oath in due form of law that the execution of the foregoing Consent Agreement was her voluntary act and deed.

AS WITNESSETH my hand and my notarial seal



Crystal Dawn Haniffee
Notary Public

MY COMMISSION EXPIRES:
10/19/15

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
HEALTH REGULATION AND LICENSING ADMINISTRATION
BOARD OF RESPIRATORY CARE**

IN RE:

PRISCILLA WEATHERALL

License No.: RC 1130

Respondent

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ORDER SUSPENDING LICENSE AND ISSUING FINE

Jurisdiction

This matter comes before the District of Columbia Board of Respiratory Care (the "Board") pursuant to D.C. Official Code § 3-1201.01 *ff.* (2009), otherwise known as the Health Occupations Revision Act (the "HORA"). The HORA, at D.C. Official Code § 3-1202.14(b) (2009), authorizes the Board of Respiratory Care to regulate the practice of respiratory care in the District of Columbia.

Background

On or about June 21, 2012, the Board issued a Notice of Intent to Take Disciplinary Action against Respondent's District of Columbia respiratory therapist license. The notice charged Respondent as follows:

1. **You violated D.C. Code § 3-1210.04 (a) (2001) and D.C. Code § 3-1205.14 (a)(24)(2001) by filing a statement and certificate with the Board that you knew or should have known was false or misleading, for which the Board may take disciplinary action in accordance with D.C. Code § 3-1205.14 (c); and**
2. **You violated Title 17 DCMR § 7606.5 and D.C. Code § 3-1205.14 (a)(24)(2001) by failing to demonstrate completion of the required continuing education credits, for which the Board may take the proposed action pursuant to D.C. Official Code § 3-1205.14(c)(2001).**

Pursuant to Title 17 DCMR § 4105.2(c), the Notice was served by U.S. Postal Service Certified Mail, return receipt requested to the Respondent's mailing address on file with the Board. According to post office tracking records, Respondent failed to claim the letter and it was deemed unclaimed by the Post Office on July 12, 2012 and thereafter returned to the Board.

Pursuant to Title 17 DCMR § 4105.5, service was deemed to have been made on July 12, 2012.

The Notice advised Respondent that she had twenty (20) days following receipt of the "Notice" in which to request a hearing. Respondent failed to request a hearing within the time allotted, and to date has not requested a hearing in this matter.

Findings of Fact

Based upon the content of the Board's file in this matter, the Board hereby makes the following findings of fact:

1. At all times relevant, the Respondent was licensed to practice respiratory care in the District of Columbia.
2. On or about January 17, 2011, Respondent submitted an online application to the District of Columbia Board of Respiratory Care for renewal of her respiratory care license (2011 renewal application).
3. As part of the 2011 renewal application, Respondent certified that she had completed sixteen (16) continuing education credits since her last renewal, i.e. between February 1, 2009 and January 31, 2011.
4. Respondent was selected to submit proof of completion of the required sixteen (16) continuing education credits as part of the Board's random audit.
5. On or about June 22, 2011, Respondent was notified via regular and certified mail that she had been selected to submit proof of completion of sixteen (16) continuing education credits ("CEUs"), including three (3) credits in ethics and eight (8) credits completed in live, face-to-face courses, as part of the Board's random audit.
6. When the Respondent failed to provide the requested documentation, a second letter was sent to the Respondent on or about December 29, 2011 requesting the same information.

7. When the Respondent failed to provide the requested documentation, a final e-mail notification was sent to her on or about February 16, 2012 at the e-mail address on file with the Board requesting the same information.
8. Respondent failed and refused to submit proof of having completed the required continuing education credits as she had attested to on her 2011 renewal application.

Conclusions of Law

D.C. Official Code § 3-1205.14 (2001) provides in pertinent part:

(a) Each board, subject to the right of a hearing as provided by this subchapter, on an affirmative vote of a majority of its members then serving, may take 1 or more of the disciplinary actions provided in subsection (c) of this section against any Respondent, licensee, or person permitted by this subchapter to practice the health occupation regulated by the board in the District who: filed a statement with the Board that he knew or should have known was false or misleading in violation of D.C. Official Code § 3-1210.04(2001) for which the Board may take action under D.C. Official Code § 3-1205.14(a)(24); and fails to complete or demonstrate completion of the required continuing education hours in accordance with Title 17 DCMR section 7606.5 and D.C. Official Code § 3-1205.14(a)(24)(2001), for which the Board may take the proposed action pursuant to D.C. Official Code § 3-1205.14(a)(24)(2001).

Upon determination by the board that a Respondent, licensee, or person permitted by this subchapter to practice in the District has committed any of the acts described in subsection (a) of this section, the board may:

- (1) Deny a license to any Respondent;
- (2) Revoke or suspend the license of any licensee;
- (3) Revoke or suspend the privilege to practice in the District of any person permitted by this subchapter to practice in the District;
- (4) Reprimand any licensee or person permitted by this subchapter to practice in the District;
- (5) Impose a civil fine not to exceed \$5,000 for each violation by any Respondent, licensee, or person permitted by this subchapter to practice in the District;
- (6) Require a course of remediation, approved by the board, which may include:
 - (A) Therapy or treatment;
 - (B) Retraining; and

(C) Reexamination, in the discretion of and in the manner prescribed by the board, after the completion of the course of remediation;

(7) Require a period of probation; or

(8) Issue a cease and desist order pursuant to § 3-1205.16.

Based on the foregoing findings of fact, the Board hereby concludes as a matter of law that that Respondent filed a statement with the Board that she knew or should have known was false or misleading in violation of D.C. Official Code § 3-1210.04 (2001) for which the Board can take the proposed action pursuant to D.C. Official Code § 3-1205.14(a) (24) (2001). Further the Board hereby concludes as a matter of law that Respondent failed to complete or demonstrate completion of the required continuing education hours in accordance with Title 17 DCMR section 7606.5 and D.C. Official Code § 3-1205.14(a)(24)(2001), for which the Board may take the proposed action pursuant to D.C. Official Code § 3-1205.14(a)(24)(2001).

When the Respondent submitted her application for renewal of licensure, she certified that she had completed the required continuing education credits and that she understood that she may be required to document such via a future audit. Respondent was aware that her license could not be renewed in the absence of this certification. Thereafter, however, after receiving three notices that she had been selected in the audit, and even after being notified of the Board's intent to take disciplinary action against her license, the Respondent still did not submit proof of having met the continuing education requirements. Having made no effort whatsoever to submit the proof as required, the Board concludes that the Respondent did not complete the required credits and that she was fully aware of it when she attested to having done so on her renewal application.

ORDER

Based upon the aforementioned it is hereby **ORDERED** that the license of Priscilla Weatherall, RC 1130, shall be and is hereby- **SUSPENDED**, effective as of the date of service, and it is further


ORDERED that Respondent shall pay a fine in the amount of Seven Hundred Fifty Dollars (\$750.00), which shall be made payable to "D.C. Treasurer" and shall be submitted to Bonnie Rampersaud, Executive Director, Board of Respiratory Care, 899 North Capitol Street, NE, 2nd Floor, Washington, D.C. 20002; and it is further

ORDERED that Respondent shall submit proof of completion of sixteen (16) continuing education credits, including three (3) credits in ethics and eight (8) credits in live face-to-face courses, meeting the requirements set forth in Title 17, DCMR 7606 and 7607 and which shall have been obtained not earlier than February 1, 2009, and which shall not be used or counted toward the renewal period ending January 31, 2013 or any other subsequent renewal period and it is further

ORDERED that Respondent shall be audited as part of the Board's 2013 continuing education audit or the next period in which he renews or reinstates her license, and it is further

ORDERED that Respondent's license shall remain **SUSPENDED** until the Respondent has paid the fine and submitted the continuing education credits as required under the terms of this ORDER.

8/13/12
Date


Carolyn A. Williams, R.R.T.
Chairperson
Board of Respiratory Care

Judicial and Administrative Review
of Actions of Board

Pursuant to D.C. Official Code § 3-1205.20 (2001):

Any person aggrieved by a final decision of a board
or the Mayor may appeal the decision to the **District**
of Columbia Court of Appeals pursuant to D.C. Official Code
§ 2-510 (2001).

Pursuant to D.C. Court of Appeals Rule 15(a):

Review of orders and decision of an agency shall
be obtained by filing with the clerk of this court
a petition for review within thirty (30) days after
the notice is given.

This Order is the Final Order of the Board in this disciplinary matter and a public record and shall be posted on the Department of Health's website and Board newsletter, and reported to the National Practitioner Data Bank and the Healthcare Integrity Protection Data bank.

Copies to:

Priscilla Weatherall
Respondent

Christine L. Gephardt
Assistant Attorney General
Office of the Attorney General for the District of Columbia
Civil Enforcement Division
441 4th Street, N.W., Suite 650 North
Washington, DC 20001

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
HEALTH REGULATION AND LICENSING ADMINISTRATION
BOARD OF RESPIRATORY CARE**

IN RE:

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