

IN THE MATTER OF
CHINEDU ONYEJI
Applicant

* BEFORE THE
* MARYLAND STATE BOARD
* OF PHYSICIANS
* Case Number 2219-0066A

* * * * *

**FINAL DECISION AND ORDER DENYING APPLICATION
FOR ATHLETIC TRAINER LICENSE**

On August 27, 2018, the Maryland State Board of Physicians (“Board”) received an application from Chinedu Onyeji requesting a license to practice as an athletic trainer. On January 23, 2019, based upon Mr. Onyeji’s disciplinary history with the Maryland Board of Physical Therapy Examiners and his criminal history, Board Disciplinary Panel A (“Panel A”) issued a Notice of Intent to Deny Initial License under the Maryland Athletic Trainers Act (“Notice of Intent”) regarding Mr. Onyeji’s application. The statutory grounds upon which the Notice of Intent was based are:

Health Occ. § 14-5D-08

- (a) To qualify for a license, an applicant shall be an individual who meets the requirements of this section.
- (b) The applicant shall:
 - (1) Be of good moral character[.]

Health Occ. § 14-5D-14

- (a) Subject to the hearing provisions of § 14-405 of this title, on the affirmative vote of a majority of a quorum of the disciplinary panel, may deny a license to any applicant, . . . if the applicant . . . :

- (17) Is disciplined by a licensing, certifying, 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 this section[.]

The underlying ground for action under § 14-5D-14(a) is:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant . . . [.]

The case was forwarded to the Office of Administrative Hearings for an evidentiary hearing and a proposed decision. On September 4, 2019, an Administrative Law Judge (“ALJ”) presided over a prehearing conference at which Mr. Onyeji represented himself and the State was represented by an Assistant Attorney General. At the prehearing conference, the parties agreed to enter into a Stipulated Proposed Order, instead of participating in an evidentiary hearing.

In the Stipulated Proposed Order, the parties agreed to proposed Findings of Fact, proposed Conclusions of Law that Mr. Onyeji violated § 14-5D-08(a) and (b)(1) and § 14-5D-14(a)(17) with the underlying ground of § 14-5D-14(a)(1), and the proposed disposition that Mr. Onyeji’s application is denied. Both parties and the ALJ signed the Stipulated Proposed Order. Neither party filed exceptions.

FINDINGS OF FACT

Board Disciplinary Panel B (“Panel B”) adopts as findings of fact the Stipulated Proposed Decision’s Proposed Findings of Fact (¶¶ 1-14), which are incorporated by reference into the body of this document as if set forth in full. The Stipulated Proposed Decision is attached as Exhibit 1.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, Panel B concludes that Mr. Onyeji failed to meet the good moral character licensure requirement, in violation of Health Occ. § 14-5D-08(a) and (b)(1); and that Mr. Onyeji was disciplined by a licensing or disciplinary authority of a state for

an act that would be grounds for discipline under Health Occ. § 14-5D-14, in violation of Health Occ. § 14-5D-14(a)(17), with the underlying ground of Health Occ. § 14-5D-14(a)(1) (fraudulently or deceptively obtains or attempts to obtain a license for the applicant).

ORDER

Based upon the Findings of Fact and Conclusions of Law, it is, by an affirmative vote of a majority of a quorum of Board Disciplinary Panel B, hereby

ORDERED that the application of Chinedu Onyeji, received by the Board on August 27, 2018, requesting a license to practice as an athletic trainer in Maryland, is **DENIED**; and it is further

ORDERED that this is a public document.

02/18/2020
Date

Signature on File

Christine A. Farrelly, Executive Director
Maryland State Board of Physicians

NOTICE OF APPEAL RIGHTS

Pursuant to § 14-5D-15(b) of the Health Occupations Article, Mr. Onyeji has the right to seek judicial review of this Final Decision and Order. Any petition for judicial review must be filed within 30 days from the date this Final Decision and Order was sent to the Applicant. The Final Decision and Order was sent on the date of the cover letter accompanying the Final Decision and Order. The petition for judicial review must be made as directed in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222, and Maryland Rules 7-201 *et seq.*

If Mr. Onyeji petitions for judicial review, the Board is a party and should be served with the court's process. In addition, Mr. Onyeji should send a copy of his petition for judicial review to the Board's counsel, David Wagner, Assistant Attorney General, Office of the Attorney General, 300 W. Preston Street, Suite 302, Baltimore, Maryland 21201. The administrative prosecutor is not involved in the circuit court process and does not need to be served or copied on pleadings filed in circuit court.

Exhibit 1

IN THE MATTER OF
THE MARYLAND STATE
BOARD OF PHYSICIANS

v.

CHINEDU ONYEJI
APPLICANT

* BEFORE WILLIS GUNTHER BAKER
*
* AN ADMINISTRATIVE LAW JUDGE
*
* OF THE MARYLAND OFFICE
*
* OF ADMINISTRATIVE HEARINGS
*
* Case No. MDH-MBH-1579B-19-20191
*
* Board No. 2219-0066A

RECEIVED
SEP 23 2019

STIPULATED PROPOSED ORDER

OFFICE OF
ADMINISTRATIVE HEARINGS

On January 23, 2019, Disciplinary Panel A ("Panel A") of the Maryland State Board of Physicians (the "Board"), notified CHINEDU ONYEJI (the "Applicant"), of its intent to deny his *Application for an Initial Athletic Trainer License* (the "Application") pursuant to the Maryland Athletic Trainers Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-5D-01 *et seq.* (2014 Repl. Vol. & 2018 Supp.).

Panel A based its intent to deny on the following provisions of the Act:

§ 14-5D-08. Qualification for license:

- (a) *In general.* – To qualify for a license, an applicant shall be an individual who meets the requirements of this section.
- (b) *Character and age requirements; criminal history records check.* – The applicant shall:
 - (1) Be of good moral character[.]

§ 14-5D-14. Denial of license, reprimand, probation, or suspension or revocation of license.

- (a) *Grounds.* – Subject to the hearing provisions of § 14-405 of this title, on the affirmative vote of a majority of a quorum of the disciplinary panel, 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, certifying, 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 this section[.]

The underlying ground for action under Health Occ. § 14-5D-14(a) is:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant, licensee, or for another[.]

On June 28, 2019, the Board forwarded this case to the Office of Administrative Hearings for an evidentiary hearing and proposed findings of fact, conclusions of law, and disposition. On September 4, 2019, Administrative Law Judge Willis Gunther Baker convened an in-person prehearing conference. The Applicant appeared *pro se*. W. Adam Malizio, Assistant Attorney General, appeared for the State of Maryland. During the prehearing conference, the parties agreed to enter this Stipulated Proposed Order in lieu of an evidentiary hearing.

The parties agree to the following Proposed Findings of Fact, Proposed Conclusions of Law, and Proposed Order.

PROPOSED FINDINGS OF FACT

The parties agree that the following facts are true:

1. The Applicant was trained as a physical therapist and was licensed by the Maryland Board of Physical Therapy Examiners ("Physical Therapy Board") on September 24, 2010. His license is scheduled to expire on May 31, 2020.
2. The Applicant has a disciplinary history with the Physical Therapy Board.
3. On or about July 4, 2011, the Physical Therapy Board suspended the Applicant's physical therapy license for 90 days and subsequently placed him on two years of probation with terms and conditions, for failing to fully disclose his criminal history to the Board. The Physical Therapy Board terminated the Applicant's probation on August 23, 2013.

4. On October 4, 2017, the Physical Therapy Board again suspended the Applicant's physical therapy license for 90 days and imposed three years of probation beginning February 23, 2018. The Physical Therapy Board's action was based on the Applicant's misrepresentations on his 2012, 2014, and 2016 renewal applications. Specifically, the Physical Therapy Board found that he did not fully disclose the details underlying a prior conviction involving second-degree assault, and that he failed to disclose certain motor vehicle violations.

5. On August 27, 2018, the Board received the Applicant's Application.

6. The Applicant provided information with his Application showing the Applicant received a master's degree in athletic training from a university in Virginia.

7. The Applicant provided information with his Application that on February 16, 2016, the Applicant passed the certification examination for the Board of Certification for the Athletic Trainers. His certification is scheduled to expire on December 31, 2019.

8. The Applicant answered affirmatively to the following character and fitness questions on the Application:

...

(b) Has a state licensing or disciplinary board (including Maryland), a comparable body in the armed services or Veterans Administration, ever taken action against your license? Such actions include, but are not limited to, limitation of practice, required education admonishment or reprimand, suspension, probation or revocation.

(c) Has any licensing or disciplinary board in any jurisdiction (including Maryland), a comparable body in the armed services or the Veterans Administration, ever filed any complaints or charges against you or investigated you for any reason?¹

...

(g) Have you ever pleaded guilty or nolo contendere to any criminal charge, been convicted of a crime, or received probation before judgment because of a criminal charge?

¹ Initially, the Applicant answered "no" to this question; however, Board staff contacted him by email and directed him to change his response to "yes" because he had been investigated by the Physical Therapy Board.

- (h) Have you ever committed an offense involving alcohol or controlled dangerous substances to which you pled guilty or nolo contendere, or for which you were convicted or received probation before judgment? Such offenses include, but are not limited to, driving while under the influence of alcohol or controlled dangerous substances[.]

9. The Applicant provided written explanations for the affirmative responses.

10. Based on the Applicant's affirmative responses to the above-referenced character and fitness questions on his Application, the Board initiated an investigation.

11. On or about October 22, 2018, Board staff notified the Applicant the Board had initiated an investigation.

12. In his supporting documents submitted with his Application, the Applicant disclosed, and the Board's investigation confirmed that on or about February 27, 2005, the Applicant was criminally charged in Indiana with trespassing and disorderly conduct. The Applicant pled guilty to disorderly conduct, and was sentenced to 60 days incarceration, with 58 days suspended, followed by six months of probation.

13. The Board's investigation found that on or about August 27, 2005, the Applicant was criminally charged in Indiana with multiple drug-related offenses. On or about December 20, 2005, the charges were amended to include "Maintaining a Common Nuisance." In his supporting documents submitted with his Application, the Applicant disclosed, and the Board's investigation confirmed, that on or about December 21, 2005, the Respondent pled guilty to Maintaining a Common Nuisance, a misdemeanor. The remaining charges were dropped. He was sentenced to 18 months incarceration with all but 234 days suspended, and 11 months of probation.

14. In his supporting documents submitted with his Application, the Applicant disclosed, and the Board's investigation confirmed that on or about January 21, 2016, the

Applicant was criminally charged by the District Court of Maryland for Baltimore City with second-degree assault of a law enforcement officer, for an altercation with a parking-meter attendant. On or about April 4, 2016, the Applicant pled guilty to second-degree assault, a misdemeanor. The case was resolved through probation before judgment.

PROPOSED CONCLUSIONS OF LAW

The parties have agreed to the following proposed conclusions of law:

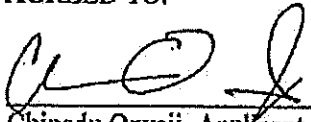
1. In violation of Health Occ. § 14-5D-08(a) and (b)(1), the Applicant is not qualified for licensure as an athletic trainer in the State of Maryland because he does not currently have the required good moral character; and
2. In violation of Health Occ. 14-5D-14(a)(17), the Applicant was disciplined by the State Board of Physical Therapy (a licensing, certifying, or disciplinary authority) for an act that would be grounds for action under the Board's disciplinary statute, specifically under Health Occ. § 14-5D-14(a)(1), for fraudulently or deceptively obtaining or attempting to obtain a license for the applicant or licensee.

PROPOSED ORDER

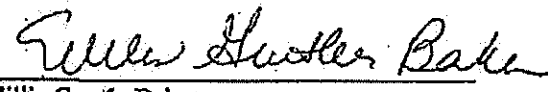
It is, hereby


PROPOSED that the *Application for an Initial Athletic Trainer License* submitted to the Board on August 27, 2018, by the Applicant, Chinedu Onyeji, be DENIED.

AGREED TO:


Chinedu Onyeji, Applicant

ADOPTED:


Willis Gunter Baker
Administrative Law Judge


W. Adam Malizio 9/20/2019

Assistant Attorney General
Administrative Prosecutor

CONSENT AND WITHDRAWAL OF HEARING REQUEST

I, Chinedu Onyiji, assert that I am aware of my right to consult with and be represented by counsel in considering this Stipulated Proposed Order and in any proceedings that would otherwise result from the charges currently pending. I have chosen to proceed without counsel and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

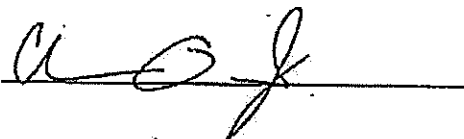
By this Consent, I agree to be bound by this Stipulated Proposed Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the pending charges. I hereby withdraw my hearing request, waive my right to an evidentiary hearing in this matter, and have elected to sign this Stipulated Proposed Order instead.

Once accepted by the Board or a disciplinary panel, I acknowledge the validity and enforceability of this Stipulated Proposed Order as if entered 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 waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the Board or a disciplinary panel to initiate these proceedings and, once accepted by the Board or a disciplinary panel, to issue and enforce this Stipulated Proposed Order.

I voluntarily enter into and agree to comply with any terms and conditions set forth in the Stipulated Proposed Order as a resolution of the charges. I waive any right to contest the Proposed Findings of Fact and Proposed Conclusions of Law and Proposed Order set out in the Stipulated Proposed Order. I waive all rights to take exceptions to or appeal this Stipulated Proposed Order.

I sign this Stipulated Proposed Order, without reservation, and fully understand the language and meaning of its terms.



Chinedu Onyeji

NOTARY

STATE/DISTRICT OF MD

CITY / COUNTY OF Howard

I HEREBY CERTIFY that on this 19th day of Sep 2019, before me, a Notary Public of the foregoing State and City/County, personally appeared Chinedu Onyeji, and made oath in due form of law that signing the foregoing Stipulated Proposed Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

M. M. Ahsan

Notary Public

My Commission expires: 2/8/2023

