

IN THE MATTER OF	*	BEFORE THE
MADEL V. MACAPAGAL,	*	MARYLAND STATE
Polysomnographic Technologist	*	BOARD OF PHYSICIANS
Respondent	*	
License Number: Z00571	*	Case Number: 2224-0003B
* * * * *		

CONSENT ORDER

On November 2, 2023, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") charged **MADEL V. MACAPAGAL, Polysomnographic Technologist** (the "Respondent"), License Number Z00571, under the Maryland Polysomnography Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-5C-01 *et seq.* (2021 Repl. Vol and 2022 Supp.) and Md. Code Regs. ("COMAR") 10.32.06.01 *et seq.*

Panel B charged the Respondent with violating the following statutory and regulatory provisions:

Health Occ. § 14-5C-17. Denials, reprimands, probations, suspensions, and revocations – Grounds.

(a) *In general.* -- Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may . . . reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the . . . licensee:

- (3) Is guilty of unprofessional or immoral conduct in the practice of polysomnography; [and/or]

...

- (10) Willfully makes or files a false report or record in the practice of polysomnography[.]

Health Occ. § 14-5C-14. Expiration and renewal of license.

...

- (c) *Periodic renewal.* – Except as otherwise provided in this subtitle, before a license expires, the licensed polysomnographic technologist periodically may renew it for an additional term, if the licensee:

...

- (4) Submits to the Board:

...

- (ii) Satisfactory evidence of compliance with any continuing education or competency requirements and other requirements set under this section for license renewal.

COMAR 10.32.06 Licensure of Polysomnographic Technologists

.07 Renewal and Reinstatement.

- A. Renewal.

...

- (2) An individual who has been licensed by the Board as a polysomnographic technologist may renew the license on or before the date specified by the Board by:

- (a) Submitting a renewal application on a form supplied by the Board; [and]

...

- (c) Attesting to the completion of at least 20 hours of continuing education, earned during the 2-year period preceding the expiration of the license, as specified in Regulation .08 of this chapter[.]

.08 Continuing Education.

B. Requirements.

- (1) A licensed polysomnographic technologist shall earn at last 20 continuing education hours as described in § B(2) of this regulation during the 2-year period preceding:
 - (a) For license renewal, the expiration of the license for polysomnographic technologist[.]

C. Documentation of Continuing Education Hours.

- (1) A polysomnographic technologist shall obtain the required documentation of continuing education attendance and retain this documentation for the succeeding 6 years for possible inspection by the Board.

On March 27, 2024, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on the negotiations occurring as a result of this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel B finds:

- 1. At all relevant times, the Respondent was and is licensed to practice as a polysomnographic technologist in the State of Maryland. The Board issued the Respondent

a license to practice as a polysomnographic technologist on June 7, 2019, under License Number Z00571. The Respondent has retained continuous licensure since that time. The Respondent's license is scheduled to expire on May 30, 2025.

2. On May 24, 2023, the Respondent electronically submitted her 2023 licensure renewal application (the "2023 Renewal Application") to the Board in which she attested that she earned at least 20 hours of continuing education relevant to the practice of polysomnography during the 2-year period preceding the expiration of her license. At the conclusion of the 2023 Renewal Application, the Respondent attested that she "personally reviewed all responses to the items in this application and that the information [she gave] is true and correct under penalties of perjury" and that "providing false, misleading, or incomplete information may result in disciplinary action by the Maryland Board of Physicians."

3. During the renewal process, the Board issued the Respondent a Continuing Education Audit Notice, which required her to submit documentation to the Board verifying her continuing education hours.

4. In response, the Respondent submitted the requested documentation. The Respondent's documentation stated that she earned 10 continuing education hours during the 2-year period preceding the expiration of her license.

5. The Board determined that the Respondent failed to earn at least 20 hours of continuing education relevant to the practice of polysomnography during the 2-year period preceding the expiration of her license. The Board further determined that the Respondent falsely stated on her 2023 Renewal Application that she earned at least 20 hours of

continuing education relevant to the practice of polysomnography during the 2-year period preceding the expiration of her license.

CONCLUSIONS OF LAW

Based on the Findings of Fact, Disciplinary Panel B of the Board concludes as a matter of law that the Respondent is guilty of unprofessional or immoral conduct in the practice of polysomnography, in violation of Health Occ. § 14-5C-17(a)(3), and willfully making or filing a false report or record in the practice of polysomnography, in violation of Health Occ. § 14-5C-17(a)(10).

ORDER

It is thus by Disciplinary Panel B of the Board, hereby:

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that within **ONE (1) YEAR**, the Respondent shall pay a civil fine of \$1,000.00. The Payment shall be by money order or bank certified check made payable to the Maryland Board of Physicians and mailed to P.O. Box 37217, Baltimore, Maryland 21297. The Board will not renew or reinstate the Respondent's license if the Respondent fails to timely pay the fine to the Board; and it is further

ORDERED that for the two (2) years preceding the expiration of the Respondent's license, 2025 renewal (2023-2025 renewal), the Respondent shall obtain at least the minimum twenty (20) hours of continuing education hours that are mandatory for renewal and the outstanding ten (10) hours of continuing education that she did not obtain during the 2023 renewal. The Respondent shall send verification of all continuing education credits prior to sending in her 2025 renewal to the Board. Board staff will verify all thirty

(30) hours of continuing education that the Respondent sends into the Board. The Respondent's license shall not be renewed in 2025 unless all thirty (30) hours of continuing education credits are verified prior to her renewal; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board or her designee. The Executive Director signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order, and it is further

ORDERED that this Consent Order is a public document. *See* Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

04/25/2024
Date

Signature On File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Madel V. Macapagal, assert that I am aware of my right to consult with and be represented by counsel in considering this Consent 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 Consent 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 waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent 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 disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

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

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

Signature On File

04/19/2024
Date

Madel V. Macapagal

NOTARY

STATE OF Virginia

CITY/COUNTY OF Fairfax

I HEREBY CERTIFY that on this 19 day of April 2024, before me, a Notary Public of the foregoing State and City/County, **Madel V. Macapagal**, personally appeared and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSTH my hand and notarial seal.



[Signature]
Notary Public

My commission expires: 08/31/2027