

IN THE MATTER OF  
TIFFANY L. BURBY, A.T.

Respondent

License Number: A00355

\* BEFORE THE  
\* MARYLAND STATE  
\* BOARD OF PHYSICIANS  
\* Case Number: 2017-0196A

\* \* \* \* \*

CONSENT ORDER

On March 2, 2017, Disciplinary Panel A ("Panel A") of the Maryland State Board of Physicians (the "Board") charged Tiffany L. Kenworthy- Burby, A.T. (the "Respondent"), License Number A00355, under the Maryland Athletic Trainers Act (the "Act"), Md. Code Ann., Health Occ. II, ("Health Occ. II") §§ 14-5D-01 *et seq.* (2014 Repl.Vol. & 2015 Supp.).

The pertinent provisions of the Act under H.O. § 14-404(a) provide as follows:

**§ 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 subtitle, the Board, on the affirmative vote of a majority of the quorum of the Board, may deny a license to any applicant, or a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

- ...  
(3) Is guilty of unprofessional or immoral conduct in the practice of athletic training;
- ...  
(27) Fails to practice under the supervision of a physician or violates the approved evaluation and treatment protocol[.]

The Act further provides:

**§ 14-5D-11. Supervision required; evaluation and treatment protocol.**

...  
(b) *Preliminary requirements.* Before an athletic trainer may practice athletic training, the athletic trainer shall:

- (1) Obtain a license under this subtitle;
- (2) Enter into a written evaluation and treatment protocol with a licensed physician; and
- (3) Obtain Board approval of the evaluation and treatment protocol.

The Board's regulations provide in pertinent part:

**MD Code Regs. 10.32.08.06 – Evaluation and Treatment Protocol.**

**B. Process and Approval.**

...

(3) A licensed athletic trainer may not practice athletic training:

- (a) Before the Board has approved the evaluation and treatment protocol between the supervising physician and the athletic trainer[.]

**C. Termination of Evaluation and Treatment Protocol.**

- (1) If the athletic trainer or the supervising physician terminates the evaluation and treatment protocol, the athletic trainer shall cease practicing until another evaluation and treatment protocol is approved by the Board.
- (2) The supervising physician shall report the termination of an evaluation and treatment protocol for any reason to the Board within 10 days of the termination and provide the following information:
  - (a) Name and license number of supervising physician and athletic trainer; and
  - (b) Reason for termination, including a description of conduct or incident that resulted in the termination.

On June 14, 2017, a conference with regard to this matter was held before a panel of the Board's Disciplinary Committee for Case Resolution ("DCCR"). As a result of the DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

## FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was and is licensed to practice athletic training in the State of Maryland. The Respondent was originally licensed on December 29, 2011. Her license is scheduled to expire on September 30, 2017.
2. On September 3, 2016, Board staff received an e-mail from the Head Athletic Trainer from a college in Towson, Maryland ("College A")<sup>1</sup> that notified the Board of former College A athletic trainers whose Evaluation and Treatment Protocols ("E&Ts") had been terminated. The Respondent was included on the list.
3. By e-mail dated September 12, 2016, the Head Athletic Trainer transmitted the termination of the Respondent's E&T which termination was effective as of August 1, 2016.
4. The Board's files reflected that the Respondent did not have an active E&T at College A prior to being notified of the 2016 termination of an E&T for the Respondent. Panel A thereafter initiated an investigation, the results of which are summarized below.

### **Investigative Findings**

5. On September 29, 2011, the Respondent entered into an E&T ("2011 E&T") with a supervising physician ("Physician A") to practice athletic training at College A.
6. By letter dated January 9, 2012, Board staff notified the Respondent and Physician A that the Board had approved the 2011 E&T.
7. On or about April 8, 2014, Physician A transmitted to the Board a Termination of Evaluation and Treatment Protocol Form to notify the Board that the 2011 E&T

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<sup>1</sup> The names of facilities and individuals are confidential.

between the Respondent and Physician A had been terminated effective July 1, 2013.

8. By letter dated April 10, 2014, Board staff notified the Respondent and Physician A that the request to terminate the 2011 E&T had been approved. The letter further advised that “once an evaluation and treatment protocol had been terminated, an athletic trainer may not practice athletic training in Maryland until the Board has approved another evaluation and treatment protocol with another supervising physician.”
9. On or about July 14, 2014, the Respondent was re-hired at College A as an athletic trainer.
10. On or about July 26, 2016, the Respondent resigned from her position at College A.
11. On or about September 3, 2016, the Board received the termination of an E&T for the Respondent with an effective date of August 1, 2016. The termination listed Physician A as the supervising physician.<sup>2</sup>
12. The Respondent failed to enter into an E&T with a supervising physician when she was re-hired at College A on July 14, 2014.
13. By letter dated October 28, 2016, Board staff notified the Respondent that it had information that the Respondent had practiced athletic training from July 14, 2014 to July 26, 2016 without an approved E&T and requested her response to that allegation.
14. By letter dated November 6, 2016, the Respondent responded that she had never completed an E&T form and had not received notification that her 2011

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<sup>2</sup> Panel A separately charged Physician A related to this matter.

E&T had been terminated. The Respondent further stated that when she was re-hired by College A in July 2014, the Board's listing of approved E&Ts indicated that her E&T with Physician A remained active.

### **CONCLUSIONS OF LAW**

Based on the foregoing findings of fact, the Board concludes as a matter of law that the Respondent is guilty of unprofessional conduct in the practice of athletic training, in violation of Health Occ. II § 14-4-5D-14(a)(3) and failed to enter into a written evaluation and treatment protocol with a supervising physician, in violation of Health Occ. II § 14-5D-14(a)(27).

### **ORDER**

It is, on the affirmative vote of a majority of the quorum of Board, hereby

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

**ORDERED** that within **THIRTY (30) DAYS** from the date of the Consent Order, the Respondent shall pay a civil fine in the amount of \$500.00 by money order or bank certified check made payable to the Maryland Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297 for deposit into the General Fund of Maryland; 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 if the Respondent allegedly fails to comply with any term or condition of this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings. If

there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board or Panel A; and it is further

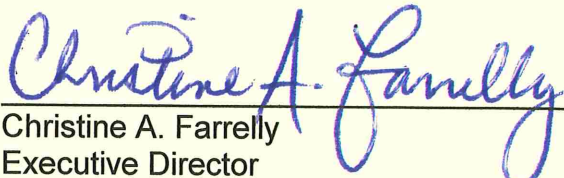
**ORDERED** that after the appropriate hearing, if the Board or Panel A determines that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Board or Panel A may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice medicine in Maryland. The Board or Panel A may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; and it is further

**ORDERED** that, unless stated otherwise in the order, any time period prescribed in this order begins when the Consent Order goes into effect. The Consent Order goes into effect upon the signature of the Board's Executive Director, who signs on behalf of Panel A; and it is further

**ORDERED** that the Respondent shall comply with the Maryland Athletic Trainers Act, Md. Code Ann., Health Occ. II §§ 14-5D-01 – 14-5D-20, and all laws and regulations governing the practice of athletic training in Maryland; and it is further

**ORDERED** that this Consent Order is a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 & Supp. 2015).

07/14/2017  
Date

  
Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians

**CONSENT**

I, Tiffany L. Burby, A.T., acknowledge that I had the opportunity to be represented by counsel before entering this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

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 own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of a disciplinary panel of the Board that I might have filed after any such hearing.

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

7/11/2017  
Date

Tiffany L Kenworthy-Burby A.T  
Tiffany L Kenworthy-Burby, A.T.  
Respondent

**NOTARY**

**STATE OF MARYLAND**

**CITY/COUNTY OF** Prince George's

**I HEREBY CERTIFY** that on this 11<sup>th</sup> day of July 2017, before me, a Notary Public of the foregoing State and City/County, personally appeared Tiffany L. Burby, A.T. and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Shelley McKay Christie

Notary Public

My commission expires: April 13, 2021