

|                          |   |                         |
|--------------------------|---|-------------------------|
| IN THE MATTER OF         | * | BEFORE THE MARYLAND     |
| BRIAN GUZMAN-COMAS, A.T. | * | STATE BOARD OF          |
| Respondent               | * | PHYSICIANS              |
| License Number: A00821   | * | Case Number: 2016-0312B |

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CONSENT ORDER

On February 17, 2017, the Maryland State Board of Physicians (the "Board"), charged Brian Guzman-Comas, A.T. (the "Respondent") under the Maryland Athletic Trainers Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") § 14-5D-01 *et seq.*, pursuant to the following provisions of the Act:

Health Occ. II § 14-5D-07:

- (a) *License required.* -- Except as otherwise provided in this subtitle, on or after October 1, 2011, an individual shall be licensed by the Board before the individual may practice athletic training in the State.

Health Occ. II § 14-5D-11:

- (a) *In general.* -- Nothing in this title may be construed to authorize an athletic trainer to practice except under the supervision of a licensed physician and in an approved setting.
- (b) *Preliminary requirements.* -- Before an athletic trainer may practice athletic training, the athletic trainer shall:

- (1) Obtain a license under this subtitle [.]

Health Occ. II § 14-5D-17:

Unless authorized to practice athletic training under this subtitle, a person may not:

- (1) Practice athletic training in this State;
- (2) Attempt to practice or offer to practice athletic training in this State;

(3) Represent to the public by title, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice athletic training in this State; or

(4) Use the abbreviation "A.T.", "A.T.L.", "L.A.T.", or any other words, letters, or symbols with the intent to represent that the person practices athletic training.

Health Occ. II § 14-5D-18

(b) *Civil fine.* -- Any person who violates any provision of this subtitle is subject to a civil fine of not more than \$5,000 to be levied by the Board.

(c) *Payment of penalties to Board of Physicians fund.* -- The Board shall pay any penalty collected under this section into the Board of Physicians Fund.

On June 28, 2017, Disciplinary Panel B was convened as a Disciplinary Committee for Case Resolution ("DCCR") in this matter. Based on 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, and Order.

#### **I. FINDINGS OF FACT**

The Board finds:

1. On or about May 14, 2014, the Respondent received a Master's degree in athletic training from University A in New York.
2. On or about June 5, 2014, the Respondent received national certification in athletic training.
3. On or about February 4, 2015, the Respondent was licensed as an athletic trainer by the State of Florida.
4. On or about April 5, 2015, the Respondent began employment as a professional baseball athletic trainer in Maryland for Baseball Team A without obtaining a Maryland license in athletic training.

5. On or about August 31, 2015, the Respondent applied for licensure as an athletic trainer in Maryland.

6. As part of the Respondent's application for licensure in Maryland, on August 31, 2015, he signed a form entitled, "Applicant's Preferred Date of Licensure." The Respondent affirmatively checked off the following time frame offered by the Board:

If determined eligible for licensure, I want to be licensed **AFTER** September 30, 2015. If licensed, I understand that: (1) the license will be effective on October 1, 2015 or later; (2) the license will expire September 30, 2017; (3) **I MAY NOT** practice as an athletic trainer in Maryland **prior** to receiving my license; and (4) the Board will issue the license only upon receipt of this signed form.

7. From April 5, 2015 through September 30, 2015, while employed by Baseball Team A in Maryland as an athletic trainer, the Respondent was not licensed as an athletic trainer in Maryland, nor was he licensed by any of the health occupation licensing boards in Maryland.

8. The Respondent was not licensed in Maryland as an athletic trainer until December 16, 2015.

## II. CONCLUSION OF LAW

Based on the Findings of Fact, the Board concludes as a matter of law that the Respondent engaged in the practice of athletic training without a license in violation of Health Occ. II § 14-5D-17.

## III. ORDER

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

**ORDERED** that within **THIRTY (30) DAYS** of the date of this Consent Order, the Respondent shall pay a civil fine in the amount of \$250.00 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, 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 the Board, and it is further

**ORDERED** that this Consent Order shall be a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 through 4-601 (2014 & 2015 Supp.).

07/07/2017  
Date

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

**CONSENT**

I, Brian Guzman-Comas, A.T., acknowledge that I have been advised of my right to be represented by the attorney of my choice throughout proceedings before the Board, including the right to counsel with an attorney prior to signing this Consent Order. I have knowingly, willfully and intelligently waived my right to be represented by an attorney before signing 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,

I HEREBY ATTEST AND CERTIFY UNDER  
THE AUTHORITY OF MY OFFICE  
THAT THE FOREGOING DOCUMENT IS A  
FULL, TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE AND  
IN MY LEGAL CUSTODY

and to all other substantive and procedural protections provided by 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 the  
Board that I might have followed after any such hearing.

I sign this Consent Order, having been advised of my right to be represented by  
the attorney of my choice before signing and having waived that right, and I fully  
understand and comprehend the language, meaning and terms of this Consent Order. I  
voluntarily sign this Order, and understand its meaning and effect.

7/3/17  
Date

Brian Guzman-Comas  
Brian Guzman-Comas, A.T.

STATE OF Maryland

CITY/COUNTY OF: Frederick

I HEREBY CERTIFY that on this 3<sup>rd</sup> day of July, 2017, before  
me, a Notary Public of the State and County aforesaid, personally appeared Brian  
Guzman-Comas, A.T., and gave oath in due form of law that the foregoing Consent  
Order was his voluntary act and deed.

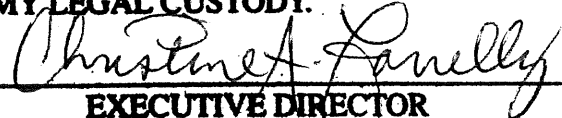
AS WITNESS, my hand and Notary Seal.

Dominique D. Dickerson  
Notary Public

**DOMINIQUE D. DICKERSON**  
Notary Public  
Frederick County  
Maryland  
My Commission Expires Jan. 20, 2020

My commission expires: 01/20/2020

I HEREBY ATTEST AND CERTIFY UNDER  
PENALTY OF PERJURY ON 07/07/2017  
THAT THE FORGOING DOCUMENT IS A  
FULL, TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE AND  
IN MY LEGAL CUSTODY.



EXECUTIVE DIRECTOR  
MARYLAND BOARD OF PHYSICIANS