

IN THE MATTER OF

*

BEFORE THE

CARLOS NEGRON, III, A.T.

*

MARYLAND STATE

Respondent

*

BOARD OF PHYSICIANS

License Number: A00963

*

Case Number: 2219-0172A

* * * * *

CONSENT ORDER

On December 5, 2019, Disciplinary Panel A ("Panel A") of the Maryland State Board of Physicians (the "Board") charged **CARLOS NEGRON, III, A.T.** (the "Respondent"), License Number A00963, under the Maryland Athletic Trainers Act (the "Act"), Md. Code Ann., Health Occ., ("Health Occ.") §§ 14-5D-01 *et seq.* (2014 Repl. Vol. & 2019 Supp.).

The pertinent provisions of the Act under H.O. § 14-5D-14 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, a disciplinary panel, 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:

....
(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.

- (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;
 - (2) Enter into a written evaluation and treatment protocol with a licensed physician; and
 - (3) Except as provided in § 14-5D-11.3(a) of this subtitle, obtain Board approval of the evaluation and treatment protocol.¹
- (c) *Evaluation and treatment protocol.* – An evaluation and treatment protocol shall:
 - (1) Describe the qualifications of the licensed physician and licensed athletic trainer;
 - (2) Describe the settings where the athletic trainer may practice;
 - (3) Describe the physician supervision mechanisms that the physician will use to give direction to the athletic trainer;
 - (4) Specify the treatment procedures the athletic trainer may perform;
 - (5) Describe tasks the athletic trainer may not perform;
 - (6) Describe specialized tasks the supervising physician is delegation to the athletic trainer to perform with documentation of competencies, certification, credentials, or any other requirements established by the Board to support the delegation of the specialized tasks;
 - (7) Indicate whether the athletic trainer may accept outside referrals from nonsupervising physicians and other licensed health care practitioners;
 - (8) Designate an alternate supervising physician, if appropriate or necessary; and
 - (9) Contain an attestation that states the supervising physician will be responsible for providing ongoing and immediately available instruction

¹ This exception is not applicable.

that is adequate to ensure the safety and welfare of a patient and is appropriate to the setting.

Subsequent to the issuance of the charges, the Respondent agreed to enter into the following Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

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 July 6, 2017. His license is scheduled to expire on September 30, 2021.
2. On February 7, 2019, the Respondent emailed the Board and requested a copy of his current Evaluation and Training Protocol (“E &T”).
3. By email also dated February 7, 2019, Board staff notified the Respondent that he did not have a current E & T on file with the Board, and that the only E & T on file had been terminated effective August 5, 2018.
4. The Board’s email further notified the Respondent, “*You should not be practicing athletic training at all!!!*” (Emphasis in original).
5. Panel A thereafter initiated an investigation, the results of which are summarized below.
6. Effective July 11, 2017, the Board approved the Respondent’s E & T (“2017 E & T”) that authorized him to work as an Athletic Trainer under physician supervision at a Maryland university.

7. Effective September 5, 2018, the Respondent's 2017 E & T was terminated because the Respondent was no longer employed at the university.
8. By letter dated September 19, 2018 sent to the Respondent, Board staff confirmed the termination of the Respondent's 2017 E & T.
9. Effective July 24, 2018, the Respondent was employed as an athletic trainer by a physical therapy company ("the Company").² The Respondent was assigned to a high school in Howard County, Maryland.
10. On February 12, 2019, after learning that he did not have an active E & T on file with the Board, the Respondent and his supervising physician at the Company completed and signed an "Athletic Trainer/Supervising Physician Evaluation and Treatment Protocol" form ("2019 E & T").
11. The 2019 E & T was received by the Board on February 19, 2019.
12. By letter dated March 12, 2019, Board staff notified the Respondent that the 2019 E & T, "appears to meet the requirements established by the Board. Pursuant to § 14-5D-11 of the Health Occupations Article, Annotated Code of Maryland, you may begin working in the employment situation covered under your evaluation and treatment protocol."
13. In furtherance of its investigation, the Board subpoenaed from the Company the Respondent's timekeeping reports and student injury reports prepared by the Respondent.

² The name of the company is confidential.

14. The documents provided by the Company revealed that the Respondent was employed as an athletic trainer and received wages from the Company as of July 24, 2018.
15. The Respondent practiced as an athletic trainer from July 24, 2018 through March 12, 2019 without an approved E & T protocol.

CONCLUSIONS OF LAW

Based on the Findings of Fact, Panel A concludes as a matter of law that the Respondent practiced as an athletic trainer from July 24, 2018 through March 12, 2019, without an approved Evaluation and Treatment Protocol, in violation of Health Occ. § 14-5D-11; is guilty of unprofessional conduct in the practice of athletic training, in violation of Health Occ. § 14-5D-14(a)(3); and failed to practice under the supervision of a physician or violates the approved evaluation and treatment protocol, in violation of Health Occ. § 14-5D-14(a)(27)

ORDER

It is thus by Panel A hereby:

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

ORDERED that within six (6) months, the Respondent shall pay a civil fine of \$500.00. 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 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 or her designee 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 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 imposed by this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If the disciplinary panel determines 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 followed by an exceptions process before a disciplinary panel; and if the disciplinary panel determines there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before a disciplinary panel; and it is further

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

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

Signature on File

06/30/2020
Date

Christine A. Farrelly 
Executive Director
Maryland State Board of Physicians

CONSENT

I, Carlos Negrón, III, A.T., assert that I that I have consulted with counsel before signing this document.

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

06.17.2020

Date

Carlos Negrón, III, A.T.
Respondent

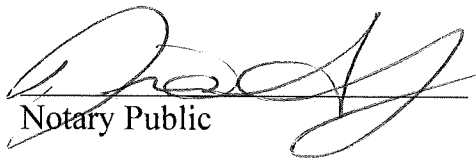
NOTARY

STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 17 day of June 2020, before me, a Notary Public of the foregoing State and City/County, personally appeared Carlos Negron, III, A.T., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.


Notary Public

My Commission expires: 04.06.2021

