

IN THE MATTER OF

*

BEFORE THE

TY GARDNER, A.T.

*

MARYLAND STATE BOARD

Respondent

*

OF PHYSICIANS

License Number A01517

*

Case Number 2223-0064

* * * * *

CONSENT ORDER

Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) and the Respondent, Ty Gardner, A.T., agree to enter into this Consent Order, before charges have been issued, in order to resolve Mr. Gardner’s unauthorized practice of athletic training in Maryland.

The statutory provisions pertinent to this matter are:

Health Occ. § 14-5D-17.

Unless authorized to practice athletic training under this subtitle [Health Occ. §§ 14-5D-01 *et seq.*], a person may not:

- (1) Practice athletic training in this State.

Health Occ. § 14-5D-07(a).

... , an individual shall be licensed by the Board before the individual may practice athletic training in the State.

Health Occ. § 14-5D-11(b).

Before an athletic trainer may practice athletic training, the athletic trainer shall:

...

- (3) ... , submit an original, signed copy of the evaluation and treatment protocol for Board approval.

Health Occ. § 14-5D-18(b).

A person who violates § 14-5D-17 of this subtitle is subject to a civil fine of not more than \$5,000 to be levied by a disciplinary panel.

FINDINGS OF FACT

Panel B makes the following findings of fact:

On or about August 26, 2022, Mr. Gardner filed an Athletic Trainer Application for Licensure with the Board showing that he began working as an athletic trainer in Maryland in August 2022. Mr. Gardner, however, was not licensed by the Board to practice as an athletic trainer until November 2, 2022. And an Evaluation and Treatment Protocol between Mr. Gardner and his supervising physician was not approved by the Board until November 29, 2022. Mr. Gardner thus practiced athletic training without a license and without an approved evaluation and treatment protocol.

CONCLUSIONS OF LAW

Based upon the findings of fact, Panel B concludes that Mr. Gardner engaged in the unauthorized practice of athletic training in Maryland, in violation of Health Occ. § 14-5D-17(1); practiced athletic training in Maryland without a license from the Board, in violation of Health Occ. § 14-5D-07; and practiced as an athletic trainer in Maryland without having submitted an evaluation and treatment protocol to the Board for approval, in violation of § 14-5D-11(b)(3) of the Health Occupations Article. Mr. Gardner is subject to a civil fine by a disciplinary panel for his violation of Health Occ. § 14-5D-17, under Health Occ. § 14-5D-18(b).

ORDER

It is, thus, by Panel B, hereby

ORDERED that, within 90 days, Mr. Gardner shall pay a civil fine of \$250.00 by bank certified check or money order made payable to the Maryland Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297; and it is further

ORDERED that this Consent Order goes into effect upon the signature of the Board's executive director or her designee, who signs this document on behalf of the Board disciplinary panel that entered into this Consent Order; and it is further

ORDERED that this is a public document.

02/21/2023
Date

Signature On File

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

CONSENT

I, Ty Gardner, AT, acknowledge that I have had the opportunity to consult with legal counsel before signing this document. By this Consent, I agree and accept to be bound by this Consent Order's terms and conditions. I waive any rights I may have had to contest the Findings of Fact, Conclusion of Law, Order, and Consent.

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 consult, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and jurisdiction of the Board to initiate this action and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal or seek judicial or court review or relief of this Consent Order.

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

2/15/23
Date

Signature On File

Ty Gardner, AT

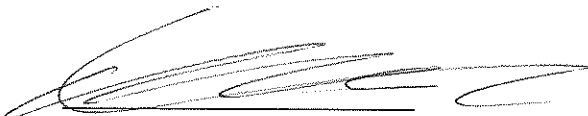
NOTARY

STATE OF VA

CITY/COUNTY OF Prince George

I HEREBY CERTIFY that on this 15 day of Feb, 2023, before me, a Notary Public of the State and County aforesaid, personally appeared Ty Gardner, AT, 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.


Notary Public

NADIA ESSALHI
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JAN. 31, 2025
COMMISSION # 7095219

My commission expires: 01-31-2025