

IN THE MATTER OF * BEFORE THE MARYLAND
 COLLEEN NANTON, PA-C * STATE BOARD
 Respondent * OF PHYSICIANS
 License Number: C04446 * Case Number: 2218-0173B

FINAL ORDER OF REVOCATION OF PHYSICIAN ASSISTANT LICENSE

On July 3, 2018, 2018, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") notified COLLEEN NANTON, PA-C (the "Respondent"), License Number C04446, of its INTENT TO REVOKE the Respondent's license to practice as a physician assistant in the State of Maryland. The Notice informed the Respondent that unless the Respondent requested a hearing in writing within 30 days of the date of mailing of the Notice, Panel B intended to sign this Final Order, which was enclosed. More than 30 days have elapsed and the Respondent failed to request a hearing. Therefore, Panel B hereby revokes the Respondent's license to practice as a physician assistant.

The basis for Panel B's action was pursuant to the Maryland Physician Assistants Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 15-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.), and COMAR 10.32.02.14(A).

The pertinent provisions of the Act provide:

Health Occ. § 15-314. Reprimands, probation, suspension, revocation.

- (a) *Grounds.* -- Subject to the hearing provisions of § 15-315 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum, may reprimand any physician assistant, place any

physician assistant on probation, or suspend or revoke a license if the physician assistant:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (3) Is guilty of:
 - (ii) Unprofessional conduct in the practice of medicine;
- (36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine;
- (43) Fails to submit to a criminal history records check under § 14-308.1 of this article.

Health Occ. § 14-308.1. Criminal history records check through Central Repository.

- (a) In this section, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.
- (b) An applicant, a licensee, or a certificate holder shall apply to the Central Repository for a State and national criminal history records check.
- (c) As part of the application required under subsection (b) of this section, an individual shall submit to the Central Repository:
 - (1) Two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;
 - (2) The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and
 - (3) The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

The pertinent provisions of the Board's regulations under COMAR 10.32.02.14 provide:

.14 Proposed Orders; . . .

- A. Nothing in this chapter prohibits the issuance of a charging document with a proposed order which will go into effect if the respondent fails to request a hearing.

FINDINGS OF FACT

Panel B finds the following:

1. At all times relevant hereto, the Respondent was and is licensed to practice as a physician assistant in the State of Maryland. The Respondent was initially licensed to practice as a physician assistant in Maryland on March 7, 2011, under License Number C04446. The Respondent's license is active through June 30, 2019.
2. On or about May 26, 2017, the Respondent submitted an online application (the "Application") for the renewal of the Respondent's license using the Board's online renewal application process.
3. When a licensee applies online to renew his or her license, a notice appears that informs the licensee that the Board may not renew a license if it has not received the licensee's Criminal History Record Check ("CHRC") information, which includes the licensee's submission of his or her fingerprints to the Criminal Justice Information Services ("CJIS") before attempting to complete the renewal application.
4. The Respondent's signed Application states, "Failure to submit to a [CHRC] may result in disciplinary action." Prior to submitting the online Application, the Respondent checked a box attesting to completing the CHRC.

5. By email dated October 12, 2017, Board staff informed the Respondent that the Board had not received the CHRC. Board staff further informed the Respondent that the Respondent had ten business days to submit the CHRC.

6. To date, the Respondent has not replied to the email.

7. By letter dated January 16, 2018, the Board informed the Respondent that the Board opened a preliminary investigation based upon the failure to obtain a CHRC for license renewal and the attestation that the Respondent submitted to a CHRC.

8. To date, the Respondent has not replied to the letter.

9. Panel B's investigation determined that the Respondent failed to submit fingerprints to CJIS in compliance with the CHRC process, as set forth in Health Occ. § 14-308.1, and misrepresented to the Board in the Application that the Respondent completed the CHRC.

10. The Respondent's failure to complete the CHRC, as described above, constitutes in whole or in part, a violation of Health Occ. § 15-314(a)(43), Fails to submit to a criminal history records check under § 14-308.1 of this article.

11. The Respondent's misrepresentation to the Board on the Application that the Respondent completed the CHRC, and failure to cooperate with the Board's investigation, as described above, constitutes, in whole or in part, a violation of one or more of the following provisions of the Act: Health Occ. § 15-314(a)(1), Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another; Health Occ. § 15-314(a)(3), Is guilty of: (ii) Unprofessional conduct in the practice of medicine; and Health Occ. § 15-314(a)(36), Willfully makes a false representation when seeking or

making application for licensure or any other application related to the practice of medicine.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Respondent violated Health Occ. §§ 15-314(a) (1), (3ii), (36) and (43).

ORDER

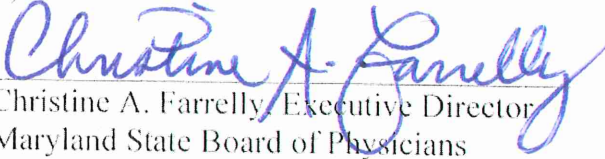
It is, on the affirmative vote of a majority of the quorum of Panel B, hereby

ORDERED that the license of COLLEEN NANTON, PA-C, is **REVOKED**; and it is further

ORDERED that the Respondent may apply for reinstatement of the Respondent's license to practice as a physician assistant after a minimum of one (1) year from the date of this Order; and it is further

ORDERED that this is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 & 2017 Supp.).

08/10/2018
Date


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

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Health Occ. § 15-315, the Respondent has the right to seek judicial review of this Final Decision and Order. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Final Decision and Order. The cover letter accompanying this final decision and order indicates the date the decision is mailed.

Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Respondent files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

Christine A. Farrelly, Executive Director
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, Maryland 21215

Notice of any petition should also be sent to the Board's counsel at the following address:

Noreen M. Rubin, Assistant Attorney General
Maryland Office of the Attorney General
Maryland Department of Health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201