

IN THE MATTER OF
ANN E. RUFFALO, PA-C
Respondent

*** BEFORE THE**
*** MARYLAND STATE**
*** BOARD OF PHYSICIANS**
*** Case Number: 2220-0273A**

License Number: C05702

* * * * *

CONSENT ORDER

On September 18, 2020, Disciplinary Panel A ("Panel A") of the Maryland State Board of Physicians (the "Board") charged **ANN E. RUFFALO, PA-C** (the "Respondent"), License Number C05702, under the Maryland Physician Assistants Act (the "Act"), Md. Code Ann., Health Occ. §§ 15-101 *et seq.* (2014 Repl. Vol. & 2019 Supp).

The relevant provisions of the Act under Health Occ. § 15-314 provide the following:

Health Occ. § 15-314. Reprimands, probations, suspension, revocations.

(a) 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:

(45) Fails to comply with any State or federal law pertaining to the practice as a physician assistant.

On December 2, 2020, Panel A 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, Order, and Consent.

FINDINGS OF FACT

Panel A finds the following:

I. BACKGROUND

1. At all times relevant to these charges, the Respondent was and is licensed as a physician assistant in the State of Maryland. The Respondent was initially licensed to practice as a physician assistant in Maryland on February 13, 2015, under License Number C05702. The Respondent's Maryland physician assistant license is active through June 30, 2021.

2. At all times relevant to these charges, the Respondent practiced as a physician assistant at a health care facility (the "Facility")¹ located in Montgomery County, Maryland.

II. CURRENT INVESTIGATIVE FINDINGS

3. The Board initiated an investigation of the Respondent after receiving information that she was practicing as a physician assistant in the absence of a valid, Board-approved Delegation Agreement. The Board's investigative findings are set forth *infra*.

4. On or about September 25, 2018, the Board received a Delegation Agreement (the "Delegation Agreement") from a physician (the "Physician") to supervise the Respondent at the Facility, along with the processing fee in the form of a check for \$200.00. The Delegation Agreement form required the Physician and the Respondent to

¹ To maintain confidentiality, the names of health care facilities and any facility staff person will not be identified in this Consent Order.

provide a specific email address for all contact information. The Delegation Agreement form states: "Unless otherwise specified, your notification letter will be sent to your email address. Please be sure the email address you provide is valid." In response, the Respondent and the Physician provided a specific email address (the "Email Address") on the form for contact purposes.

5. The Board subsequently deposited the check, which was returned for insufficient funds.

6. By email to the Email Address dated November 29, 2018, the Board notified the Respondent and the Physician that the Delegation Agreement could not be processed due to insufficient funds. The email stated that if the Board did not receive a valid check or money order by December 6, 2018, the Delegation Agreement would be closed. The email further stated that if the Board closed the Delegation Agreement, the Respondent would not be authorized to practice as a physician assistant under the Physician's supervision.

7. Neither the Respondent nor the Physician responded to the Board's November 29, 2018, email.

8. By email to the Email Address dated December 26, 2018, the Board again notified the Respondent and the Physician that the Delegation Agreement was not processed due to insufficient funds and that the Delegation Agreement was closed. The email further stated that because the Delegation Agreement was closed, the Respondent was not authorized to practice as a physician assistant under the Physician's supervision.

9. Neither the Respondent nor the Physician responded to the Board's December 26, 2018, email.

10. On or about April 30, 2020, a Facility staff person telephoned the Board, requesting information on whether the Board had ever approved the Delegation Agreement between the Physician and the Respondent. The Board informed the Facility staff person that it closed the Delegation Agreement due to insufficient funds. The Facility staff person then requested information on how to complete a new Delegation Agreement for the Physician and the Respondent.

11. By letter dated May 21, 2020, the Board informed the Respondent that it had opened an investigation of her based on allegations that she and the Physician had operated in the absence of a Board-approved Delegation Agreement since September 2018. The Board requested that the Respondent provide a written response within ten business days.

12. By letter dated May 21, 2020, the Board informed the Physician that it had opened an investigation of her based on allegations that she had been the supervising physician for the Respondent in the absence of a Board-approved Delegation Agreement since September 2018. The Board requested that the Physician provide a written response within ten business days.

13. On or about May 27, 2020, the Respondent provided a written response to the Board in which she acknowledged that she had practiced as a physician assistant under the Physician's supervision at the Facility in the absence of a Board-approved Delegation Agreement since September 2018.

14. On or about May 30, 2020, the Physician provided a written response to the Board in which apologized for not addressing the Delegation Agreement after it was not approved in 2018.

15. The Board's investigation determined that the Respondent practiced as a physician assistant at the Facility since September 2018 in the absence of a valid, Board-approved Delegation Agreement.

CONCLUSION OF LAW

Based on the Findings of Fact, Disciplinary Panel A of the Board concludes as a matter of law that the Respondent failed to comply with a State or federal law pertaining to the practice as a physician assistant, in violation of Health Occ. § 15-314(a)(45). The Panel dismisses the charges pertaining to Health Occ. § 15-314(a)(3)(ii) and (42).

ORDER

It is thus by an affirmative vote of a majority of a quorum of Disciplinary Panel A of the Board, hereby:

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

ORDERED that within **SIX MONTHS**, the Respondent shall pay a civil fine of **TWO THOUSAND FIVE HUNDRED DOLLARS (2,500)**. 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;


ORDERED that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board. The Executive Director 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 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

01/06/2021

Date


Christine A. Farrelly, Executive Director

CONSENT

I, Ann E. Ruffalo, PA-C, acknowledge 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. § 15-315 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

12/14/20

Date

Ann E. Ruffalo, PA-C

NOTARY

STATE OF MD

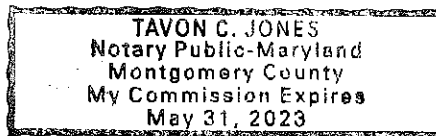
CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 16 day of Dec 2020, before me, a Notary Public of the foregoing State and City/County, personally appeared Ann E. Ruffalo, PA-C, 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.

Tavon Jones

Notary Public



My Commission expires: _____