

**IN THE MATTER OF**  
**TYSON E. BUBNAR, PA-C**  
**Applicant**

**\* BEFORE THE**  
**\* MARYLAND STATE**  
**\* BOARD OF PHYSICIANS**  
**\* Case Number: 2222-0085A**

\* \* \* \* \*

**CONSENT ORDER**

On June 13, 2022, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) notified **Tyson Bubnar, PA-C** (the “Applicant”), of its intent to deny his *Physician Assistant Application for Licensure* (the “Application”), received by the Board on August 9, 2021 for violating the Maryland Physician Assistants Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 15-101 *et seq.* (2021 Repl. Vol.).

The pertinent provisions of the Act provide:

**Health Occ. § 15-303. License qualifications**

**In general**

(a) To qualify for a license, an applicant shall:

...

(2) Be of good moral character[.]

**Health Occ. § 15-311. Denial of license**

Subject to the hearing provisions of § 15-315 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of a quorum, may deny a license to any applicant for:

(1) Any of the reasons that are grounds for disciplinary action under § 15-314 of this subtitle[.]

**Health Occ. § 15-314. Discipline of physician assistants**

(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:

- (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veterans' Administration for an act that would be grounds for disciplinary action under this section[.]

With respect to Health Occ. § 15-314(a)(21), acts that would be grounds for disciplinary action under § 15-314(a) include:

- (3) Is guilty of:
  - ...
  - (ii) Unprofessional conduct in the practice of medicine.
  - ...

On October 12, 2022, 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 Applicant agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

### **INVESTIGATIVE FINDINGS**

Panel A finds:

#### **I. The Application**

1. At all times relevant, the Applicant is not and has never been licensed to practice as a physician assistant in the State of Maryland.

2. The Applicant is currently licensed to practice as a physician assistant in West Virginia, Alaska, California, New Jersey, and North Carolina.

3. On or around August 9, 2021, the Board received the Application submitted by the Applicant.

4. In the Application, the Board required the Applicant to answer “YES” or “NO” to a series of questions and provide written explanations for all “YES” responses.

5. The Applicant answered “YES” to the following questions:

Question 15b. Has a state licensing or disciplinary board (including Maryland), a comparable body in the armed services or the Veterans Administration, ever taken action against your license? Such actions include, but are not limited to, limitations of practice, required education admonishment or reprimand, suspension, probation or revocation.

Question 15c. Has any licensing or disciplinary board in any jurisdiction (including Maryland), a comparable body in the armed services or the Veterans Administration, ever filed any complaints or charges against you or investigated you for any reason?

Question 15e. Has a hospital, related health care institution, HMO, or alternative health care system ever investigated you or ever brought charges against you?

6. The Applicant provided a written explanation for his affirmative responses.<sup>1</sup>

## **II. Prior Disciplinary Actions**

7. The Board investigated and confirmed the disciplinary actions the Applicant reported in the Application.

### **2015 Reciprocal Action Taken by the West Virginia Board of Medicine**

8. On or around June 26, 2015, the Applicant voluntarily entered into a consent order (the “West Virginia Consent Order”) with the West Virginia Board of Medicine (the

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<sup>1</sup> The information contained in the Applicant’s written explanations will not be disclosed in this document.

“West Virginia Board”) to obtain licensure to practice as a physician assistant in West Virginia.

9. The West Virginia Consent Order contained findings of fact and conclusions of law regarding two disciplinary actions which occurred when the Applicant served in the United States Army (the “Army”).

10. The first disciplinary action occurred in or around February 2013. The Applicant was investigated by the Department of the Army for “inappropriately prescribing to self and others, accessing electronic patient medical records using another provider’s log-in to prescribe to self and document encounters, unprofessional conduct and inappropriately storing medications.”

11. The Applicant was given a six-month suspension of his clinical privileges at a health care facility (the “Health Care Facility”)<sup>2</sup> “for significant unprofessional conduct and a pattern of inappropriate prescribing.”

12. The second disciplinary action occurred prior to the Applicant’s retirement from the Army in September 2013. The Applicant received a non-judicial punishment under Article 15 of the Uniform Code of Military Justice for dereliction of duty and conduct unbecoming an officer.

13. The West Virginia Board granted the Applicant licensure, however, he was publicly reprimanded and placed on two years of probation for “conduct resulting in his receipt of a suspension of clinical privileges at [the Health Care Facility] and a non-judicial

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<sup>2</sup> To maintain confidentiality, the name of the health care facility will not be identified in this document.

punishment under Article 15 of the Uniform Code of Military Justice for dereliction of duty and conduct unbecoming an officer.”

### **2017 Disciplinary Action Taken by the Alaska State Medical Board**

14. On or around May 4, 2017, the Alaska State Medical Board (the “Alaska Board”) imposed a civil fine in the amount of \$1,000 on the Applicant for failing to notify the Alaska Board about the West Virginia Consent Order within thirty days.

### **CONCLUSIONS OF LAW**

Based on the foregoing Investigative Findings, Panel A concludes as a matter of law that the Applicant was disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veterans’ Administration, in violation of Health Occ. § 15-314(a)(21), for acts that, if committed in Maryland, would be grounds for disciplinary action under Health Occ. § 15-314(a)(3)(ii) - Is guilty of: Unprofessional conduct in the practice of medicine. The Panel does not conclude that the Applicant lacks good moral character under Health Occ. § 15-303(a)(2).

### **ORDER**

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

**ORDERED** that the Applicant’s application for initial licensure as a Physician Assistant in the State of Maryland is **GRANTED**; and it is further

**ORDERED** that the Applicant is **REPRIMANDED**; 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. 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, 14-5B-15.1(b) and Gen. Prov. § 4-333(b)(6) (2021 Repl. Vol.).

## *Signature On File*

10/26/2022

Date

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

### CONSENT

I, Tyson E. Bubnar, assert that I am aware of my right to consult with and be represented by counsel in considering this Consent Order and in any proceedings that would otherwise result from the charges currently pending. I have chosen to proceed without counsel and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

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

10/20/22  
Date

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Tyson E. Bubnar  
Applicant

### NOTARY

STATE OF W. Virginia

CITY/COUNTY OF Upshur

I HEREBY CERTIFY that on this 20<sup>th</sup> day of October 2022, before me, a Notary Public of the foregoing

State and City/County, Tyson E. Bubnar, personally appeared and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSTH my hand and notarial seal.



Savannah Petrulak  
Notary Public

My commission expires: 1/20/27