

IN THE MATTER OF

*

BEFORE THE

ELIZABETH SETON HIGH SCHOOL

*

MARYLAND STATE

Respondent

*

BOARD OF PHYSICIANS

*

Case Number: 2223-0095 B

* * * * *

CONSENT ORDER

On or about November 7, 2022, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) initiated an investigation of Elizabeth Seton High School (the “Respondent”) based on allegations that the Respondent had employed an unlicensed athletic trainer to practice athletic training. At the conclusion of its investigation, Panel B determined that it has grounds to charge the Respondent with failing to comply with provisions of the Maryland Athletic Trainers Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-5D-01 *et seq.* (2021 Repl. Vol. & 2022 Supp.).

The pertinent provisions of the Act are as follows:

Health Occ. § 14-5D-11.1 Employment of individuals without license prohibited.

- (b) Except as otherwise provided in this subtitle, a hospital, related institution, alternative health system, or employer may not employ an individual practicing athletic training without a license or without an approved evaluation and treatment protocol.
- (c) *Penalty.* – A disciplinary panel may impose a civil penalty of up to \$1,000 on a person who employs or supervises an individual without a license or without an approved evaluation and treatment protocol.

Prior to the issuance of a Notice to Impose Civil Penalty, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel B finds the following facts:

1. The Respondent is an all-girls college preparatory school located in Bladensburg, Maryland.

2. On or about September 13, 2022, an employee of the Respondent (the “Employee”) submitted an Athletic Trainer Application for Licensure (the “Application”) to the Board.

3. On the Application, the Employee answered the following:

[Question] 9. Chronology of Employment Activities....

Employment activities after graduation from Athletic Trainer Program:

.....

08/22 to curr[ent], Head Athletic Trainer Elizabeth Seton High School.

4. Based on the Employee’s disclosure in his Application that he had been employed as an athletic trainer at the Respondent’s facility since August 2022, prior to being issued a Maryland athletic trainer’s license, the Board initiated an investigation of the Respondent.

5. The Board's investigation revealed that the Respondent hired the Employee in the role of Head Athletic Trainer on August 8, 2022. At the time he was hired, the Employee held an active Athletic Trainer license in Virginia but was not licensed as an athletic trainer in Maryland.

6. The Board's investigation further revealed that the Employee had worked as an athletic trainer for the Respondent for several months without a Maryland license and without an approved Evaluation and Treatment Protocol.¹

7. On November 2, 2022, the Board granted the Employee Maryland licensure as an athletic trainer.

8. By letter dated February 22, 2023, the Board notified the Respondent that it had "received information that Elizabeth Seton High School hired [Employee] as an athletic trainer . . . it appears [Employee] worked without a license and without an approved evaluation and treatment protocol at Elizabeth Seton High School from approximately August 8, 2022 to November 28, 2022[.]"

9. In a written response dated March 6, 2023, the Respondent claimed that "The [Respondent] athletic department was under the mistaken impression that [Employee] could work under the supervision of [Respondent's] other licensed athletic trainer pending the approval of [Employee]'s Maryland license."

10. In addition, the Respondent further noted "[i]nternal review since has confirmed that [Employee] has, at times since his hiring and without a license, practiced

¹ The Board received, reviewed, and approved an Evaluation and Treatment Protocol between Employee and his supervising physician on November 29, 2022.

athletic training, as that term is defined in Subtitle 5D of the Health Occupations Article of the Maryland Code. [Respondent] sincerely regrets the past occurrence of unlicensed athletic training.”

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Respondent employed an individual to practice athletic training without a license, in violation of Health Occ. §14-5D-11.1(b).

ORDER

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

ORDERED that, **within 60 days** from the effective date of this Consent Order, the Respondent shall pay a civil fine of **ONE (1) THOUSAND DOLLARS (\$1,000)**. The payment shall be 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 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 this Consent Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6) (2021 Repl. Vol.).

08/09/2023
Date

Signature On File

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

CONSENT

Signature On File

I, _____ [Agent for the Respondent],

acknowledge that the Respondent has had the opportunity to consult with counsel before signing this document.

By this Consent, the Respondent agrees to be bound by this Consent Order and all its terms and conditions and understand that the Board will not entertain any request for amendments or modifications to any condition.

The Respondent is aware of the right to a hearing before the Board pursuant to COMAR 10.32.22.06 concerning the Notice issued against the Respondent. The Respondent waives this right and has elected to sign this Consent Order instead.

The Respondent acknowledges the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which the Respondent would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on the Respondent's behalf, and to all other substantive and procedural protections as provided by law. The Respondent waives those substantive and procedural protections. The Respondent acknowledges the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order.

The Respondent voluntarily enters into and agrees to comply with the terms and conditions set forth in this Consent Order as a resolution of the pending disciplinary

matters. The Respondent waives any right to contest the Findings of Fact and the Conclusions of Law set out in this Consent Order. The Respondent waives all rights to appeal this Consent Order.

On behalf of the Respondent, I sign this Consent Order without reservation, and I fully understand and comprehend the language and meaning of its terms.

7/19/23

Date

Signature On File

Agent for the Respondent (printed name)

Signature On File

Agent for the Respondent (signature)

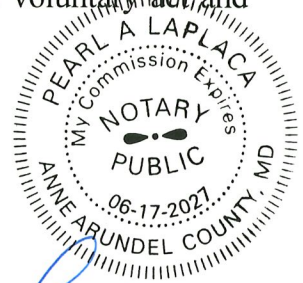
NOTARY

STATE OF Maryland

CITY / COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 19th day of July 2023, before me, a Notary Public of the foregoing State and City/County, personally appeared LISA. M. Grillo [Agent for the Respondent] and made oath in due form of law that signing the foregoing Consent Order was his/her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.



Pearl A. Laplace
Notary Public