

IN THE MATTER OF	*	BEFORE THE MARYLAND
HENRY FERNANDO GARCIA	*	STATE BOARD OF
APPLICANT	*	PHYSICIANS
	*	Case Number: 2226-0019

\*\*\*\*\*

## CONSENT ORDER

### PROCEDURAL BACKGROUND

Based on information received regarding the Allied Health Application for Initial Licensure: Respiratory Care Practitioner (the “Application”) of Henry Fernando Garcia, (the “Applicant”) to practice as a respiratory care practitioner in Maryland, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Maryland Board”) has grounds to deny the Application under the Maryland Respiratory Care Practitioners Act (the “Act”), Md. Code Ann., Health Occ. §14-101 et seq.

Specifically, Panel A has grounds to deny the Application pursuant to the following provisions of the Act:

Health Occ. §14-205. Miscellaneous powers and duties.

(b) Additional powers.

(3) Subject to the Administrative Procedure Act and the hearing provisions of §14-405 of this title, a disciplinary panel may deny a license to an applicant ... for:

(i) Any of the reasons that are grounds for disciplinary action under §14-404, §14-5A-17, §14-5B-14, §14-5C-17, §14-5D-14, §14-5E-16, or §14-5F-18 of this title [.]

Health Occ. §14-5A-17. Denials, reprimands, suspensions and revocations – Grounds.

(a) Subject to the hearing provisions of §14-405 of the subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand

any licensee, place any licensee on probation or suspend or revoke the license if the licensee:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant, licensee, or for another[.]

Prior to the issuance of a Notice of Intent to Deny Application for Initial Allied Health Licensure, the Applicant agreed to enter into, with the Maryland Board, this public Consent Order, which consists of Procedural Background, Findings of Fact, Conclusions of Law, Order, and Consent.

### **FINDINGS OF FACT**

Panel A makes the following findings of fact:

1. On or about July 17, 2025, the Applicant filed with the Maryland Board an Application to practice as a respiratory care practitioner in Maryland.

2. The Application contained a series of character and fitness questions, to which the Applicant was required to answer “YES” or “NO.” The Applicant responded “NO” to the following character and fitness questions:

“2. 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.

3. 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?”

3. At the conclusion of the Application, the Applicant certified that he personally reviewed all responses to the items in the Application and that the information he gave was true to the best of his knowledge, information and belief. He further attested that he understood that providing any false, misleading, or incomplete information may result in disciplinary action by the Board.

4. On or about July 17, 2025, the Board requested an explanation from the Applicant regarding the discrepancies between his Application and information noted on his National Practitioner Data Bank (“NPDB”) and Federation of State Medical Boards (“FSMB”) profiles.

5. On or about July 25, 2025, the Applicant provided a written response regarding the discrepancies.

6. The Board received the following information about the Applicant’s past disciplinary board history:

a) On January 3, 2023, the Virginia Board issued a Consent Order in which the Applicant’s license to practice respiratory therapy in the Commonwealth of Virginia was granted with a reprimand. This disciplinary action was due to a violation of Virginia Code §§ 54.1-2915 (A) (18) and 54.1-111 (A) (1) and (4) where the Applicant, from July 25, 2022, to January 3, 2023, had been practicing as a respiratory therapist despite not having a valid license.

7. By not disclosing the above disciplinary board actions, the Board’s investigation determined that the Applicant made a material misrepresentation on his Application.

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, Disciplinary Panel A concludes as a matter of law that the Applicant was deceptive in failing to disclose the Virginia Board action on his application for licensure in violation of Health Occ. §14-5A-17(a)(1).

**ORDER**

It is, thus, by Disciplinary Panel A, hereby:

**ORDERED** that the Application of Henry Fernando Garcia, to practice as a respiratory care practitioner in the State of Maryland is hereby **GRANTED**; and it is further

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

**ORDERED** that this Consent Order goes into effect on the date the Consent Order is signed by the Executive Director of the Maryland Board or her designee, who signs on behalf of Panel A; 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).

09/26/2025  
Date

***Signature on file***

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

## CONSENT

I, Henry Fernando Garcia, have chosen to proceed without legal counsel, and I acknowledge that the decision to proceed without legal 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 have had a formal evidentiary hearing if the Maryland Board had issued charges concerning this matter, pursuant to Md. Code Ann., Health Occ. §14-405 and Md. Code Ann., State Gov't §§10-201 et seq. 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 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, without reservation, and fully understand the language and meaning of its terms.

9 / 23 / 2025  
Date

***Signature on file***

Henry Fernando Garcia  
Applicant

NOTARY

STATE OF Maryland

CITY/COUNTY OF: Prince Georges

I HEREBY CERTIFY that on this 23<sup>rd</sup> day of September, 2025, before me, a Notary Public of the State and City/County aforesaid, personally appeared Henry Fernando Garcia and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Andoria Queen Collins  
Notary Public

My Commission expires: Feb. 06, 2027

