

IN THE MATTER OF	*	BEFORE THE
Tilaye Habtemariam, RCP	*	MARYLAND STATE BOARD
Respondent	*	OF PHYSICIANS
License Number L0006367	*	Case Number 2225-0014

*

CONSENT ORDER

BACKGROUND

Pursuant to its authority under Md. Health Occ. Ann. ("H.O.") §14-401 *et seq.*, the Maryland State Board of Physicians (the "Board") conducted an audit of the continuing respiratory care education hours filed with the license renewal application of Tilaye Habtemariam, RCP. (the "Respondent"), License Number L0006367. The audit findings revealed that the Respondent failed to complete sixteen (16) hours of approved continuing respiratory care education for license renewal, in violation of H.O. §14-5A-13 and Code of Maryland Regulations ("COMAR").

The pertinent provision of H.O. §14-5A-13 provides:

Expiration, renewal and reinstatement.

- (c) Except as otherwise provided in this subtitle, before a license expires, the licensee periodically may renew it for an additional term, if the licensee:
 - (2) Pays to the Board a renewal fee set by the Board; and
 - (3) Submits to the Board:
 - (i) A renewal application on the form that the Board requires; and
 - (ii) Satisfactory evidence of compliance with any continuing education or competency requirements and other requirements set under this section for license renewal.

The pertinent provisions of COMAR under 10.32.11 provide:

.11 Renewal, Reinstatement, and Continuing Education.

A. Renewal.

(2) An individual who has been licensed by the Board as a respiratory care practitioner may renew the license every 2 years on the date specified by the Board by:

- (c) Attesting to the completion of 16 hours of approved continuing respiratory care education, earned during the 2-year period preceding the expiration of the license for respiratory care, as described in §C of this regulation.

The Board has agreed to accept the Respondent's voluntary offer to enter into this Consent Order and submit to the terms and conditions as set out by this Consent Order.

FINDINGS OF FACT

1. At all times relevant herein, the Respondent was and is licensed to practice respiratory care in the State of Maryland. He was initially licensed in Maryland on December 12, 2014.
2. On April 12, 2024, the Respondent signed the affirmation in his 2024 renewal application that he had obtained the required 16 hours of approved continuing respiratory care education.
3. During the renewal process, the Respondent received a Continuing Education Audit Notice, requiring that he submit documentation of his continuing education hours to the Board.
4. Based upon the information received from the Respondent, he had obtained only one hour of the required 16 hours of approved continuing respiratory care education, not 16 hours as affirmed by the Respondent.
5. The Respondent's failure to provide documentation of 16 hours of approved continuing respiratory care education and signing the certification regarding continuing education requirements on the 2024 renewal constitute a failure to comply with the statute and regulations.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated §14-5A-13(c) and COMAR 10.32.11.11A(c) by failing to obtain the requisite continuing education credits.

ORDER

It is hereby:

ORDERED that the Respondent shall pay a civil penalty of One Thousand Five Hundred Dollars (\$1500.00) (One Hundred Dollars per missing continuing education credit pursuant to §14-5A-13(d)(2) of the Health Occupations Article) to the Board within thirty (30) days after the effective date of this Order. 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 21297-3217; and be it further

ORDERED that the Respondent shall be subject to the following terms and conditions:

1. For the two year period preceding the 2026 renewal (2024-2026 renewal), the Respondent shall obtain the required 16 hours of approved continuing respiratory care education mandatory for the 2026 renewal and the outstanding 15 hours of approved continuing care education that were not obtained during the 2024 renewal, a total of 31 hours of approved continuing respiratory care education;

2. The Respondent shall send verification of all continuing respiratory care education hours prior to sending in the 2026 renewal to the Board. Board staff will verify the 31 hours of continuing respiratory care education hours that are sent to the Board. All 31 hours of continuing respiratory care hours must be approved continuing respiratory care education;

3. The Respondent's license shall not be renewed in 2026 unless the requirements of paragraphs 1 and 2 are met; and it is further

ORDERED that, if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If the disciplinary panel determines there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings followed by an exceptions process before a disciplinary panel; and if the disciplinary panel

determines there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before a disciplinary panel; and it is further

ORDERED that after the appropriate hearing, if the disciplinary panel determines that the Respondent has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend with appropriate terms and conditions, or revoke the Respondent's license to practice respiratory care in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine on the Respondent; 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 the Respondent is responsible for all costs incurred in fulfilling 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).

08/28/2024

Date

Signature On File

Christine A. Farrelly
Executive Director



CONSENT

I, Tilaye Habtemariam, RCP, acknowledge that I have had an opportunity to consult with counsel before entering into and signing this document. By this Consent, and in order to resolve these matters, I agree to accept the Findings of Fact and Conclusions of Law contained herein. Accordingly, I accept and submit to the foregoing Consent Order.

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. §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 provided by the 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. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the sign the Consent Order.

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

08 | 21 | 2024
Date

Signature On File

Tilaye Habtemariam, RCP
Respondent

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF MONTGOMERY

I HEREBY CERTIFY that on this 21 day of August, 2024, before me, a Notary Public of the State and City/County aforesaid, personally appeared Tilaye Habtemariam, RCP, 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.

Mariska Ballard
Notary Public

My Commission expires: MAY 10, 2028

