

IN THE MATTER OF	*	BEFORE THE
MONIQUE D. HICKS, R.C.P.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: L02711	*	Case Number: 2220-0048B
* * * * *		

CONSENT ORDER

On October 15, 2019, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") charged **MONIQUE D. HICKS, R.C.P.** (the "Respondent"), License Number L02711, under the Maryland Respiratory Care Practitioners Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-5A-01 *et seq.* (2014 Repl. Vol. & 2019 Supp).

Panel B charged the Respondent with violating the following provisions of the Act under Health Occ. § 14-5A-17:

- (a) *In general.* -- Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may . . . reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the . . . licensee:
 - (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant, licensee, or for another;
 - (3) Is guilty of unprofessional or immoral conduct in the practice of respiratory care; [and/or]
 - (10) Willfully makes or files a false report or record in the practice of respiratory care[.]

On December 18, 2019, Panel B 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, and Order.

FINDINGS OF FACT

Panel B finds:

INTRODUCTION/LICENSING INFORMATION

1. The Board initially issued a respiratory care license to the Respondent on September 29, 1997, under License Number L02711. The Respondent remained licensed until 2014, when her respiratory care license expired. The Board reinstated the Respondent's respiratory care license effective November 10, 2014. The Respondent has remained licensed since that time. The Respondent's respiratory care license is current through May 30, 2020.

2. On or about May 15, 2018, the Respondent applied to renew her respiratory care license. In this renewal application, the Board directed the Respondent to disclose whether she had a criminal history. In response, the Respondent answered "YES," disclosing that she had "several misdemeanor convictions." The Respondent stated that after these convictions, she had "20+" years of sobriety, followed by a "relapse" in or around 2013. The Respondent did not state what crimes she had been convicted of, what offenses she had committed or in what years she was convicted.

BOARD INVESTIGATION

3. The Board initiated an investigation of the Respondent based on the disclosures she made on her 2018 renewal application. The Board's investigation determined that the Respondent has an extensive criminal history, which she failed to

disclose when applying for initial licensure in 1997, when applying for reinstatement of her license in 2014, and at various times when applying for renewal of her license. Each of these applications required the Respondent to disclose her criminal history. In these applications, except for the one dated May 15, 2018, the Respondent failed to disclose that she had a criminal history and affirmed that the information she provided on those applications was true and correct.

4. The Respondent's criminal history includes the following:
 - a. On or about August 22, 1989, the Respondent was charged in Baltimore County, Maryland, with two counts of Theft and a series of motor vehicle offenses. On or about December 15, 1989, the Respondent was convicted in the Circuit Court for Baltimore County of two counts of Theft. The Respondent was given 18-month suspended sentences on each count, to run concurrently, and was placed on probation for 2 years, to run concurrently.
 - b. On or about February 23, 2013, the Respondent was charged in Howard County, Maryland, with Theft. On or about July 23, 2013, the Respondent was convicted in the District Court of Maryland for Howard County of Theft Less Than \$1000. The Respondent was given an 18-month suspended sentence and was placed on supervised probation for 18 months.
 - c. On or about April 3, 2013, the Respondent was charged in Baltimore, Maryland, with committing a series of controlled dangerous substance-related crimes. On or about November 12, 2013, the Respondent was convicted in the Circuit Court for Baltimore City on one count of possession of controlled dangerous substances--not marijuana (Heroin). The Respondent was given an 18-month suspended sentence and was placed on probation for 2 years.
 - d. On or about September 7, 2013, the Respondent was charged in Baltimore County, Maryland, with Theft (incident date August 24, 2013). On or about August 6, 2014, the Respondent was convicted in the District Court of Maryland for Baltimore

County on one count of Theft Less Than \$100.00. The Respondent was given a 60-day suspended sentence and was placed on probation for 18 months.

- e. On or about November 12, 2013, the Respondent was convicted in the Circuit Court for Baltimore County of possession of a controlled dangerous substance--Heroin. The Respondent was given an 18-month suspended sentence and was placed on supervised probation for 2 years.
- f. On or about December 28, 2013, the Respondent was charged in Baltimore County, Maryland, with Theft (incident date, December 26, 2013). On or about April 10, 2014, the Respondent was convicted in the District Court of Maryland for Baltimore County on one count of Theft Less Than \$1000 and was incarcerated for 60 days.
- g. On or about June 11, 2015, the Respondent was arrested and charged with a series of motor vehicle offenses in Baltimore County, Maryland. On or about March 24, 2016, the Respondent was found guilty in the District Court of Maryland for Baltimore County of driving a motor vehicle while suspended, was granted probation before judgment and was placed on unsupervised probation.

THE APPLICATIONS

5. On or about June 2, 1997, the Respondent applied to the Board (then known as the Maryland State Board of Physician Quality Assurance) for a license to practice respiratory care. The application required that the Respondent answer "YES" or "NO" to a series of questions, which included an inquiry into whether she had ever been charged with, or was convicted of, any criminal acts for which she pled *nolo contendere*, could receive, or did receive, probation before judgment or was sentenced to probation or confinement. The Respondent answered "NO," affirming that she had never been charged with or had been convicted of any criminal acts. On or about June 18, 1997 the Board

issued the Respondent a temporary license to practice respiratory care in Maryland. On September 29, 1997, the Board issued the Respondent a full license to practice respiratory care under License Number L02711. The Respondent failed to disclose her 1989 conviction (see ¶ 4(a), above).

6. In applications dated June 1, 1998, May 1, 2000, May 15, 2002, May 4, 2004, May 15, 2006, May 12, 2008, May 25, 2010 and May 29, 2012, the Respondent applied to the Board for renewal of her respiratory care license. In each of the applications, the Board directed the Respondent to disclose her criminal history. In each of the applications, the Respondent answered “NO,” affirming that she did not have a criminal history. The Respondent failed to disclose her 1989 conviction (see ¶ 4(a), above).

7. The Respondent did not apply to renew her respiratory care license during the 2014 renewal period, causing her license to expire on or about June 1, 2014.

8. On or about September 16, 2014, the Respondent applied to the Board to reinstate her respiratory care license. In this reinstatement application, the Board directed the Respondent to disclose her criminal history. The Respondent answered “NO,” again affirming that she did not have a criminal history. On or about November 10, 2014, the Board reinstated the Respondent’s respiratory care license. The Respondent failed to disclose her 2013-2014 convictions (see ¶ 4(b)-(f), above).

9. On or about May 31, 2016, the Respondent applied to renew her respiratory care license. In this renewal application, the Respondent again affirmed that she did not have a criminal history. The Board renewed the Respondent’s respiratory care license. The Respondent failed to disclose her 2013-2014 convictions (see ¶ 4(b)-(f), above).

FAILURE TO PROVIDE INFORMATION

10. In a letter to the Respondent's address of record dated February 1, 2019, the Board informed the Respondent that it had information that she had a criminal history. The Board directed the Respondent to provide a detailed explanation of these reportable events to include any pertinent documents, and provide a detailed explanation regarding her failure to report this information on any Board applications. The Board also directed the Respondent to provide information regarding any treatment she may have received for the condition she disclosed in her 2018 renewal application. The Board directed the Respondent to provide a response within ten business days of the date of the letter. The Respondent did not provide a response within this time period. On or about February 27, 2019, the United States Postal Service returned the February 1, 2019, letter to the Board as being undeliverable and that the address was vacant.

11. In an email to the Respondent dated May 21, 2019, the Board informed her that she failed to respond to its February 1, 2019, letter. The Board attached its February 1, 2019, the letter to the email and directed the Respondent to provide a response to the letter's directives within ten business days of the date of the email.

12. In an email dated May 30, 2019, the Respondent disclosed information about her medical condition but did not make any specific disclosures regarding her criminal history other than to state that she had a "recorded" criminal history that occurred "as a direct result of [her] addiction."

13. The Board's investigation determined that the Respondent failed to disclose her criminal history to the Board when she applied for a respiratory care license in 1997,

when she applied for renewal of her respiratory care license from 1998 through 2014, when she applied for reinstatement of her respiratory care license in 2014, when she applied for renewal of her respiratory care license in 2016, and in response to Board inquiry after she finally divulged that she had a criminal history in her 2018 renewal application.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes that the Respondent fraudulently or deceptively obtained a license, is guilty of unprofessional conduct in the practice of respiratory care, and willfully made or filed a false report or record in the practice of respiratory care, in violation of Health Occ. § 14-5A-17(a)(1), (3), (10).

ORDER

It is thus by Disciplinary Panel B of the Board, hereby:

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

ORDERED that the Respondent is placed on **PROBATION** for a minimum of **TWO YEARS**.¹ During probation, the Respondent shall comply with the following terms and conditions of probation:

The Respondent shall enroll in the Maryland Professional Rehabilitation Program (MPRP) as follows:

- (a) Within 5 business days, the Respondent shall contact MPRP to schedule an initial consultation for enrollment;
- (b) Within 15 business days, the Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;
- (c) the Respondent shall fully and timely cooperate and comply with all MPRP's referrals, rules, and requirements, including, but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant

¹ If the Respondent's license expires during the period of probation, the probation and any conditions will be tolled.

Rehabilitation Plan(s) entered with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP;

(d) the Respondent shall sign and update the written release/consent forms requested by the Board and MPRP, including release/consent forms to authorize MPRP to make verbal and written disclosures to the Board and to authorize the Board to disclose relevant information from MPRP records and files in a public order. The Respondent shall not withdraw his/her release/consent;

(e) the Respondent shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of the Respondent's current therapists and treatment providers) verbal and written information concerning the Respondent and to ensure that MPRP is authorized to receive the medical records of the Respondent, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. The Respondent shall not withdraw his/her release/consent;

(f) the Respondent's failure to comply with any of the above terms or conditions including terms or conditions of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) constitutes a violation of this Consent Order.

IT IS FURTHER ORDERED that the Respondent shall not apply for early termination of probation; and it is further

ORDERED that a violation of probation constitutes a violation of the Consent Order; and it is further

ORDERED that, after the Respondent has complied with all terms and conditions of probation and the minimum period of probation imposed by the Consent Order has passed, the Respondent may submit to the Board a written petition for termination of probation. After consideration of the petition and any recommendations by MPRP, the probation may be terminated through an order of the disciplinary panel. The Respondent may be required to appear before the disciplinary panel to discuss his or her petition for termination. The disciplinary panel may grant the petition to terminate the probation, through an order of the disciplinary panel, if the Respondent has complied with all probationary terms and conditions and there are no pending complaints relating to the

charges. The disciplinary panel may deny the petition to terminate the probation, through an order of the disciplinary panel, if MPRP recommends that the Respondent's continuation in MPRP is necessary; 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 medicine 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 Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; 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 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).

01/14/2020

Date

Signature on File

Christine A. Farrelly 
Executive Director
Maryland State Board of Physicians

CONSENT

I, Monique D. Hicks, R.C.P. 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. § 14-405 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

1/14/20
Date

Monique D. Hicks, R.C.P.
Respondent

NOTARY

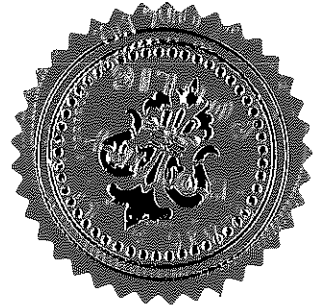
STATE OF Maryland
CITY/COUNTY OF BALTIMORE

I HEREBY CERTIFY that on this 11th day of JANUARY 2020, before me,
a Notary Public of the foregoing State and City/County, personally appeared Monique D.
Hicks, R.C.P., and made oath in due form of law that signing the foregoing Consent Order
was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Craig S. Ioffon
NOTARY PUBLIC
BALTIMORE CITY COUNTY
MARYLAND
MY COMMISSION EXPIRES September 10, 2023

Craig S. Ioffon
Notary Public



My Commission expires: Sept 10, 2023

Craig S. Ioffon
NOTARY PUBLIC
BALTIMORE CITY COUNTY
MARYLAND
MY COMMISSION EXPIRES September 10, 2023