

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE</b>
<b>MIRANDA N. PORTER, RCP</b>	*	<b>MARYLAND STATE</b>
<b>Respondent</b>	*	<b>BOARD OF PHYSICIANS</b>
<b>License Number: L05706</b>	*	<b>Case Number: 2223-0057A</b>

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**CONSENT ORDER**

On September 7, 2023, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged **MIRANDA N. PORTER, RCP** (the “Respondent”), License Number L05706, under the Maryland Respiratory Care Practitioners Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-5A-01 *et seq.* (2021 Repl. Vol., 2022 Supp.).

The pertinent provisions of the Act are as follows:

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

(a) *In general.* – Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or 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[.]

### **FINDINGS OF FACT**

Disciplinary Panel A finds the following:

#### **I. Introduction**

1. The Respondent, a respiratory care practitioner (“RCP”), made material misrepresentations about her criminal history to the Board on her applications for initial licensure, reinstatement, and renewal of her license. The Respondent also inaccurately stated her employment history and changes to her employment status while working at a hospital.

#### **II. Background**

2. The Board initially issued the Respondent a license to practice respiratory care in Maryland on November 4, 2011, under License Number L05706. The Respondent’s license lapsed on or about May 30, 2012, after the Respondent failed to renew her license. It was later reinstated on or about October 17, 2013. The Respondent’s license is currently active through May 30, 2024.

3. The Respondent was employed as an RCP at a hospital (“the Hospital”)<sup>1</sup> from in or around September 2020 to in or around September 2021. The Hospital suspended the Respondent in or around April 2021 for three days and later terminated her in or around September 2021.

### **III. Complaint**

4. On or about October 18, 2022, the Board initiated an investigation after receiving an anonymous complaint alleging concerns about the Respondent’s criminal history including prior convictions and pending charges.

### **IV. Board Investigation**

5. As part of its investigation, the Board obtained documents related to the Respondent’s arrest and criminal history and personnel files from her current and past employers.

6. In response to the Board’s request for information, the Respondent provided a list of her current and past employers from the previous five years including the dates of her employment. The Respondent listed her dates of employment with the Hospital as September 2020 through March 2021.

7. The Board reviewed the Respondent’s past applications which included: Respiratory Care Practitioner Application for Licensure, received by the Board on or about October 24, 2011 (“2011 Application”); 2013 Application for Reinstatement of Respiratory Care Practitioners, received by the Board on or about October 2, 2013 (“2013

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<sup>1</sup> To ensure confidentiality and privacy, the names of individuals and entities involved in this case, other than the Respondent, are not disclosed in this Consent Order.

Reinstatement”); 2020 Application for Renewal of Respiratory Care Practitioners, submitted by the Respondent on or about May 8, 2020 (“2020 Renewal”); and 2022 MBP Allied Health License Renewal, submitted by the Respondent on or about May 6, 2022 (“2022 Renewal”). All of the applications required the Respondent to disclose information about her criminal history including charges, convictions, and probation in addition to any changes to her employment status. The Board’s review of the Respondent’s past applications revealed the following:

- a. On the 2011 Application, the Respondent failed to disclose various criminal offenses that she was charged with in 2008 in Allegany County, Maryland.
- b. On the 2013 Reinstatement, the Respondent also failed to disclose the 2008 charges from Allegany County, Maryland.
- c. On the 2020 Renewal, the Respondent failed to disclose a Probation Before Judgment granted to her by the District Court for Allegany County for Driving Vehicle While Under the Influence of Alcohol Per Se on or about September 23, 2019.
- d. On the 2022 Renewal, the Respondent failed to disclose her three-day suspension and termination from employment at the Hospital. She also failed to disclose that she had been charged in 2021 with an offense in Mineral County, West Virginia that required disclosure to the Board.

8. The Respondent's personnel file from the Hospital confirmed that the Respondent's period of employment was from approximately September 2020 through September 2021.

**V. Respondent's Written Response**

9. By letter received by the Board on or about January 18, 2023, the Respondent provided a response regarding her criminal history. The Respondent generally claimed not to know that she needed to report the information about her criminal history as referenced above. The Respondent failed to provide an explanation regarding her failure to disclose her suspension and termination from the Hospital.

**CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent is guilty of fraudulently or deceptively obtains or attempts to obtain a license for the applicant, licensee, or for another, a violation of Health Occ. § 14-5A-17(a)(1); unprofessional conduct or immoral conduct in the practice of respiratory care, a violation of Health Occ. § 14-5A-17(a)(3); and willfully making or filing a false report or record in the practice of respiratory care, a violation of Health Occ. § 14-5A-17(a)(10).

**ORDER**

It is thus by a majority of a quorum of Disciplinary Panel A 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 **SIX MONTHS**. 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 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;

**ORDERED** that a violation of probation constitutes a violation of the Consent Order;

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

**ORDERED** that, after the Respondent has complied with all terms and conditions of probation, the Respondent may submit a written petition for termination of probation. The Respondent's probation may be administratively terminated through an order of the disciplinary panel if the Respondent has complied with all probationary terms and conditions including receiving a report of successful completion from MPRP and there are no pending complaints relating to the charges, but will not be terminated if the Board has not received a satisfactory report from MPRP; 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, 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 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).

11/29/2023  
Date

***Signature On File***

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



## CONSENT

I, Miranda Porter, RCP, acknowledge that I have consulted with counsel before signing this document.

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.

11-16-23  
Date

*Signature On File*  

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Miranda Porter, RCP

**NOTARY**

STATE OF Maryland

CITY/COUNTY OF Cumberland/Allegany

I HEREBY CERTIFY that on this 16<sup>th</sup> day of November,

2023, before me, a Notary Public of the State and County aforesaid, personally appeared Miranda Porter, RCP, and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

**AS WITNESS, my hand and Notary Seal.**

Sonya Muhleman

**Notary Public**

My Commission Expires: 12/6/24

SONYA R MUHLEMAN  
NOTARY PUBLIC  
ALLEGANY COUNTY  
MARYLAND  
My Commission Expires Dec. 06, 2024