

IN THE MATTER OF	*	BEFORE THE
HAILEY E. DEKLERK, R.C.P.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: L06500	*	Case Number: 2218-0138B
* * * * *	*	* * * * *

**ORDER FOR SUMMARY SUSPENSION OF LICENSE  
TO PRACTICE RESPIRATORY CARE**

Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) hereby **SUMMARILY SUSPENDS** the license of **HAILEY E. DEKLERK, R.C.P.** (the “Respondent”), License Number L06500, to practice respiratory care in the State of Maryland.

Panel B takes such action pursuant to its authority under Md. Code Ann., State Gov’t (“State Gov’t”) § 10-226(c)(2) (2014 Repl. Vol. and 2017 Supp.) and Md. Code Regs. (“COMAR”) 10.32.02.08B(7), concluding that the public health, safety or welfare imperatively requires emergency action.

**INVESTIGATIVE FINDINGS**

Based on information received by, and made known to Panel B, and the investigatory information obtained by, received by and made known to and available to Panel B, including the instances described below, Panel B has reason to believe that the following facts are true:<sup>1</sup>

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<sup>1</sup> The statements regarding the Respondent’s conduct are intended to provide the Respondent with notice of the basis of the summary suspension. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

1. The Respondent was originally licensed to practice respiratory care in Maryland on September 16, 2015, under License Number L06500. The Respondent's latest license was given the expiration date of May 30, 2018.

2. At all times relevant hereto, the Respondent was employed as a respiratory care practitioner at a health care facility (the "Facility") that is located in the State of Maryland. The Facility employed the Respondent from November 16, 2015, until December 7, 2017.

3. On or about December 11, 2017, the Facility notified the Board through a Mandatory 10-Day Report (the "Report") that it terminated the Respondent's employment as a respiratory care practitioner, effective December 7, 2017, after she failed to return to work after completing an employee assistance program.

4. After reviewing the above Report, the Board initiated an investigation of this matter. By first class mail to the Respondent at her address of record, dated January 25, 2018, the Board notified her of its investigation and requested that she provide a written response to the notifications that were set forth in the Report. The Board also requested that the Respondent sign Authorization of Release of Information forms for any substance abuse or mental health treatment that she may have received. On February 12, 2018, the Board received its January 25, 2018, letter, returned as undeliverable, despite it being sent to her address of record.

5. By email to the Respondent, dated February 8, 2018, the Board requested that the Respondent contact the Board.

6. By first class mail to the Respondent, dated February 8, 2018, the Board again notified her of its investigation and requested that she provide a written response

to the notifications that were set forth in the Report. The Board also requested that the Respondent sign Authorization of Release of Information forms for any substance abuse or mental health treatment that she may have received.

7. On February 13, 2018, Board staff contacted the Respondent by email and telephone and requested that she provide her current address.

8. On February 14, 2018, the Respondent emailed the Board and provided an updated mailing address.

9. By first class mail and email to the Respondent's updated address, dated February 14, 2018, the Board again notified her of its investigation and requested that she provide a written response to the notifications that were set forth in the Report. The Board also requested that the Respondent sign Authorization of Release of Information forms for any substance abuse or mental health treatment that she may have received.

10. By first class mail to the Respondent, dated March 9, 2018, the Board sent the Respondent a *subpoena ad testificandum* to appear for a testimonial interview at the Board's offices on March 29, 2018. On March 29, 2018, the Respondent failed to appear at the Board's offices for her testimonial interview.

11. By UPS Next-Day Air and email to the Respondent dated April 4, 2018, the Board directed the Respondent to appear for toxicology screening at a specific laboratory on April 6, 2018. The letter recounted the Board's earlier unsuccessful attempts to contact her regarding this matter and informed her that her unreasonable failure to submit to the screening could be construed as a failure to cooperate with a lawful investigation of the Board.

12. By email dated April 5, 2018, the Respondent contacted the Board, after which Board staff attempted to contact her by telephone, without success.

13. On April 6, 2018, the Respondent failed to appear for toxicology screening as the Board directed her to do in its April 4, 2018, letter.

14. Based on the investigative facts, Panel B finds that the Respondent presents a substantial likelihood of a risk of serious harm to the public health, safety and welfare.

### **CONCLUSIONS OF LAW**

Based upon the foregoing Investigative Findings, Panel B of the Board concludes that the public health, safety, or welfare imperatively requires emergency action, and that pursuant to State Gov't § 10-226(c)(2) and COMAR 10.32.02.08B(7), the Respondent's license is summarily suspended.

### **ORDER**

**IT IS** thus, by Panel B of the Board, hereby:

**ORDERED** that pursuant to the authority vested in Panel B by State Gov't § 10-226(c)(2) (2014 Repl. Vol. and 2017 Supp.) and COMAR 10.32.02.08B(7), the Respondent's license to practice respiratory care in the State of Maryland is hereby **SUMMARILY SUSPENDED**; and it is further

**ORDERED** that in accordance with Md. Code Regs. 10.32.02.08B(7) and E, a post-deprivation initial hearing on the summary suspension will be held on **Wednesday, May 23, 2018, at 11:15 a.m.** at the Board's offices, located at 4201 Patterson Avenue, Baltimore, Maryland, 21215-0095; and it is further

**ORDERED** that after the **SUMMARY SUSPENSION** hearing before Panel B, the Respondent, if dissatisfied with the result of the hearing, may request, within ten (10) days, an evidentiary hearing, such hearing to be set within thirty (30) days of the request, before an Administrative Law Judge at the Office of Administrative Hearings, Administrative Law Building, 11101 Gilroy Road, Hunt Valley, Maryland 21031-1301; and it is further

**AND IT IS FURTHER ORDERED** that a copy of the Order for Summary Suspension shall be effective immediately in accordance with Health Occ. § 14-407 (2014 Repl. Vol.); and it is further

**ORDERED** that this is an Order of Panel B, and as such, is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen Prov. §§ 4-101 *et seq.* (2014).

May 8, 2018  
Date

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