

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
* * * * *	*	* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On May 18, 2018, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") charged **HAILEY E. DEKLERK, R.C.P.** (the "Respondent"), License Number L06500, under the Maryland Respiratory Care Practitioners Act, Health Occ. ("Health Occ.") §§ 14-5A-01 *et seq.* (2014 Resp. Vol. and 2017 Supp.).

Specifically, 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 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 a license if the . . . licensee:
 - (3) Is guilty of unprofessional or immoral conduct in the practice of respiratory care;
 - (4) Is professionally, physically, or mentally incompetent; [and]
 - (26) Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel[.]

On July 25, 2018, a hearing was held before Panel B, sitting as a Disciplinary Committee for Case Resolution.¹ As a result of negotiations occurring before Panel B,

¹ The Respondent appeared by telephone.

the Respondent agreed to enter into the following Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order, Consent and Notary.

FINDINGS OF FACT

Panel B makes the following Findings of Fact:

I. BACKGROUND/LICENSING INFORMATION

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. On May 8, 2018, Panel B issued an *Order for Summary Suspension to Practice Respiratory Care*, in which it summarily suspended the Respondent's license to practice respiratory care. Panel B took such action pursuant to Md. Code Ann., State Gov't § 10-226(c)(2), concluding that the public health, safety or welfare imperatively requires emergency action.

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

II. THE COMPLAINT

4. 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.

III. BOARD INVESTIGATIVE FINDINGS

5. 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.

6. On February 12, 2018, the Board received its January 25, 2018, letter, returned as undeliverable, despite it being sent to her address of record.

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

8. 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.

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

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

11. By email and first class mail 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.

12. 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.

13. 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.

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

15. 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.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B finds as a matter of law that the Respondent violated the following provisions of the Act under Health Occ. § 14-5A-17(a): (3) Is guilty of unprofessional or immoral conduct in the practice of respiratory care; (4) Is professionally, physically, or mentally incompetent; and (26) Fails to cooperate with a lawful investigation conduct by the Board or a disciplinary panel.

ORDER

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

ORDERED that the Order for Summary Suspension, dated May 8, 2018, is **TERMINATED**; and it is further

ORDERED that if the Respondent wishes to return to practice as a respiratory care practitioner in the State of Maryland, the Respondent shall petition Panel B for reinstatement of her expired license² pursuant to the Board's post-disciplinary reinstatement process, meet the minimum requirements for reinstatement under the Maryland Respiratory Care Practitioners' Act and regulations, and reappear before Panel B in-person or by telephone to discuss her petition for reinstatement. If Panel B approves reinstatement of the Respondent's license, the panel may impose terms and conditions on the Respondent's return to practice, including, but not limited to, suspension, probation and enrollment and participation in the Maryland Professional Rehabilitation Program ("MPRP"); and it is further

ORDERED that unless stated in this Consent Order, any time period prescribed in the order begins when the Consent Order goes into effect. The Consent Order goes into effect upon the signature of the Board's Executive Director, who signs on behalf of Panel B; and it is further

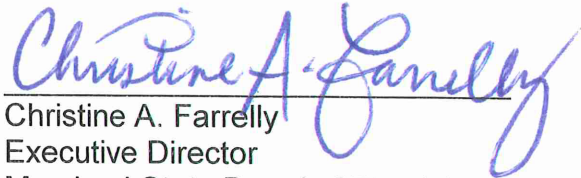
ORDERED that the Respondent is responsible for all costs incurred in fulfilling the conditions of this Consent Order; and it is further

ORDERED that this Consent Order shall be a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen Prov. §§ 4-101-4-601 (2014 & 2017 Supp.).

² The Respondent's license to practice respiratory care expired on May 30, 2018.

2408/30/2018
~~8/14/18~~

Date


Christine A. Farrelly
Executive Director

Maryland State Board of Physicians

CONSENT

I, Hailey E. Deklerk, R.C.P., acknowledge that I have been apprised of my right to counsel and have knowingly and voluntarily agreed to proceed without counsel before entering into this Consent Order. By this Consent, I agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact, Conclusions of Law and Order.

I acknowledge the validity of this Consent Order as if entered into 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 own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of Panel B to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of Disciplinary Panel B of the Board that might have followed after any such hearing.

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

Signature on File

8/14/18
Date

Hailey E. Deklerk, R.C.P.
Respondent

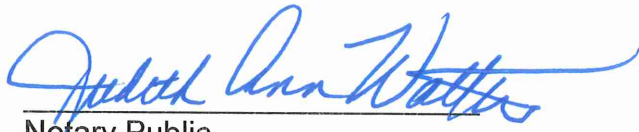
NOTARY

STATE OF FLORIDA

CITY/COUNTY OF PALM BEACH

I HEREBY CERTIFY that on this 14th day of August 2018, before me, a Notary Public of the foregoing State and City/County, personally appeared Hailey E. Deklerk, R.C.P., and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.


Notary Public

My Commission expires: _____



JUDITH ANN WALTERS
MY COMMISSION # FF 209913
EXPIRES: March 15, 2019
Bonded Thru Budget Notary Services