

**IN THE MATTER OF
MOUNT SAINT MARY'S
UNIVERSITY**

Respondent

* **BEFORE THE MARYLAND**
* **STATE BOARD OF**
* **PHYSICIANS**
* **Case Number: 2224-0043 B**

* * * * *

CONSENT ORDER

Based on an investigation conducted by the Maryland State Board of Physicians (the "Board"), Disciplinary Panel B of the Board has grounds to charge **MOUNT SAINT MARY'S UNIVERSITY**, (the "Respondent"), with violating the Maryland Athletic Trainers Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-5D-01 *et seq.* (2021 Repl. Vol. & 2023 Supp.). Prior to the issuance of disciplinary charges, the Respondent agrees to enter into this public Consent Order, which consists of Findings of Fact, Conclusions of Law and Order.

Specifically, Disciplinary Panel B has grounds to charge the Respondent with violating the following provisions of the Act:

Health Occ. § 14-5D-11.1. Employment of athletic trainer without license or approved evaluation and treatment protocol prohibited.

(b) Employment by hospital, institution, or alternative health system – Except as otherwise provided in this subtitle, a hospital, an institution, an alternative health system, or any other employer may not employ an individual practicing athletic training without a license or without an approved evaluation and treatment protocol.

(c) Civil penalties. A disciplinary panel may impose a civil penalty of up to \$1,000 on a person who employs or supervises an individual without a license or without an approved evaluation and treatment protocol.

Prior to the issuance of disciplinary charges, the Respondent agrees to enter into this public Consent Order, which consists of Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

Disciplinary Panel B makes the following Findings of Fact:

I. Background

1. The Respondent is an institution of higher learning (the “Institution”) located in Maryland.¹

2. On or about August 18, 2022, the Institution employed an individual (the “Individual”) as an Assistant Athletic Trainer at the Institution.

3. Individual practiced as an assistant athletic trainer at the Institution for approximately eight (8) months without a license to practice athletic training in Maryland and without an approved Evaluation and Treatment Protocol.

4. On or about February 8, 2023, the Board received an Athletic Trainer Application for Licensure (the “Application”) from the Individual.

5. On or about April 5, 2023, the Board approved the Individual’s Application. The notice advised the Individual that he “was not authorized to practice as an athletic

¹ The names of facilities and individuals in this document are confidential.

trainer until [he] and [his] supervising physician have received written acknowledgement of the Board's receipt of [his] Evaluation and Treatment Protocol.”

6. The Individual's Evaluation and Treatment Protocol was approved on April 24, 2023.

II. Referral from the Allied Health Unit

7. On or about April 6, 2023, the Board received a referral from the Allied Health Unit regarding the Individual's Application and subsequent communication wherein the Individual stated that he began working with the Institution on August 18, 2022 as an assistant athletic trainer.

III. Board Investigation

8. The Board's investigation revealed that the Individual began working as an assistant athletic trainer at the Institution on or about August 18, 2022.

9. Patient records subpoenaed and received by the Board documented that the Individual practiced as an assistant athletic trainer at the Institution for approximately eight (8) months without a license to practice athletic training in Maryland and without an approved Evaluation and Treatment Protocol.

10. The patient records also document the Individual's use of the abbreviations “MS,” “LAT”, and “ATC” on patient medical reports.

11. On or about August 3, 2023, the Board received the Individual's written response to the Board's investigation. The Individual stated, among other things, that “this was a terrible lapse in my ability to complete paperwork adequately and I greatly apologize.”

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Disciplinary Panel B concludes as a matter of law that the Respondent employed an individual to practice athletic training without a license and without an approved evaluation and treatment protocol, in violation of Health Occ. § 14-5D-11.1(b) and (c).

ORDER

It is, on the affirmative vote of a majority of the quorum of Board Disciplinary Panel B, hereby:

ORDERED that, **within 30 days** from the effective date of this Consent Order, the Respondent shall pay a civil fine of **ONE THOUSAND DOLLARS (\$1,000)**. 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; 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 Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

12/15/2023

Signature On File

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

CONSENT

I, Timothy E. Trainor agent for Mount Saint Mary's University, 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 any disciplinary charges that may be issued against me. 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 matter. 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.

December 7, 2023
Date

Timothy E. TRAINOR
Agent for Mount Saint Mary's University
(Printed Name)

Signature On File

Agent for Mount Saint Mary's University
(Signature)

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Emmitsburg

I HEREBY CERTIFY that on this 7 day of December, 2023,
before me, a Notary Public of the foregoing State and City/County personally
appear Timothy E. Trainor., and made an oath in due form of law that signing the
foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.



Notary Public

My commission expires: 1/17/2026