

IN THE MATTER OF * BEFORE THE MARYLAND
ADVENTIST HEALTHCARE * STATE BOARD
SHADY GROVE * OF PHYSICIANS
MEDICAL CENTER *

The Respondent * Case Number: 2223-0068 A

* * * * *

ORDER

On April 28, 2023, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) notified Adventist Healthcare Shady Grove Medical Center (the “Respondent”) of its failure to comply with provisions of the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2021 Repl. Vol. & 2022 Supp.).

The pertinent provisions of the Act are as follows:

§ 14-5A-22.1. Employment or supervision of individuals practicing respiratory care

(b) *Hospitals, related institutions* – Except as otherwise provided in this subtitle, a hospital, related institution, alternative health system, or employer may not employ an individual practicing respiratory care without a license.

(c) *Civil penalties* – A disciplinary panel may impose a civil penalty of up to \$1,000 for violation of this section.

On July 12, 2023, Panel A was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on the 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, Order, and Consent.

FINDINGS OF FACT

Panel A finds:

1. On or about November 9, 2022, the Board received a reinstatement application for a Maryland licensed respiratory care therapist (the “Respiratory Care Therapist”).¹

2. In the reinstatement application, the Respiratory Care Therapist documented that her license expired on May 30, 2022, and she was employed by the Respondent and had practiced in Maryland until October 2022.

3. Based on the information in the reinstatement application (the “Complaint”), the Board initiated an investigation.

4. In furtherance of the investigation, the Board’s investigator subpoenaed the Respiratory Care Therapist’s relevant personnel records.

5. On or about December 22, 2022, the Board notified the Respondent by letter of the Board’s investigation and requested a written response.

6. On or about January 12, 2023, the Board received a written response from the Respondent. The Respondent stated, among other things, that: (1) on or about November 29, 2021, the Respondent hired the Respiratory Care Therapist who was properly licensed at that time; (2) the Respondent conducted an audit in October 2022 which determined that the Respiratory Care Therapist’s license had expired on May 30,

¹ To ensure privacy, the names of individuals involved in this case is not disclosed in this document.

2022; and (3) the Respondent subsequently suspended the Respiratory Care Therapist's employment.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, Disciplinary Panel A concludes as a matter of law that the Respondent employed an individual to practice respiratory care without a license, in violation of Md. Code Ann., Health Occ. § 14-5A-22.1(b).

ORDER

ORDERED that within **60 DAYS** from the effective date of this Order, the Respondent shall pay a civil fine of **ONE THOUSAND DOLLARS** (\$1,000.00). The Payment shall be by money order or bank certified check made payable to the Maryland Board of Physicians mailed to P.O. Box 37217, Baltimore, Maryland 21297.

08/16/2023
Date

Signature On File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

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 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.

8/10/2023
Date

Signature On File

Agent for Respondent ✓

Carlos A. Vargas, IPMA-CP

Vice President of Human Resources
and Talent Technology, Shared Services
Adventist HealthCare, Inc.

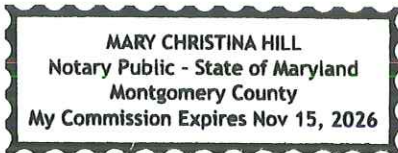
NOTARY

STATE OF Maryland

CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 10th day of August 2023, before me, a Notary Public of the foregoing State and City/County, Carlos A. Vargas [Agent for Respondent], personally appeared and made oath in due form of law that signing the foregoing Consent Order was a voluntary act and deed.

AS WITNESSTH my hand and notarial seal.



Mary Christina Hill
Notary Public

My commission expires: November 15, 2026