

IN THE MATTER OF * BEFORE THE MARYLAND
KARI E. KINDSCHI, M.D. * STATE BOARD OF
Respondent * PHYSICIANS
License Number: D71307 * Case Number: 2017-0333A

CONSENT ORDER

On March 3, 2017, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”), charged Kari E. Kindschi, M.D., (the “Respondent”), License Number D71307 under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occupations II (“Health Occ. II”) § 14-101 *et seq.* (2014 Repl. Vol. & 2015 Supp.) The pertinent provisions of the Act provide the following:

§ 14-404. Denials, reprimands, probations, suspensions, and revocations – Grounds.

(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:
 - ...
 - (ii) Unprofessional conduct in the practice of medicine[.]

The Maryland Athletic Trainers Act provides:

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

(a) *Employment by licensed physicians prohibited.* Except as

otherwise provided in this subtitle,¹ a licensed physician may not employ or supervise an individual practicing athletic training without a license or without an approved evaluation and treatment protocol[.]

On June 14, 2017, a conference with regard to this matter was held before a panel of the Board's Disciplinary Committee for Case Resolution ("DCCR"). As a result of the DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in Maryland. The Respondent was initially licensed to practice medicine in Maryland on August 11, 2010. Her license is scheduled to expire on September 30, 2018.
2. The Respondent is board-certified in Family Medicine with a sub-certification in Sports Medicine.
3. At all times relevant hereto, the Respondent practiced sports medicine at a Baltimore hospital.²
4. On September 3, 2016, Board staff received an e-mail from the Head Athletic Trainer from a college in Towson, Maryland ("College A") that notified the Board of former College A athletic trainers whose Evaluation and Treatment Protocols ("E&Ts") had been terminated. One of the athletic trainers whom the Respondent supervised, Athletic Trainer 1 ("AT 1"), was included on the list.

¹ The exceptions to the subtitle are not applicable to this case.

5. By e-mail dated September 12, 2016, the Head Athletic Trainer transmitted the termination of the AT 1's E&T which termination was effective as of August 1, 2016.
6. The Board's files reflected that AT 1 did not have an active E&T at College A prior to being notified of the 2016 termination of an E&T for AT 1. Panel A thereafter initiated an investigation, the results of which are summarized below.

Investigative Findings

7. On September 29, 2011, AT 1 entered into an E&T ("2011 E&T") with the Respondent to practice athletic training at College A.
8. By letter dated January 9, 2012, Board staff notified the Respondent and AT 1 that the Board had approved the 2011 E&T.
9. On or about April 8, 2014, a Termination of Evaluation and Treatment Protocol Form was transmitted to the Board which notified the Board that the 2011 E&T between the Respondent and AT 1 had been terminated effective July 1, 2013. The Respondent signed the termination form.
10. By letter dated April 10, 2014, Board staff notified the Respondent and AT 1 that the request to terminate the 2011 E&T had been approved. The letter further advised that "once an evaluation and treatment protocol had been terminated, an athletic trainer may not practice athletic training in Maryland until the Board has approved another evaluation and treatment protocol with another supervising physician."
11. On or about July 14, 2014, AT 1 was re-hired at College A as an athletic trainer.
12. On or about July 26, 2016, AT 1 resigned from her position at College A.

13. On or about September 3, 2016, the Board received the termination of an E&T for AT 1 with an effective date of August 1, 2016. The termination listed the Respondent as the supervising physician and she had signed the termination form.³
14. The Respondent failed to enter into an E&T with AT 1 when AT 1 was re-hired at College A on July 14, 2014.
15. By letter dated November 16, 2016, Board staff notified the Respondent that it had information that the Respondent had supervised AT 1 without a Board-approved E&T form July 14, 2014 to July 26, 2016, and requested the Respondent to respond to the allegation.
16. By letter dated December 5, 2016, the Respondent stated in part: that “[s]upervising physicians in our organization rely on the individual Athletic Trainer to initiate the required Evaluation and Treatment Protocol and present it to the supervising physician.” The Respondent further stated that she “had no recollection in 2014 of being presented with the protocol.”

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes as a matter of law that the Respondent supervised an individual without an approved evaluation and treatment protocol, in violation of Md. Code Ann., Health Occ. II § 14-5D-11.1. The Board dismisses the charge that the Respondent is guilty of unprofessional conduct in the practice of medicine.

³ Panel A has separately charged AT 1 related to this matter.

ORDER

It is, on the affirmative vote of a majority of the quorum of Board, hereby

ORDERED that within **SIXTY (60) DAYS** from the date of the Consent Order, the Respondent shall pay a civil fine in the amount of \$1000.00 by money order or bank certified check made payable to the Maryland Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297 for deposit into the General Fund of Maryland; 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 of this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If 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. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board or Panel A; and it is further

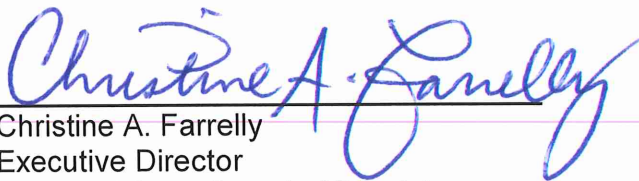
ORDERED that after the appropriate hearing, if the Board or Panel A determines that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Board or Panel A may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice medicine in Maryland. The Board or Panel A may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; and it is further

ORDERED that, unless stated otherwise in the order, any time period prescribed in this 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 A; and it is further

ORDERED that the Respondent shall comply with the Maryland Medical Practice Act, Md. Code Ann., Health Occ. II §§ 14-101 – 14-702, and all laws and regulations governing the practice of athletic training in Maryland; and it is further

ORDERED that this Consent Order is a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 & Supp. 2015).

07/17/2017
Date


Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Kari E. Kindschi, M.D., acknowledge that I was represented by counsel before entering this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

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 the Board 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 a disciplinary panel of the Board that I might have filed 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 the Consent Order.

7/10/17
Date

K. Kindschi, MD
Kari E. Kindschi, M.D.
Respondent

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF HARFORD

I HEREBY CERTIFY that on this 10th day of JULY 2017, before me, a Notary Public of the foregoing State and City/County, personally appeared Kari E. Kindschi, M.D. 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.

Kerola X. Heath

Notary Public

My commission expires: 10/8/2019