

IN THE MATTER OF	*	BEFORE THE
REBECCA L. OSPITAL, P.A.-C	*	MARYLAND STATE BOARD
Respondent	*	OF PHYSICIANS
License Number: C03628	*	Case Number: 2016-0309

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### CONSENT ORDER

On, Wednesday, March 30, 2016, the Maryland State Board of Physicians (the "Board") voted to charge **Rebecca L. Ospital, P.A.-C** (the "Respondent"), License No. C03628, under the Maryland Physician Assistants Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") §§ 15-401 *et seq.* (2014 Repl. Vol.).

The pertinent provision of the Act under Health Occ. II § 15-401 provides the following:

§ 15-401. Unauthorized Practice.

- (a) Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice as a physician assistant in the State unless the person has a license issued by the Board.

...

Prior to the issuance of formal charges, Respondent agreed to enter into the following public Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

### FINDINGS OF FACT

The Board makes the following findings of fact:

**I. Background**

1. Respondent was originally issued a license to practice as a physician assistant in Maryland on September 13, 2007. Respondent continued to renew her license every two years thereafter until June 2013.

2. Respondent did not submit an application to renew her license to practice as a physician assistant at any point prior to June 30, 2013.

3. On June 30, 2013, Respondent's license to practice as a physician assistant expired.

4. On September 10, 2015, the Board received an Application for Reinstatement of Physician Assistant Licensure (the "Application") from Respondent.

5. On October 20, 2015, the Board reinstated Respondent's license to practice as a physician assistant.

6. At all times relevant, Respondent was employed as a physician assistant under a delegation agreement with a plastic surgeon ("Physician A") in Salisbury, Maryland.

**II. Investigative Findings**

7. In or about September 2015, the Licensure Unit of the Board reviewed Respondent's Application.

8. In response to a question on the Application pertaining to her employment activity since the expiration of her license, Respondent stated that she had continued her employment as a physician assistant after the expiration of her license from June 30, 2013 through August 28, 2015.

9. On September 29, 2015, Respondent stated in a letter to the Board that she performed a number of delegated duties while employed as a physician assistant with an expired license between June 30, 2013 and August 28, 2015. These physician assistant duties included performing new patient consults, developing treatment plans, and injecting Botox and dermal fillers. Respondent also performed microdermabrasion, performed skin rejuvenation with an Intense Pulsed Light machine, applied chemical peels, treated "spider veins" with a laser, and resurfaced skin with a CO<sub>2</sub> fractionated laser.

10. On or about November 24, 2015, the Board opened an investigation into this matter.

11. On November 24, 2015, the Board requested that Respondent provide a written response indicating why she continued to practice as a physician assistant following the expiration of her license on June 30, 2013.

12. On November 30, 2015, Respondent responded, stating that she was unaware that her license had lapsed. Respondent also stated that she immediately ceased practicing as a physician assistant on August 28, 2015 after learning that her license had expired.

13. According to Respondent, she discovered that her license had lapsed when she was registering for a course and consulted the Board's website to confirm her license number.

14. Respondent practiced as a physician assistant in Maryland without a license from July 1, 2013 through August 28, 2015.<sup>1</sup>

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<sup>1</sup> According to Respondent, she was on maternity leave from September 27, 2014 through mid-January 2015 and did not practice as a physician assistant during her leave.

### **III. Summary of Findings**

15. Respondent's practice as a physician assistant with an expired license from July 1, 2013 through August 28, 2015 is evidence of unauthorized practice as a physician assistant in violation of Health Occ. II § 15-401(a).

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that Respondent engaged in the unauthorized practice as a physician assistant by practicing as a physician assistant without a license, in violation of Health Occ. II § 15-401(a) (2014 Repl. Vol.).

### **ORDER**

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

**ORDERED** that within one (1) year, Respondent shall pay a civil fine in the amount of three thousand dollars (\$3,000.00), by bank certified check or money order, made payable to the "Maryland Board of Physicians," P.O Box 37217, Baltimore, Maryland 21297, to be deposited into the General Fund; and it is further

**ORDERED** that if the Board or a disciplinary panel determines, after notice and an opportunity for a hearing before an Administrative Law Judge of the Office of Administrative hearings if there is a genuine dispute as to a material fact or a show cause hearing before the Board or a disciplinary panel if there is no genuine dispute as to a material fact, that Respondent has failed to comply with any term or condition of this Consent Order, the Board or a disciplinary

panel may reprimand Respondent, place Respondent on probation with appropriate terms and conditions, or suspend or revoke Respondent's license to practice medicine in Maryland. The Board or disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon Respondent; and it is further

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

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

July 7, 2016  
Date

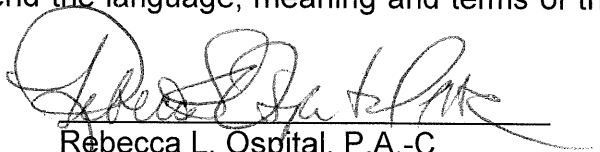
Christine A. Farrelly  
Christine A. Farrelly, Executive Director  
Maryland Board of Physicians

## CONSENT

I, Rebecca L. Ospital, P.A.-C, License number C03628, by affixing my signature hereto, acknowledge that:

1. I knowingly and voluntarily elected not to consult with counsel prior to entering into 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.
2. I am aware that I am entitled to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. II § 15-313 (2014 Repl. Vol. & 2015 Cum. Supp.) and Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2014 Repl. Vol. & 2015 Cum. Supp.).
3. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have 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 as provided by law. I am waiving those procedural and substantive protections.
4. I voluntarily enter into and agree to abide by the terms and conditions set forth herein as a resolution of the Charges against me. I waive any right to contest the Findings of Fact and Conclusions of Law and I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this Consent Order or any adverse ruling of the Board that might have followed any such hearing.
5. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

6/30/16  
Date

  
Rebecca L. Ospital, P.A.-C  
Respondent

NOTARY

STATE OF MARYLAND  
CITY/COUNTY OF

I HEREBY CERTIFY that on this 30<sup>th</sup> day of June, 2016  
before me, a Notary Public of the State and County aforesaid, personally  
appeared Rebecca L. Ospital, P.A.-C, License number C03628, and gave oath in  
due form of law that the foregoing Consent Order was her voluntary act and  
deed.

AS WITNESS, my hand and Notary Seal.

Bernice Adkins Vickers

Notary Public

My commission expires:

**Bernice Adkins Vickers**  
**Notary Public**  
**State of Maryland**  
**Wicomico County**  
**My Commission expires February 09, 2017**