

IN THE MATTER OF

MARGARET C. JOHNS, A.T.

Respondent

License Number: A00708

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BEFORE THE

MARYLAND STATE

BOARD OF PHYSICIANS

Case Number: 2016-0932B

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CONSENT ORDER

PROCEDURAL BACKGROUND

On December 20, 2016, the Maryland State Board of Physicians (the "Board") charged **MARGARET C. JOHNS, A.T.**, License Number A00708 (the "Respondent"), with violating the Maryland Athletic Trainers Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") §§ 14-5D-01 *et seq.* (2014 Repl. Vol. and 2015 Cum. Supp.).

Specifically, the Board charged the Respondent with violating the following provisions of the Act:

Health Occ. II § 14-5D-11. Supervision required; evaluation and treatment protocol.

(b) *Preliminary requirements.* -- Before an athletic trainer may practice athletic training, the athletic trainer shall:

- (1) Obtain a license under this subtitle;
- (2) Enter into a written evaluation and treatment protocol with a licensed physician; and
- (3) Obtain Board approval of the evaluation and treatment protocol.

Health Occ. II § 14-5D-17. Practice without a license prohibited.

Unless authorized to practice athletic training under this subtitle, a person may not:

- (1) Practice athletic training in this State;

- (2) Attempt to practice or offer to practice athletic training in this State; [and]
- (3) Represent to the public by title, description of services, methods, or procedures, or otherwise, that the person is authorized to practice athletic training in this State[.]

Health Occ. II § 14-5D-18. Violations; penalties.

(b) Civil fine. -- Any person who violates any provision of this subtitle is subject to a civil fine of not more than \$5,000 to be levied by the Board.

On February 22, 2017, the Respondent appeared before Disciplinary Panel B ("Panel B"), sitting as a Disciplinary Committee for Case Resolution. As a result of negotiations occurring before Panel B, 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

The Board makes the following Findings of Fact:

1. The Board issued the Respondent a license to practice as an athletic trainer on or about January 13, 2015, under License Number A00708. At the time the Board granted the Respondent a license, it notified her that her license would expire on September 30, 2015. The Respondent did not apply for renewal of her license when it expired on September 30, 2015.

2. On or about April 13, 2016, the Respondent submitted an application for reinstatement of her athletic trainer's license (the "Application"). In her Application, the Respondent reported that she: was employed and practiced as an athletic trainer at a facility in Maryland for the period beginning October 2014, and continuing through April

2016; and through oversight, forgot to renew her license when it expired on September 30, 2015.

3. The Board reinstated the Respondent's athletic trainer's license, effective April 20, 2016.

4. As a result of the disclosures the Respondent made in her Application, the Board initiated an investigation of this matter. As part of its investigation, Board staff subpoenaed records from the Respondent's place of employment. These records indicated that the Respondent provided athletic training to athletes for the period beginning on or about October 1, 2015, and continuing until on or about April 13, 2016.

5. By letter to the Respondent dated June 10, 2016, the Board informed her that it had initiated an investigation into whether she may have practiced as an athletic trainer after her license expired on September 30, 2015. The letter requested that the Respondent respond to this inquiry.

6. By letter to the Board dated June 30, 2016, the Respondent acknowledged that she practiced without an athletic trainer's license in Maryland after her license expired on September 30, 2015, stating that she did not submit a timely renewal application due to her misunderstanding of the renewal application process and her failure to provide the Board with an updated mailing address. The Respondent stated that when a Board representative informed her that her license had expired in April 2016, she immediately advised her employer and immediately ceased all athletic training responsibilities.

7. The Board's investigation determined that for the period beginning on or about October 1, 2015, and continuing until in or around April 2016, the Respondent

practiced as an athletic trainer in this State without a license; represented to the public by title, by description of services, methods, or procedures, or otherwise, that she was authorized to practice athletic training in this State; and practiced without an approved evaluation and treatment protocol, in violation of Health Occ. II § 14-5D-11 and/or Health Occ. II § 14-5D-17.

8. The Respondent's actions, as described above, constitute a violation of the following provisions of the Act under Health Occ. II § 14-5D-11 and/or Health Occ. II § 14-5D-17: practicing as an athletic trainer in this State without a license; practicing without an approved evaluation and treatment protocol with a licensed physician; and representing to the public by title, by description of services, methods, or procedures, or otherwise, that she was authorized to practice athletic training in this State.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds as a matter of law that the Respondent violated the following provisions of Health Occ. II § 14-5D-11 and Health Occ. II § 14-5D-17: practicing as an athletic trainer in this State without a license; practicing without an approved evaluation and treatment protocol with a licensed physician; and representing to the public by title, by description of services, methods, or procedures, or otherwise, that she was authorized to practice athletic training in this State.

ORDER

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

ORDERED that within **ONE (1) YEAR**, the Respondent shall pay a civil fine in the amount of **FIVE HUNDRED DOLLARS (\$500.00)**, by money order or bank certified

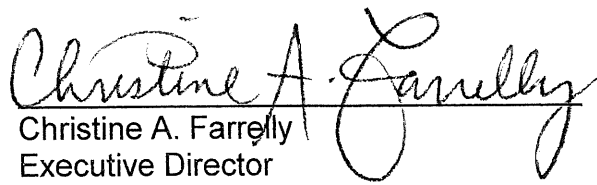
check, made payable to the Maryland Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297; and it is further

ORDERED that unless otherwise stated 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 if the Board or Panel B 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 Panel B if there is no genuine dispute as to a material fact, that the Respondent has failed to comply with any term or condition of this Consent Order, the Board or Panel B 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 B 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 this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions §§ 4-101 *et seq.* (2014).

03/21/2017
Date


Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

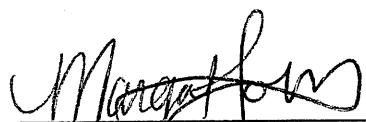
CONSENT

I, Margaret C. Johns, A.T., acknowledge that I have had the opportunity to consult with counsel before signing this document. 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 as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

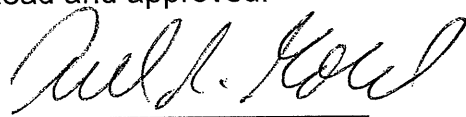
I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

3/8/17
Date



Margaret C. Johns, A.T.
Respondent

Read and approved:



Carl R. Gold, Esquire
Counsel for Ms. Johns

NOTARY

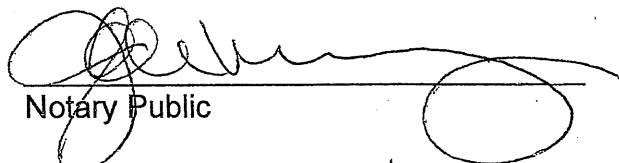
STATE OF Maryland

CITY/COUNTY OF Washington

I HEREBY CERTIFY that on this 8 day of March,

2017, before me, a Notary Public of the foregoing State and City/County, did personally appear Margaret C. Johns, A. T., and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

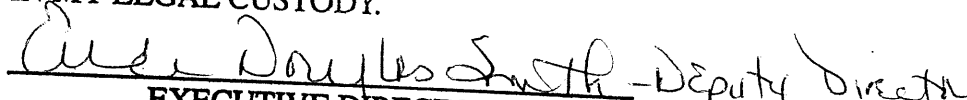
AS WITNESSETH my hand and notary seal.


Notary Public

My commission expires: July 7, 2018

JOANN M. HEVEY
Notary Public-Maryland
Washington County
My Commission Expires
July 07, 2018

I HEREBY ATTEST AND CERTIFY UNDER
PENALTY OF PERJURY ON 3/21/17
THAT THE FORGOING DOCUMENT IS A
FULL, TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE AND
IN MY LEGAL CUSTODY.


EXECUTIVE DIRECTOR
MARYLAND BOARD OF PHYSICIANS