

IN THE MATTER OF

LYNNE A. CORT

Applicant

*** BEFORE THE MARYLAND**

*** STATE BOARD OF**

*** ACUPUNCTURE**

*** Case Number: 23-02**

*** * * * ***

CONSENT ORDER

On February 3, 2023, the Maryland State Board of Acupuncture (the “Board”) issued to **LYNNE A. CORT** (the “Applicant”) a notice of the Board’s intent to deny her *Application for Licensure* (the “Application”), filed on July 1, 2022, pursuant to the Maryland Acupuncture Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 1A-101 *et seq.* (2021 Repl. Vol. & 2022 Supp.).

On March 28, 2023, a Case Resolution Conference (CRC) was held in this matter. Based on negotiations occurring as a result of this CRC, the Applicant agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

The Board makes the following findings of fact:

1. The Applicant is not and has never been licensed to practice acupuncture in the State of Maryland.

2. The Applicant was employed as an Employee Health Nurse at a health care facility (the Facility)¹ in Maryland from on or about November 21, 2016, until her termination on or about April 12, 2022.

3. On or about July 1, 2022, the Applicant submitted her Application through the Board's online application process.

4. In the Application under the section entitled "ADDITIONAL QUESTIONS," the Applicant answered "YES" to question 7, which asked:

Has your employment by any health care employer been affected by disciplinary actions, including probation, suspension, loss of privileges, transfer to other duties, or termination of employment or contract?

5. In a written explanation to question 7 provided to the Board on or about September 8, 2022, the Applicant stated that she was previously a nurse with the Facility for over five years. The Applicant stated that she was terminated for drawing blood samples for a physician at the Facility, who needed blood testing for credentialing purposes.

¹ To ensure confidentiality, the names of individuals, hospitals and healthcare facilities involved in this case are not disclosed in this Consent Order.

6. Based on the Applicant's affirmative answer to question 7 in the Application, the Board initiated an investigation of the matter.

7. As part of its investigation, the Board subpoenaed and received the Applicant's personnel file from the Facility. Contained in the Applicant's personnel file was her termination letter dated April 12, 2022 (the "Letter"). In the Letter, the manager of the Applicant's unit stated that the Facility was terminating the Applicant's employment "due to your non-adherence to testing protocols and procedures, along with misuse of company equipment and supplies, which is representative of a pattern of events."

8. The Letter further stated, "These include, using company resources and supplies for a non-employee family member to be medically cleared to attend college, [s]toring vaccines in a freezer not designated for that purpose and hiding the substance in a candy wrapper so as not to be caught after being instructed not to do so, [p]erforming tests for a physician so they could maintain hospital privileges at [another health care facility], not having to do with work at [the Facility]."

9. In a second written explanation dated September 28, 2022, the Applicant again conceded that she drew blood for the physician for testing as a favor. The Applicant, however, stated that she was wrongfully terminated, as the Facility did not have any written policy prohibiting her from doing so.

10. In her initial written explanation, as well as her second written explanation dated September 28, 2022, the Applicant failed to provide any explanation regarding misusing the Facility's resources for the non-employee family member, or her storing vaccines in a freezer not designated to store such items.

11. On or about October 11, 2022, the Board’s investigator conducted a recorded interview of the Applicant. During the interview, the Applicant admitted to: providing blood testing for a Facility physician the results of which were to be used for his credentialing at another facility; performing lab work for non-employee family member so that family member could be cleared to attend college; and storing unused vaccines in a freezer used to store food. The Applicant did not see anything wrong with her actions stating that the Facility did not have any written policies prohibiting her from doing what she did. The Applicant, however, admitted that she was aware of verbal policies at the Facility prohibiting nurses from performing lab work for employees.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant’s actions, as set forth in the Findings of Fact, constitutes knowingly violates any provision of this title or any rule or regulation of the Board adopted under this title, under Health Occ § 1A-309(6). The Applicant violated COMAR 10.26.03.03D(2), which states that a “licensee may not . . . [k]nowingly engage in or condone behavior which is fraudulent, dishonest, or deceitful, or involves moral turpitude.”

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by the affirmative vote of a majority of the Board considering this case:

ORDERED that the Applicant Lynne A. Cort’s *Application for Licensure*, filed on July 1, 2022, be and hereby is **GRANTED**; and it is further

ORDERED that the Applicant, Lynne A. Cort, is placed on **PROBATION** for a minimum of **ONE YEAR**.² During probation, the Respondent shall comply with the following terms and conditions of probation:

Within **SIXTY DAYS** from the Board's execution of this Consent Order, the Applicant shall enroll in and complete a Board-approved one-on-one course/tutorial in professional ethics and professional boundaries. Final selection of the course will be made by the Applicant in consultation with the Board. The Applicant is solely responsible for furnishing the Board with adequate written verification that she has completed the course. The course may not be used to fulfill the continuing education credits required for license renewal. The Applicant is responsible for the cost of the course.

IT IS FURTHER ORDERED that after the Applicant has complied with all terms and conditions of probation and the minimum period of probation imposed by the Consent Order has passed, the Applicant may submit a written petition for termination of probation. After consideration of the petition, the probation may be terminated through an order of the Board. The Applicant may be required to appear before the Board to discuss her petition for termination. The Board may grant the petition to terminate the probation through an order of the Board if there are no pending complaints relating to the charges; and it is further

ORDERED that if the Applicant allegedly fails to comply with any term or condition imposed by this Consent Order, the Applicant may be found in violation of Health Occ. § 1A-309(18) and shall be given notice and an opportunity for a hearing before the Board; and it is further

² If the Applicant's license expires during the period of probation, the probation and any conditions will be tolled.


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

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

ORDERED that this Consent Order is a public document. *See* Health Occ. §§ 1-607 and Gen. Prov. § 4-333(b)(6).

4/20/2023
Date


Tiffany L. Smith-Williams
Executive Director
Maryland State Board of Acupuncture

CONSENT

I, Lynne A. Cort, 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 Board 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. § 1A-310 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the pending notice of intent to deny. 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.

4/14/2023
Date



Lynne A. Cort

NOTARY

STATE OF Maryland

CITY/COUNTY OF Prince Georges

I HEREBY CERTIFY that on this 14th day of April,

2023, before me, a Notary Public of the State and County aforesaid, personally appeared Lynne A. Cort, 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.

[Signature]
Notary Public

My Commission Expires: 12/09/2023

