

IN THE MATTER OF
DONNA CAFRITZ
License Number 00381

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BEFORE THE MARYLAND
BOARD OF EXAMINERS FOR
AUDIOLOGISTS, HEARING
AID DISPENSERS & SPEECH-
LANGUAGE PATHOLOGISTS

CONSENT ORDER

On or about March 17, 2020, the Maryland Board of Examiners for Audiologists, Hearing Aid Dispensers and Speech-Language Pathologists (the “Board”), received an application for a reinstatement of license to practice audiology from Donna Cafritz (the “Respondent”), License Number 00381. In that application, the Respondent disclosed that she had been practicing Audiology in the State of Maryland after the expiration of her license on May 31, 2019.

On March 19, 2020, the Board voted to offer a Pre-Charge Consent Order to the Respondent, in lieu of issuing charges for violations of the Maryland Audiology, Hearing Aid Dispensing, and Speech-Language Pathology Act (the “Act”), Md. Code Annotated, Health Occupations Article (“Health Occ.”), § 2-101 *et seq.* and the Code of Maryland Regulations (COMAR), Chapter 10, Subchapter 41.

As a result of that offer, the Respondent and the Board agreed to the following Consent Order.

FINDINGS OF FACT

The Board finds that:

DONNA CAFRITZ
AUDIOLOGY LICENSE NO. 00381

1. The Respondent was originally licensed to practice audiology in Maryland on June 28, 1984, under license number 00381. The Respondent's license to practice audiology in Maryland expired on May 31, 2019.

2. On or about March 17, 2020, the Board received a written application from the Respondent, requesting a reinstatement of license number 00381.

3. In that application, the Respondent indicated that she had been practicing audiology in Maryland since the expiration of her license on May 31, 2019.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that the Respondent violated Health Occ., § 2-314(12):

Subject to the hearing provisions of § 2-315 of this subtitle, the Board, may deny a license or limited license to any applicant, reprimand any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, or suspend or revoke a license or limited license if the applicant, licensee, or holder:

...
(12) Violates any provision of this title

Health Occ. § 2-301 (a)(1) states that:

Except as otherwise provided in this title, an individual shall be licensed by the Board before the individual may practice audiology, hearing aid dispensing, or speech-language pathology, or assist in the practice of speech-language pathology in this State.

The Board finds that this violation of the Act falls within category A.(12) of the Board's sanctioning guidelines. See COMAR 10.41.13.04.A.(12). The range of potential regulatory sanctions for a violation of A.(12) is a reprimand up to revocation of a license and a \$1,000.00

DONNA CAFRITZ
AUDIOLOGY LICENSE NO. 00381

fine. *Id.* However, the Board may consider certain aggravating factors in determining whether a sanction should fall outside of the guidelines established by regulation. See COMAR 10.41.13.05.A(2).

Further, pursuant to COMAR 10.41.13.04.C:

Notwithstanding the guidelines set forth in this chapter, in order to resolve a pending disciplinary action, the Board and licensee may agree to a surrender of license or a consent order with terms, sanction, and penalty agreed to by the Board and the licensee.

The Respondent and the Board are thus authorized to enter into an agreement whereby the Respondent pays the \$3,000 fine described in the Order below.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that, no later than **NINETY (90) DAYS** of the effective date of this Order, the Respondent shall pay to the Board a monetary fine of **THREE THOUSAND DOLLARS AND ZERO CENTS (\$3,000.00)**, in full, by money order or cashier's check made payable to the Board and delivered by certified mail to the Board within **NINETY (90) DAYS** of the effective date of this Order. Failure to pay this monetary fine in full to the Board within **NINETY (90) DAYS** of the effective date of this Consent Order shall constitute a violation of this Consent Order; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before the Board, if there is a genuine dispute as to the material facts, or an opportunity

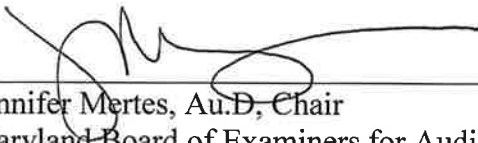
DONNA CAFRITZ
AUDIOLOGY LICENSE NO. 00381

for a show cause hearing before the Board, may impose any other disciplinary sanction which the Board may have imposed in this case under Health Occ., § 2-314 including reprimand, probation, suspension, revocation, and/or additional monetary fine, said violation being proven by a preponderance of the evidence; and it is further

ORDERED that the Respondent shall comply with the Maryland Audiology, Hearing Aid Dispensing and Speech-Language Pathology Act, Health Occ., § 2-101 *et seq.*, and all federal and State laws and regulations governing the practice of speech-language pathology in Maryland; and it is further

ORDERED that this is a Final Decision and Order of the Board and, as such, is a **PUBLIC DOCUMENT** pursuant to Maryland Code Annotated, General Provisions Article § 4-101 *et seq.*

5/11/20
Date



Jennifer Mertes, Au.D., Chair
Maryland Board of Examiners for Audiologists,
Hearing Aid Examiners, and Speech-Language Pathologists

CONSENT

By this Consent, I acknowledge that I have read this Consent Order in its entirety and I hereby admit the truth of the Findings of Fact and accept and submit to the foregoing Consent Order and its conditions. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent order. I acknowledge the

DONNA CAFRITZ
AUDIOLOGY LICENSE NO. 00381

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 legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under Maryland Code Annotated, State Government Article § 10-222.

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

4/18/20
Date


Donna Cafritz, License Number 00381

DONNA CAFRITZ
AUDIOLOGY LICENSE NO. 00381

NOTARIZATION

STATE: Maryland

CITY/COUNTY: Montgomery

I HEREBY CERTIFY that on this 18 day of April, 2020, before me,
a Notary Public of the State and City/County aforesaid, personally appeared **Donna Cafritz** and
made oath in due form of law that the foregoing was the voluntary act and deed of **Donna
Cafritz**.

AS WITNESSETH my hand and Notarial Seal.

SEAL

Nhan C. Tran

Notary Public

NHAN C. TRAN
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 8, 2022

My Commission Expires: _____

