

IN THE MATTER OF
DONNIA ZACK-WILLIAMS
Audiology License Applicant
Case Number AHS-37-2015

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

CONSENT ORDER OF PROBATION

Based upon certain information having come to the attention of the Maryland Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists (the “Board”) regarding the application of Donnia Zack-Williams (the “Applicant”) for a license to practice as an audiologist in the State of Maryland, the Board conducted an investigation. As the result of that investigation, the Applicant and the Board agreed to the following Findings of Fact, Conclusions of Law and Order in an effort to reach a resolution of the case prior to the issuance of formal charges.

FINDINGS OF FACT

The Board finds that:

1. On or about September 20, 2013, the Board issued to the Applicant a limited license to practice audiology. According to the delegation agreement submitted to the Board, the Applicant was to be supervised by a licensed audiologist employed by Facility A.
2. On or about September 20, 2014, the Applicant’s limited license expired. At that time, the Applicant had yet to pass the examination required for full licensure pursuant to Code of

Maryland Regulations (“COMAR”) 10.41.03.03.D.(2). The Applicant also did not renew her limited license at any time.

3. Despite not yet meeting the qualifications for full licensure and not yet obtaining a full license to practice as an audiologist in the State of Maryland, the Board discovered that the Applicant indicated that she was a “state licensed Doctor of Audiology in Maryland” on Facility B’s website.

4. Based upon that discovery, the Board initiated an investigation. The Board’s investigation indicated that the Applicant had seen approximately 300 patients and had administered approximately 190 hearing tests.

5. In an interview with the Board’s investigator on September 30, 2015, the Applicant admitted to holding herself out publicly as a licensed audiologist, performing hearing tests, and dispensing hearing aids – all while not holding a license to practice as an audiologist in the State of Maryland.

6. On or about December 8, 2015, the Applicant passed the examination for audiology licensure required by COMAR 10.41.03.03.D(2).

7. On or about June 9, 2016, the Applicant submitted an application for full licensure to practice audiology in the State of Maryland.

8. Maryland law defines the practice of audiology as the application of the:
principles, methods, and procedures of measurement, prediction, evaluation, testing, counseling, consultation, and instruction that relate to the development and disorders of hearing, vestibular functions, and related language and speech disorders, to prevent or modify the disorders or assist individuals in hearing and auditory and related skills for communication.

Md. Code Ann., Health Occ. § 2-101(q)(1). The practice of audiology also includes the fitting and selling of hearing aids. *See* Md. Code Ann., Health Occ. § 2-101(q)(2).

9. The Board finds that by conducting hearing examinations and dispensing hearing aids the Applicant was engaged in the practice of audiology. In addition, the Applicant held herself out as an audiologist. The Board finds that the Applicant at no time was licensed or otherwise authorized by the Board to practice audiology or to represent herself as an audiologist. Thus, the Board finds that the Applicant violated Md. Code Ann., Health Occ. § 2-314(12) (“Violates any provision of this title”). Specifically, Maryland law requires that an individual be licensed by the Board “before the individual may practice audiology.” Md. Code Ann., Health Occ. 2-301(a)(1). Further, an individual may not represent to the public by title, by description of services, methods, or procedures, or otherwise that the person is authorized to practice audiology in this State. *See* Md. Code Ann., Health Occ. § 2-402(a)(1).

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that the Applicant violated Md. Code Ann., Health Occ. § 2-314:

- (12) Violates any provision of this title, specifically Md. Code Ann., Health Occ., §§ 2-301(a)(1) and 2-402(a)(1).

ORDER

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

ORDERED that the Applicant, Donnia Zack-Williams, be **GRANTED** a probationary license to practice as an audiologist in the State of Maryland; and it is further

ORDERED that the license of the Applicant to practice as an audiologist in the State of

Maryland shall be placed on **PROBATION** for a minimum of **ONE (1) YEAR**, subject to the following conditions:

1. The Applicant's status as an audiologist will be listed in the Board's computer records and website as being on "**Probation**";

2. No later than **NINETY (90) DAYS** of the effective date of this Consent Order, the Applicant shall pay to the Board a monetary fine of **ONE THOUSAND DOLLARS (\$1,000.00)** in full by money order or cashier's check made payable to the Board and delivered personally or by certified mail to the Board within **NINETY (90) DAYS** of the effective date of this Consent 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;

3. In addition to the continuing education units required by COMAR 10.41.03.06, the Applicant shall complete (1) a course **approved in advance by the Board** regarding **ETHICS**; and (2) **THREE (3) ADDITIONAL** continuing education credit hours, **each being approved in advance by the Board**. The Applicant's failure to submit to the Board satisfactory evidence of the completion of the aforementioned courses by **APRIL 1, 2017** shall constitute unprofessional conduct and a violation of this Order; and it is further

4. The Applicant shall comply with and practice within all statutes and regulations governing the practice of audiology in the State of Maryland; and it is further

ORDERED that if the Applicant 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 fact(s), or an opportunity for a show cause hearing before the Board, may impose any other disciplinary sanction which the Board may have

imposed in this case under Md. Code Ann., Health Occ. § 2-314 including additional probation, suspension, revocation, and/or additional monetary fine, said violation being proven by a preponderance of the evidence; and it is further

ORDERED that no earlier than **ONE (1) YEAR** after the effective date of this Order, the Board will consider a petition for termination of the Applicant's probationary status, provided that the Applicant has been compliant with the probationary terms of this Order and safely practicing as an audiologist for at least **NINE (9) MONTHS** immediately preceding submission of a petition for termination of probation; and it is further

ORDERED that there shall be no early termination of the **ONE (1) YEAR** probationary period. The Board will not consider any requests from the Applicant to terminate probation any earlier than one (1) year from the effective date of this Order; 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 Ann., General Provisions § 4-101 *et seq.*

10/20/2016
Date



Ronald M. Kaplan, Au.D., Chair
Maryland Board of Examiners for Audiologists,
Hearing Aid Examiner, 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 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.

10.17.16

Date



Donnia Zack-Williams

NOTARY

STATE OF MARYLAND

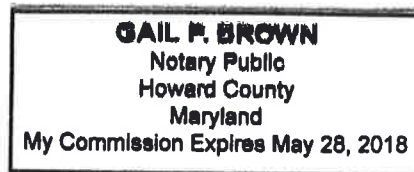
CITY/COUNTY of Prince Georges

I HEREBY CERTIFY that on this 17 day of October, 2016, before me, a Notary Public of the State and County aforesaid, personally appeared **Donnia Zack-Williams** and made oath in due form of law that the foregoing was her voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

Gail P. Brown

Notary Public



My Commission Expires: 5/28/2018