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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Department of State

2016 JUN -9 AM 7:44

PROHIBITORY

In the Matter of the Application for
Reactivation of the License to Practice as a
Medical Athletic Trainer filed by Kathleen
Olivia Trivilino, License No.: RT002272A,
Licensee

File No.: 16-49-03465

Docket No: 1109 -49-16

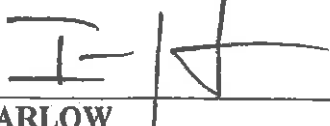
FINAL ORDER

AND NOW, this 9th day of June 2016, the State Board of Medicine (Board) upon consideration of the April 6, 2016 provisional denial of Kathleen Olivia Trivilino's (Licensee) application for the reactivation of her license to practice as a medical athletic trainer in the Commonwealth of Pennsylvania, license number RT002272A, which notified Licensee of the opportunity to appeal and/or request a hearing on the matter within thirty (30) days, and having received no appeal or request for hearing from Licensee, the Board **ORDERS** that the provisional denial is now the **FINAL ORDER** in this matter. Licensee shall immediately **CEASE and DESIST** from performing any activities in the Commonwealth of Pennsylvania requiring a license to practice as a medical athletic trainer.

This order is without prejudice to Licensee to again apply for the reactivation of her license upon meeting the requirements of the Medical Practice Act and the Board's regulations pertaining to the reactivation of a license to practice.

This Order shall take effect immediately.

BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS



IAN J. HARLOW
COMMISSIONER

BY ORDER:

STATE BOARD OF MEDICINE



MARILYN J. HEINE, M.D.
CHAIR

Licensee:

**Kathleen Olivia Trivilino, LAT
405 Big Knob Road
Rochester, PA 15074**

Prosecuting Attorney:

**Prosecuting Attorney
Department of State
P.O. Box 69521
Harrisburg, PA 17106-9521**

Board Counsel:

**Peter D. Kovach
Senior Counsel in Charge
State Board of Medicine**

Date of mailing:

June 9, 2014



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

Teresa Lazo,
Assistant Counsel

tlazo@pa.gov

April 6, 2016

VIA FIRST CLASS MAIL

Kathleen Trivilino
405 Big Knob Road
Rochester, PA 15074

RE: Application for Reactivation of Athletic Trainer License
File no. 16-49-03465

Dear Ms. Trivilino:

The State Board of Medicine (Board) reviewed your application for reactivation as an athletic trainer license at its March 15, 2016, meeting. Following a review of your application and related documents, the Board voted to provisionally deny your application for the reasons set forth in this letter. Please note that any final adverse decision following a provisional denial is considered to be a public action reportable to the Healthcare Integrity and Protection Data Bank (HIPDB).

Sections 22(b), 41(1), and 41(2) and of the Medical Practice Act, 63 P.S. §§ 422.22(b) and 422.41(1) and (2), authorize the Board to refuse to issue a license when an applicant has failed to demonstrate the qualifications or standards for a license. Section 22(b) provides that the Board may refuse to issue a license if the applicant has failed to demonstrate good moral character. 63 P.S. § 422.22(b). Your practice on an expired license raises questions about your character. Section 41(1) of the Act authorizes the Board to refuse to issue a license to an applicant who has failed to demonstrate the qualifications or standards for a license, certification or registration contained in this act or regulations of the board. 63 P.S. § 422.41(1). Your failure to take and pass the BOC certification examination and statement that you do not believe you could pass the examination raise questions about whether you meet competency standards. Section 41.1(2) of the Act authorizes the Board to refuse to issue a license to an applicant who has made misleading, deceptive, untrue or fraudulent representations in the practice of the profession or practicing fraud or deceit, either alone or as a conspirator, in obtaining a license, certification or registration or in obtaining admission to a medical college. 63 P.S. § 422.41(2). Your initial failure to disclose your unlicensed practice in your application for reactivation raises questions about your truthfulness in the application process and your unlicensed practice raises questions about whether you misrepresented yourself as an active licensee. Additionally, Section 5(b)(4) of Act 48 of 1993, as amended, 63 P.S. § 2205(b)(4), authorizes the Board to levy a civil penalty of not more than \$10,000 per violation on any unlicensed person who violates any provision of the applicable licensing act or board regulation. 63 P.S. § 2205(b)(4).

Accordingly, the Board may have a legal basis for denying your application.

You have the right to appeal this provisional denial and present additional evidence in support of granting your application. However, if you do not respond to this letter with a written appeal of this provisional determination to the Board within 30 days of the date of this letter, the denial of your license will become final. You would still have the opportunity, at a later date, to reapply and to demonstrate that you meet the qualifications for licensure, including current competence to practice and good moral character.

If you wish to appeal, you may do so by filing a written request to appeal the decision addressed to the State Board of Medicine, Attn: Board Counsel, P.O. Box 69523, Harrisburg, Pennsylvania 17106-9523. Your appeal letter must state all factual and legal bases for your appeal. If you desire to present written or testimonial evidence to the Board, you must also request a hearing.

At the formal hearing, you will have the burden of proving that you possess the qualifications for licensure and fitness to practice. You will be permitted to present evidence in support of your appeal. You may be represented by an attorney or you may appear alone. You will be given the opportunity to testify on your own behalf, to bring witnesses, and to offer documentary evidence. The documents that you previously submitted in support of your application will be made part of the formal record. A prosecutor for the Commonwealth may elect to participate and will be permitted to ask questions of you and your witnesses. A stenographic record of the hearing will be made and all testimony will be given under oath. You will be provided an opportunity to file a post-hearing brief. A written decision on the matter, based upon consideration of the evidentiary record and any legal briefs, would then be issued then.

If you have any questions about this process, please contact me at (717) 783-7200.

Sincerely,



Teresa Lazo, Esquire
Counsel, State Board of Medicine

cc: Suzanne Zerbe, Board Administrator
State Board of Medicine

Prosecuting Attorney