

Before the Ohio
Occupational Therapy, Physical Therapy, and Athletic Trainers Board
Athletic Trainers Section

IN RE:

The eligibility of Wendy Chorny, AT002051, to
retain her license as an Athletic Trainer in the
State of Ohio

Case Number: AT-20-050

Adjudication Order

This matter came for deliberation and decision before the Athletic Trainers Section of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board (hereinafter "Board") on the 15th of January, 2021 at a regular meeting of the Board.

The State was represented by Senior Assistant Attorney General, Emily Pelphrey. Wendy Chorny (hereinafter "**Chorny**") was not present nor was she represented by counsel in the hearing.

The State admitted into evidence an Affidavit and Exhibits (1-7) from Board employee, Jaklyn Shucofsky:

- Exhibit 1. A copy of **Chorny's** licensure information, retrieved on December 14, 2020, from the Ohio eLicense portal reflecting **Chorny's** licensure as an athletic trainer.
- Exhibit 2. A copy of the audit notice sent to **Chorny** via email from the eLicense system on December 9, 2019.
- Exhibit 3. A copy of the second audit notice sent to **Chorny** via email on December 26, 2019.
- Exhibit 4. A copy of the audit notice sent to **Chorny** via ordinary mail on January 2, 2020.
- Exhibit 5. A copy of the final audit notice sent to **Chorny's** parcel address of record via certified mail on January 29, 2020.
- Exhibit 6. A copy of the Notice of Opportunity for a Hearing sent via certified mail to **Chorny's** public address of record on August 14, 2020
- Exhibit 6a. A copy of the USPS tracking reflecting that the certified mail letter was delivered to an unknown recipient on August 17, 2020.

Exhibit 7. A copy of the *Goldman Hearing* scheduling letter that was sent via ordinary mail to **Chorny's** public address of record on December 31, 2020.

Based on a thorough review of the evidence, the Board found that the following Findings of Fact were proved by a preponderance of the evidence:

1. The Board had jurisdiction to conduct a hearing in this matter pursuant to *Goldman v. State Medical Board of Ohio*, 110 Ohio App. 3d 124; 673 N.E.2d 677 (1996).
2. **Chorny** was selected for continuing education audit.
3. **Chorny** was notified of continuing education audit selection.
4. **Chorny** failed to respond to the continuing education notices.
5. **Chorny** did not request a hearing on the aforementioned charge.

Based on thorough review of the evidence, the Board made the following Conclusions of Law based upon a preponderance of evidence:

1. **Chorny** was properly served with the Notice of Opportunity for a Hearing pursuant to R.C. 119.07.
2. R.C. 119.07 required **Chorny** to request a hearing within thirty (30) days of the mailing of the Notice.
3. **Chorny** violated Ohio Revised Code 4755.64(A)(2) and Ohio Administrative Code Rule 4755-45-01(F)(3).

Based upon a preponderance of the evidence and the Findings of Fact and Conclusions of Law stated above, it is the conclusion of the Board that the athletic trainers license of **Chorny** should be revoked.

Thereafter, the Board voted to enter upon its Journal the following Order:

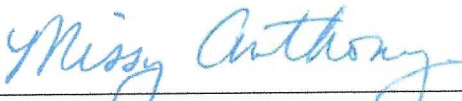
The athletic trainers license of Wendy Chorny is hereby REVOKED.

The decision of the Athletic Trainers Section of the Board shall take effect immediately.

TIME AND METHOD TO PERFECT AN APPEAL

Ohio Revised Code Section 119.12 may authorize an appeal from this Order. Such an appeal must be commenced by the filing of a Notice of Appeal with the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board and in the court of common pleas of the county in which the place of business of the licensee is located or the county in which the licensee is a resident. If the party appealing from the order is not a resident of and has no place of business in this state, the party may appeal to the court of common pleas of Franklin County, Ohio. The Notice of Appeal must set forth the order appealed from and state that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. The Notice of Appeal may, but need not, set forth the specific grounds of the party's appeal beyond the statement that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. Both Notices of Appeal must be filed with the Board and the applicable court within fifteen days after mailing of this notice of the agency's order, and in accordance with the provisions of Ohio Revised Code section 119.12.

By order of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Athletic Trainers Section.



Melissa Anthony, Executive Director

February 12, 2021

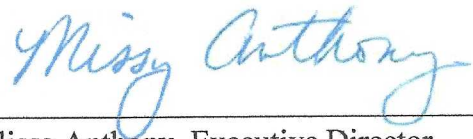
Date of Mailing

CERTIFICATION

The State of Ohio,

County of Franklin, SS

I, the undersigned Executive Director for the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, hereby certify that the foregoing is a true and exact reproduction of the original Order of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board, Athletic Trainers Section entered on its journal, on the 12th Day of February, 2021.



Melissa Anthony, Executive Director



February 12, 2021

Date