

**Before The Ohio
Occupational Therapy, Physical Therapy and Athletic Trainers Board
Athletic Trainers Section**

REC-09-2021

IN RE:

The eligibility of James Badowski,
AT000950, to retain his license as an
Athletic Trainer in the State of Ohio

Case No: AT-20-048

Consent Agreement for Voluntary Surrender

This CONSENT AGREEMENT for Voluntary Surrender constitutes an Adjudication Order within the meaning of section 119.01(D) of the Ohio Revised Code. This Consent Agreement for Voluntary Surrender ("Agreement") is entered into by and between James Badowski ("Badowski") and the OHIO OCCUPATIONAL THERAPY, PHYSICAL THERAPY AND ATHLETIC TRAINERS BOARD, ATHLETIC TRAINERS SECTION ("Board").

The Board is a state agency, charged with enforcing relevant provisions of Ohio Revised Code Chapter 4755 and all rules promulgated thereunder. Badowski hereby enters into this Agreement being fully informed of his rights, including those under Chapter 4755 and Chapter 119, Ohio Revised Code, including the right to representation by counsel and an adjudication hearing.

In consideration of the forgoing and mutual promises hereinafter set forth, Badowski and the Board hereby agree as follows:

Jurisdiction and Predicate Facts

1. The Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board, Athletic Trainers Section, is empowered by section 4755.64(A) of the Ohio Revised Code to suspend, revoke, or refuse to issue or renew an athletic trainers license, or reprimand, fine, place a licensee on probation, for any of the following:
 - (2) Violation of sections 4755.61 to 4755.65 of the Revised Code or any order issued or rule adopted thereunder;
2. Badowski was initially licensed as an athletic trainer in the State of Ohio on July 31, 1995.
3. On December 9, 2019, as a result of being selected for a continuing education audit conducted by the Board, Badowski was sent an audit notice letter via email. On December 26, 2019, Badowski was sent a second audit notice letter via email. On January 2, 2020, Badowski was sent a third audit notice letter via ordinary mail. On January 29, 2020, Badowski was sent a final audit notice letter via certified mail.

4. On February 14, 2020, **Badowski** emailed the Enforcement Division Paralegal; **Badowski** completed twenty-two (22) contact hours of continuing education within the continuing education reporting period of October 1, 2016, to September 30, 2018. Said conduct constitutes a violation of Ohio Revised Code sections 4755.64(A)(2) and Ohio Administrative Code rules 4755-45-01.
5. **Badowski** currently holds a license to practice as an athletic trainer in the State of Ohio, and is subject to all laws and rules of Ohio regulating the practice of athletic training.

Admissions

1. **Badowski** admits that the facts as set forth above are true and accurate and expressly waives all rights to challenge said facts.
2. **Badowski** admits that the facts set forth above constitute a violation of Ohio law thereby subjecting him to disciplinary action by the Board, pursuant to section 4755.64 of the Ohio Revised Code.

Terms

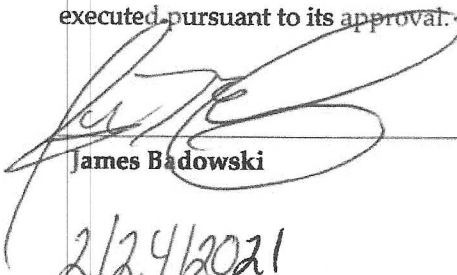
WHEREFORE, in consideration of the foregoing, and in lieu of any further disciplinary action, **Badowski** and the Board, knowingly and voluntarily agree to the following terms:

1. **Badowski** shall voluntarily surrender and the Board hereby simultaneously revokes his license to practice as an athletic trainer in the State of Ohio. **Badowski's** original license certificate shall be submitted simultaneously with this signed Surrender Consent Agreement to the Enforcement Division of the Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board at 77 South High Street, 16th Floor, Columbus, OH 43215-6108..
2. **Badowski** hereby releases the Ohio Occupational Therapy, Physical Therapy and Athletic Trainers Board, its members, employees, agents and officers jointly and severally from any and all liability from the within matter.
3. All parties to this Agreement understand that this Agreement is a public record and may be published on the Board's website and reported to appropriate organizations, data banks, and governmental bodies, including, but not limited to, the United States Department of Health and Human Services' National Practitioner Data Bank (NPDB).
4. By his signature on this Agreement, **Badowski** agrees that in the event the Board, in its discretion, does not approve this Agreement, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. **Badowski** agrees that should the Board reject this Agreement and if this case proceeds to hearing, he will assert no claim that the Board was prejudiced by its review and discussion of this Agreement or of any information relating thereto.
5. By adopting and executing this Agreement, the Board hereby acknowledges that this Agreement is a full and final settlement of the within matter and agrees that it will not pursue further action against **Badowski** resulting from the aforementioned conduct.

6. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.
7. **Badowski** hereby waives any and all rights under R.C. Chapter 119, including, but not limited to, all hearing and appeal rights.

I, **James Badowski**, have carefully read the above agreement and I enter into it freely and voluntarily with full knowledge of its force and effect, and full knowledge of my rights under Ohio law. By executing this agreement, I recognize that if, in the discretion of the Board it appears that I have breached any terms or conditions of this consent agreement, the Board may initiate formal disciplinary proceedings which may be based solely upon a breach of the consent agreement. If the Board finds a breach of this consent agreement, it may impose any disciplinary remedy available under Ohio law.


The terms and conditions of this agreement shall not become effective until approved by the Board and executed pursuant to its approval.


James Badowski

2/24/2021
DATE

Counsel to James Badowski
(If represented)

DATE


Melissa Anthony
Executive Director

03/16/2021
DATE


Lindsay Miller Schlie
Associate Assistant Attorney General

03/16/2021
DATE