

STATE BOARD OF MEDICINE
P O BOX 2649
HARRISBURG PA 17105-2649
www.dos.pa.gov/med

BOARD ACTION REPORT

NAME: ROBERT HYATT SHANK

LICENSE TYPE: Medical Athletic Trainer
LIC NUMBER: RT000330A
ORIG LIC DATE: 11/09/1987
EXP DATE: 12/31/2018

ADDRESS: 2505 BREMER ROAD
DOVER PA 17315

DOB: 05/15/1947
SSN:

SCHOOL: NONE
YR OF GRAD: 1987

Date of Order: 12/14/2021

Effective Date of Action: 12/14/2021

Action Taken: CONSENT AGREEMENT AND ORDER. The Board accepts the permanent voluntary surrender of all licenses, registrations, certificates, approvals, permits or any other authorizations issued by the Board to the Respondent.

Reason for Action: Respondent engaged in unprofessional conduct by departing from, or failing to conform to an ethical standard of the profession.

PA STATE BOARD OF MEDICINE
ADMINISTRATIVE OFFICER
December 22, 2021

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

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

File No.: 20-49-008818

vs.

Robert H. Shank, LAT,
Respondent

CONSENT AGREEMENT AND ORDER

PARTIES

The Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs ("Commonwealth") and **Robert H. Shank, LAT** ("Respondent") stipulate as follows in settlement of the above-captioned case.

APPLICABLE LAW

1. This matter is before the State Board of Medicine ("Board") pursuant to Medical Practice Act of 1985, act of December 20, 1985, P.L. 457, No. 112, ("Act"), *as amended*, 63 P.S. §§ 422.1-422.53; the Medical Care Availability and Reduction of Error ("Mcare") Act, Act of March 20, 2002, P.L. 154, No. 13, *as amended*, 40 P.S. §§ 1303.101-1303.910; the Criminal History Record Information Act, Act of July 16, 1979, P.L. 116, No. 47 ("CHRIA"), *as amended*, 18 Pa. C.S. §§ 9101 – 9183; and/or 63 Pa.C.S. Chapter 31 ("Chapter 31") 63 Pa.C.S. §§ 3101-3118.

LICENSURE STATUS

2. At all relevant and material times, Respondent held the following license to practice as an athletic trainer in the Commonwealth of Pennsylvania: license no. RT000330A, which was originally issued on November 9, 1987, and which expired on December 31, 2018.

Prothonotary Filed On:
Dec 16 2021 11:54 AM
Department of State

STIPULATED FACTS

- 3. The Respondent admits that the following allegations are true:
 - a. Respondent's license may be continually reactivated, renewed, or reinstated upon the filing of the appropriate documentation and payment of the necessary fees.
 - b. Respondent's last known address on file with the Board is: 2505 Bremer Road, Dover, PA 17315.
 - c. On or about June 22, 2020, the Pennsylvania Department of Education, Professional Standards and Practices Commission (“PSPC”), approved an Order Accepting Surrender in the matter of Department of Education, Petitioner v. Robert Hyatt Shank, Respondent at PSPC Docket No. DI-20-016.
 - d. A true and correct copy of the Order Accepting Surrender referenced in paragraph 3c is attached and incorporated as **Exhibit A**.
 - e. Annotated under the “Background” section of the Order Accepting Surrender is the following: “On March 11, 2014, an educator misconduct was filed with the Department alleging that Respondent engaged in a sexual relationship with a male student while employed as a teacher and coach by the Cumberland Valley School District from 1973-1976.”
 - f. Annotated under the “Background” section of the Order Accepting Surrender is the following: “On January 26, 2020, Respondent signed an Affidavit agreeing to permanently surrender his certificate and employment eligibility.”

ALLEGED VIOLATIONS

4. The Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under sections 41 and 42 of the Act, 63 P.S. §§ 422.41 & 422.42; impose a civil penalty

upon Respondent under section 908 of the Mcare Act, 40 P.S. §§ 1303.908, or 63 Pa.C.S. § 3108(b)(4); and/or impose the costs of investigation upon Respondent under 63 Pa.C.S. § 3108(b)(5), since Respondent violated the Act at section 41(8), 63 P.S. §422.41(8), in that Respondent engaged in unprofessional conduct by departing from, or failing to conform to an ethical standard of the profession.

PROPOSED ORDER

5. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter:

a. **VIOLATIONS:** Respondent violated the Act at section 41(8), 63 P.S. § 422.41(8), in that Respondent engaged in unprofessional conduct by departing from, or failing to conform to an ethical standard of the profession.

b. **PERMANENT VOLUNTARY SURRENDER:** The Board accepts the permanent voluntary surrender of all licenses, registrations, certificates, approvals, permits or any other authorizations issued by the Board (hereinafter referred to collectively as “authorizations to practice the profession”) to Respondent.

c. Respondent shall, within ten (10) days of the effective date of the Board’s Order, surrender Respondent’s wall certificate, current biennial renewal certificate and wallet card issued by the Board (or written verification of their loss or destruction) by mailing them to:

Keith E. Bashore, Prosecuting Attorney Pennsylvania Department of State PO Box 69521 Harrisburg PA 17106-9521
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or by delivering them in person at:

Bureau of Professional and Occupational
Affairs

One Penn Center

2601 North 3rd St.

Harrisburg, Pennsylvania

d. As a result of the permanent voluntary surrender, Respondent surrenders all property rights in Respondent's authorizations to practice the profession and will no longer be eligible to renew or reactivate those authorizations to practice the profession.

e. Respondent shall not:

(1) apply at any time in the future, for any authorization to practice the profession;

(2) engage in any conduct requiring authorizations to practice the profession;

(3) own an interest in any entity that requires an authorization to practice the profession or that requires employees to possess an authorization to practice the profession, with the exception of owning stock/shares in an amount insufficient to control or direct the actions of the entity; and

(4) work in any capacity for any person or entity that requires an authorization to practice the profession or that requires employees to possess an authorization to practice the profession.

f. This Order constitutes disciplinary action by the Board and shall be reported to other licensing authorities and any applicable national licensing databank as a disciplinary action by the Board.

g. This case shall be deemed settled and discontinued upon the Board issuing an Order adopting this Consent Agreement.

ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS

6. Respondent agrees that if Respondent is charged with a violation of an Act enforced by this Board in the future, this Consent Agreement and Order shall be admitted into evidence without objection in that proceeding.

ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING

7. Respondent waives the filing of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and knowingly and voluntarily waives the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

ACKNOWLEDGMENT OF RIGHT TO ATTORNEY

8. Respondent acknowledges that he is aware that he has the right to consult with, and/or be represented by, private legal counsel of Respondent's choosing and at Respondent's expense when reviewing, considering and accepting the terms of this Consent Agreement.

WAIVER OF CLAIM OF COMMINGLING AND OTHER CONSTITUTIONAL CLAIMS

9. Respondent expressly waives any constitutional rights and issues, such as commingling of prosecutorial and adjudicative functions by the Board or its counsel, which may

arise or have arisen during the negotiation, preparation and/or presentation of this Consent Agreement. Respondent specifically agrees that if the Board rejects this agreement, it may assume that the facts and averments as alleged in this Consent Agreement are true and correct for the limited purpose of recommending a sanction, based on those assumed facts, that would be acceptable to the Board before hearing the case. In the event that the Board does assume the facts and averments as alleged in this Consent Agreement are true for purposes of making a recommendation as to an acceptable sanction, such action shall not constitute commingling of prosecutorial and adjudicative functions by the Board or its counsel, and the Respondent expressly waives any constitutional rights and issues related to alleged commingling, bias, or violation of due process rights to have an unbiased and impartial adjudicator in any subsequent hearing. If a hearing is subsequently held, neither this Consent Agreement nor the proposed terms of settlement may be admitted into evidence and any facts, averments, and allegations contained in the Consent Agreement must be proven at hearing unless otherwise separately stipulated. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

NO MODIFICATION OF ORDER

10. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the Stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.

AGREEMENT NOT BINDING ON OTHER PARTIES

11. The Office of General Counsel has approved this Consent Agreement as to form and legality; however, this Consent Agreement shall have no legal effect unless and until the Board issues the stipulated Order.

EFFECT OF BOARD'S REJECTION OF CONSENT AGREEMENT

12. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

ENTIRE AGREEMENT

13. This agreement contains the whole agreement between the participants; provided however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

AGREEMENT DOES NOT PREVENT ADDITIONAL DISCIPLINE BASED ON OTHER COMPLAINTS

14. Nothing in this Order shall preclude the Prosecution Division for the Commonwealth from filing charges or the Board from imposing disciplinary or corrective measures for violations or facts not contained in this Consent Agreement;

VERIFICATION OF FACTS AND STATEMENTS

15. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent

understands that statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.



Keith E. Bashore
Prosecuting Attorney

DATED: 12/6/21



Robert H. Shank, LAT
Respondent

DATED: 12/30/2021

**COMMONWEALTH OF PENNSYLVANIA
PROFESSIONAL STANDARDS AND PRACTICES COMMISSION**

**DEPARTMENT OF EDUCATION,
Petitioner,**

v.

**ROBERT HYATT SHANK,
Respondent.**

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:

PSPC DOCKET NO. DI-20-016

ORDER ACCEPTING SURRENDER

This matter is before the Professional Standards and Practices Commission (“Commission”) on the Department of Education’s (“Department”) Motion for Entry of Order (“the Motion”). The Motion requests that the Commission accept the surrender of the certificate and employment eligibility of Robert Hyatt Shank (“Respondent”) in resolution of an educator misconduct complaint filed against him. The Commission heard the Motion at its regularly scheduled meeting on May 11, 2020. Respondent was not present. After careful consideration, the Commission enters this Order accepting Respondent’s surrender.

BACKGROUND

Respondent currently holds an Instructional II Pennsylvania teaching certificate in the areas of Comprehensive Science 7-12, Driver Ed-Safe Living 7-12, and Biology 7-12. On March 11, 2014, an educator misconduct was filed with the Department alleging that Respondent engaged in a sexual relationship with a male student while employed as a teacher and coach by the Cumberland Valley School District from 1973-1976. As required by the Educator Discipline Act (“Act”), the Department provided written notice to Respondent of the legal sufficiency of the complaint and of its determination that there was probable cause to believe that grounds for discipline existed. 24 P.S. §

Exhibit A

2070.9(e).

On January 26, 2020, Respondent signed an Affidavit agreeing to permanently surrender his certificate and employment eligibility. (Motion for Entry of Order, Ex. 1). On February 6, 2020, the Department filed a Motion for Entry of Order requesting that the Commission accept Respondent's surrender in lieu of further disciplinary proceedings.

SURRENDER

Pursuant to the Act, surrender shall mean the termination by consent of a certificate or employment eligibility. 24 P.S. § 2070.1b. Surrender of a certificate or employment eligibility constitutes discipline. Id. The Act authorizes the Commission to accept the surrender of Respondent's certificate and employment eligibility.

ORDER

AND NOW, this 22nd day of June 2020, upon consideration of the Motion for Entry of Order filed by the Department of Education, it is hereby Ordered:

1. The Motion is granted, and the Commission accepts the surrender of Respondent's Instructional II certificate and eligibility to be employed as a charter or cyber charter school staff member or contracted educational provider staff member.
2. Respondent's Instructional II certificate and his eligibility to be employed as a charter or cyber charter school staff member or contracted educational provider staff member are, therefore, terminated effective on the date of this Order.
3. The acceptance by the Commission of the surrender of Respondent's certificate and employment eligibility shall constitute the imposition of discipline against

Respondent.

4. Respondent is not eligible to be employed in a school entity in a position requiring certification or as a charter or cyber charter school staff member or contracted educational provider staff member, or eligible for any certificate.
5. Pursuant to 24 P.S. § 2070.16(b)(2) the Commission shall not reinstate Respondent's certificate or employment eligibility.
6. The educator misconduct complaint filed against Respondent is resolved.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

By:



Myron Yoder
Chairperson Pro Tempore

Attest:



Shane F. Crosby
Executive Director

Date Mailed: June 22, 2020

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

**Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs**

File No.: 20-49-008818

vs.

**Robert H. Shank, LAT,
Respondent**

ORDER

AND NOW, this 14th day of **December**, 2021, the **STATE BOARD OF MEDICINE** (“Board”) adopts and approves the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**



**K. Kalonji Johnson
Commissioner**

For the Commonwealth:

For the Respondent:

Date of mailing: December 16, 2021

**BY ORDER:
STATE BOARD OF MEDICINE**



**Mark B. Woodland, M.S., M.D.
Chair**

Keith E. Bashore, Prosecuting Attorney
2601 North Third Street
P. O. Box 69521
Harrisburg, PA 17106-9521

Robert H. Shank, LAT
2505 Bremer Road
Dover, PA 17315