

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF MEDICINE**

In Re: :
: **JIMMY AUGUSTIN, AT** : **Application**
: **RESPONDENT** : **Pending Lic. No. AT23000036**
:

CONSENT ORDER

This matter comes before the District of Columbia Board of Medicine (the “Board”) pursuant to the Health Occupations Revision Act (HORA). D.C. Official Code § 3-1201.01, *et seq.* (2014, as amended). The HORA authorizes the Board to regulate the practice of athletic training in the District of Columbia. In the District of Columbia, “An individual applying for a license under [the HORA] shall establish to the satisfaction of the board regulating the health occupation that the individual . . . [m]eets any other requirement established by the Mayor by rule to assure that the applicant has had the proper training, experience, and qualifications to practice the health occupations.” D.C. Official Code § 3-1205.03.

Background

Mr. Jimmy Augustin (Respondent) filed an application on August 8, 2023, for an athletic trainer license in the District of Columbia. Respondent graduated from Shenandoah University, Winchester, Virginia in 2011 with a Master of Science degree in Athletic Training and was certified by the National Athletic Trainers’ Association Board of Certification, Inc. (BOC) on June 13, 2011. In Respondent’s Application, Screening Questions, he answered “Yes” to the following:

Question 1, which asks “Have you ever been arrested, charged, convicted, pled guilty to, or pled no contest to the violation of any federal, state, or other statute or ordinance constituting a felony or misdemeanor, including driving under the influence or while impaired, but excluding minor traffic violations? You must answer this question truthfully, regardless of whether records were expunged.”

Question 4: Has any licensing authority, health facility, employer or peer review board, in any healthcare field, informed you of any pending charges or investigation against you?

Question 6: Have you resigned in lieu of termination, been asked to resign, terminated or disciplined by an employer?

Question 10: Has any authority, licensing board, health facility or peer review board taken action against any of your professional licensing privileges?

The “yes” responses were due to Respondent’s arrest in 2016 and subsequent conviction for misdemeanor sexual abuse to a minor¹. Respondent had been working as an athletic trainer in a high school and developed a relationship with a then-17-year-old female student. The judge at trial found that Respondent had engaged in “intimate and intense” hugging with the student. Respondent had also texted the student with some sexually explicit messages. Respondent was sentenced to 20 days incarceration and two years’ probation.

Following the conviction, the BOC gave Respondent a public censure and placed him on three years’ probation, with his certification considered to be “in good standing” as long as he remained compliant with the probationary terms of no further criminal charges or convictions. Respondent applied to and was denied athletic trainer licenses from the states of Delaware (2018) and Maryland (2019). Respondent has been working since April 2021 as an athletic trainer with construction companies in the District of Columbia. Because the District of Columbia recently implemented requirements for licensure for the practice of athletic trainers, Respondent timely submitted this application.

¹ *Augustin v. United States*, 240 A.3d 816 (DC. 2020).

The Board interviewed Respondent at its December 13, 2023 meeting. During the interview, Respondent said he fully appreciates the wrongness of his actions and accepts full responsibility. He stated he had been attending therapy, which ended in 2022, and the probation from BOC had ended. The Board asked him to get an evaluation from an independent therapist regarding his risk of recidivism; provide reports from his last treatment therapist; and complete a professional boundaries and ethics course from PBI education.

Respondent submitted those documents, which included:

1. A discharge summary from his previous treating therapist that Respondent successfully participated in treatment and had little chance of relapse;
2. A current assessment that he presented no risk of recidivism; and
3. Proof of completion of 24 continuing medical education (CME) from the PBI professional boundaries and ethics course.

Findings

Respondent's previous behavior that led to his conviction was egregious, causing injury to a minor female client and the profession of athletic training, in addition to damaging his career and reputation. His behavior constituted a criminal offense; had he been licensed in the District, it would also constitute violations of the HORA including, among other things:

1. D.C. Code § 3-1205.14(23) (B), Engages in sexual contact with a patient or client concurrent with and by virtue of the practitioner - patient or practitioner-client relationship;
2. D.C. Code § 3-1205.14(25), Violates any District of Columbia or federal law, regulation or rule related to the practice of a health profession or drugs;
3. D.C. Code § 3-1205.14(26), Fails to conform to standards of acceptable conduct and prevailing practice within a profession; and
4. D.C. Code § 3-1205.14(28), Demonstrates a willful or careless disregard for the health, welfare or safety of a patient, regardless of whether the patient sustains actual injury as a result.

Nonetheless, the Board believes that Respondent has been punished for his criminal offenses, received treatment for what may have caused such a serious error in his practice, and anticipates no further violations. Therefore the Board is willing to enter into this Consent Order with the Respondent under the terms set below and issue him a license to practice as an athletic trainer in the District of Columbia.

ORDER

The Board and the Respondent agree to the following:

1. Respondent shall be approved for a District of Columbia athletic trainer license, subject to the terms herein, upon full execution of this Consent Order (that is after Respondent and the Board Chair have signed).
2. Respondent's license shall be under **PROBATION** for a minimum of two (2) years in accordance with the following terms:
 - a. Respondent shall not have any clients under the age of eighteen (18);
 - b. Respondent shall comply with all District and federal laws, regulations, rules, and all policies of the District Columbia Board of Medicine;
 - c. Any violation of the probationary terms may result in an immediate Summary Suspension of the license, among other actions;
 - d. Respondent may make a written request to terminate the probation after the two (2) year period, provided he is in compliance with all of the terms of the Order. The decision to terminate probation is solely within the discretion of the Board; and
 - e. The Board reserves jurisdiction, in connection with any request to terminate probation, to meet with the Respondent to consider whether any

AGREEMENT OF APPLICANT

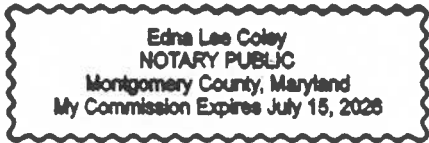
By signing this negotiated settlement agreement, I agree to accept and abide by its terms. I acknowledge its validity and acknowledge that I have agreed to the terms set forth in this agreement.

I have had the opportunity to review this document and to seek the advice of my own legal counsel. I choose to sign this settlement agreement willingly and without reservation and am fully aware of its meaning and effect.

03/25/2024
Date

Jimmy Augustin
Jimmy Augustin, AT
Respondent
Pending Lic. No. AT23000036

Sworn to and subscribed before me this 25th day of MARCH 2024.



Edna Lee Coley
Notary Public
My Commission Expires: 7/15/2026

This negotiated settlement agreement is an administrative matter and shall not be construed as disciplinary in nature. The Board will not voluntarily disclose this agreement or its terms. However, Applicant understands and agrees that this negotiated settlement agreement is subject to disclosure through a request made under the Freedom of Information Act, by subpoena, or court order, or in the event that the Applicant fails to comply with the terms of the agreement.