

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

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In The Matter Of:

No. 15-I-643

MARTIN ALLEN CAINE, ATH
Applicant

**CONSENT ORDER FOR
ISSUANCE OF LICENSE WITH
REPRIMAND**

The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following receipt of Martin Allen Caine's application for licensure by the Board to practice as an athletic trainer ("ATH") in this state. While it appears from information available as supplied by Mr. Caine's application and otherwise that he is generally qualified for issuance of such licensure, as acknowledged by him in his application, he reported that he has been working as an athletic trainer in Louisiana since August 2014 without Board licensure.

In connection with this matter, Mr. Caine submitted a written statement to the Investigating Officer of the Board (the "I/O"), explaining that he thought he was to graduate from Oklahoma State University in July 2014 and had accepted employment with McNeese State University Lake Charles, LA, to begin in August 2014. When he learned that he needed additional courses before graduation, he enrolled in required courses and began practicing as an Athletic Trainer Intern and Graduate Assistant at the university. In January 2015, he was certified by the Board of Certification, Inc. ("BOC"). When he realized that licensure was required, he began the licensure application process in June 2015. Mr. Caine has now stopped practicing as an athletic trainer, has acknowledged that his understanding was in error, and has accepted his responsibility to understand and comply with all laws and regulations regarding licensure in this state.

As evidenced by his subscription to this Order Mr. Caine acknowledges the substantial accuracy of the foregoing information and that such acknowledgment and information could provide the Board with sufficient cause to deny his application pursuant to the Law and/or the Board's rules respecting athletic trainers.

Investigation of the captioned matter was assigned to the I/O for the Board. While it appears to the I/O that Mr. Caine is a conscientious and well-trained athletic trainer, the I/O's review and analysis of the matter confirms to her satisfaction that the actions identified

hereinabove may implicate one or more violations of the Law, and/or the Board's rules respecting athletic trainers.¹

Recognizing his right to have notice of such allegations and charges asserted against him, to administrative adjudication of such charges, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§49:951 *et. seq.*, Mr. Caine, nonetheless, hereby waives his right to notice of charges and formal adjudication and pursuant to La. Rev. Stat. §49:955(D) consents to entry of the Order set forth hereinafter. Mr. Caine further acknowledges and waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951 *et. seq.*, or which otherwise may be afforded to him by law to contest his agreement to or the force and effect of this document in any court or other forum relating to the matters referred to herein. By his subscription hereto Mr. Caine also hereby authorizes the I/O designated by the Board with respect hereto to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Mr. Caine expressly acknowledges that the disclosure of information to the Board by the I/O shall be without prejudice to the I/O's authority to file a formal Administrative Complaint against him or to the Board's capacity to adjudicate such Complaint should the Board decline to approve this Consent Order.

Based upon the foregoing information, as well as the recommendation of the I/O, the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:3303, will be effectively served by entry of the order set forth hereinafter by consent. Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. §37:3303 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that Martin Allen Caine is hereby OFFICIALLY REPRIMANDED for the conduct asserted hereinabove.

IT IS FURTHER ORDERED that licensure to practice as an athletic trainer in the state of Louisiana shall be issued to Martin Allen Caine.

IT IS FURTHER ORDERED that within six (6) months of the date of this Order Mr. Caine shall pay the Board a fine in the amount of Two Hundred (\$200.00) Dollars, which represents the licensure fee for the past year, plus a penalty of an equal amount.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with this Order by Mr. Caine shall be deemed adequate and sufficient cause, upon proof of such violation

¹ La. Rev. Stat. §37:3305.1, 3308.1; La. Adm. C. 46XLV.5709.

or failure, for such disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:3308.1

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

Signed in New Orleans, Louisiana, and effective this 17th day of August
2015.

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

BY: Mark H. Dawson
MARK HENRY DAWSON, M.D.
President

*Acknowledgement and Consent
on Following Page*

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on Following Page*

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on Following Page*

*Acknowledgement and Consent
on Following Page*

STATE OF TEXAS

COUNTY/PARISH OF HARRIS

**ACKNOWLEDGMENT
AND CONSENT**

I, MARTIN ALLEN CAINE, ATH APPLICANT, hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 10th day of August, 2015.

Martin Allen Caine
MARTIN ALLEN CAINE, ATH APPLICANT

WITNESSES:

[Signature]
Signature

Hong Tran
Printed Name

2 NRG Park
Address

Houston, TX 77054
City/State/Zip Code

[Signature]
Signature

Jamie Sheringo
Printed Name

2 NRG Park
Address

Houston, TX 77054
City/State/Zip Code

Sworn to and subscribed before me at 2 NRG PARK HOUSTON, TX 77054, this 10th day of August, 2015, in the presence of the two stated witnesses.

[Signature]
Notary Public (Signature) and Seal

Cheryl Moffett Not No: 12447107-1
Notary (Printed Name) & Bar/Notary No.

