

IN THE MATTER OF JOHN L. FARRAR, Radiographer Applicant	* * * * *	BEFORE THE MARYLAND STATE BOARD OF PHYSICIANS Case Number: 2223-0037B
* * * * *		

FINAL ORDER

On March 9, 2023, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) notified **John L. Farrar, Radiographer** (the “Applicant”) of its intent to deny his Application for Licensure: Radiographer (the “Application”). The Notice informed the Applicant that unless he requested a hearing in writing within 30 days of the date of mailing of the Notice, Panel B intended to sign this Final Order, a copy of which was enclosed. More than 30 days have elapsed, and the Applicant failed to request a hearing. Therefore, Panel B hereby denies the Applicant’s Application.

The basis for Panel B’s action is pursuant to the Maryland Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Act codified at Md. Code Ann., Health Occ. §§ 14-5B-01 *et seq.* (2021 Repl. Vol.) and the Maryland Medical Practice Act, Health Occ. §§ 14-101, *et seq.* (2021 Repl. Vol.). The pertinent provisions provide:

Health Occ. § 14-205. Miscellaneous powers and duties.

- (b) *Additional powers.*
 - (3) Subject to the Administrative Procedure Act and the hearing provisions of § 14-405 of this title, a disciplinary panel may deny a license to an applicant . . . for:

- (i) Any of the reasons that are grounds for action under ...
§ 14-5B-14 ... of this title[.]

Health Occ. § 14-5B-09. Qualification for license.

- (a) *In general.* – To qualify for a license, an applicant shall be an individual who meets the requirements of this section.
- (b) *Requirements.* – Except as provided in subsection (c) of this section, the applicant shall:
 - (1) Be of good moral character[.]

§ 14-5B-14. Denial of license.

- (a) *In General.* -- Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:
 - (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant, licensed individual, or for another; ...
 - (3) Is guilty of unprofessional or immoral conduct in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance;...
 - (10) Willfully makes or files a false report or record in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance[.] ...
- (c) (1) On the filing of certified docket entries with the Board by the Office of the Attorney General, a disciplinary panel shall order the suspension of a licensee if the licensee is convicted of or pleads guilty or nolo contendere with respect to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

- (2) After completion of the appellate process if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, a disciplinary panel shall order the revocation of a license on the certification by the Office of the Attorney General.

FINDINGS OF FACT

Disciplinary Panel B makes the following factual findings:

1. The Applicant was issued a license to practice radiography in the State of New York in 2017, which is valid until June 30, 2024. The Applicant also was issued a license to practice radiography in the State of Connecticut on February 28, 2018 that expired on June 30, 2021. The Applicant also was issued a license to practice radiography in the State of Indiana on January 31, 2022, which is valid until January 31, 2024.

2. The Applicant is not and has never been licensed to practice radiography in the State of Maryland.

3. On or about September 20, 2022, the Applicant submitted his Application to the Board. The Application required the Applicant to answer "YES" or "NO" to a series of questions and provide written explanations for all "YES" responses.

4. The Applicant answered "YES" to the following questions:

Question 15 g. Have you ever pleaded guilty or *nolo contendere* to any criminal charge, been convicted of a crime, or received probation before judgment because of a criminal charge?

Question 15 h. Have you ever committed an offense involving alcohol or controlled dangerous substances to which you pled guilty or *nolo contendere*, or for which you were convicted or received probation before judgment? Such offenses include, but are not limited to, driving while under the influence of alcohol or controlled dangerous substances.

5. The Applicant provided a written explanation for his affirmative responses, stating in part:

In the year of 1998 I committed a series of crimes which resulted in me being convicted for robbery, gun possession and att assault. As a result I served fourteen years from 1998 to 2012. Since then I have put myself through college and gained a career in the medical field as a radiological tech for the past 5 years. As of recently I did receive probation for dwi. The charge came on the heels of losing my son and having a house fire that displaced me.

6. After receiving this information, the Board initiated an investigation, including obtaining court documents from New York, Connecticut and Pennsylvania relating to the Applicant's criminal history.

7. The Applicant was arrested on April 1, 1997 by police in Manhattan, New York for unauthorized vehicle use. The Applicant pled guilty to disorderly conduct.

8. The Applicant was arrested on September 23, 1997 by the City of White Plains, New York Police Department for possession of stolen property. The Applicant pled guilty and was sentenced to 30 days in jail.

9. On March 11, 1998, the Applicant pled guilty to the criminal sale of marijuana in the Bronx, New York Criminal Court.

10. On April 21, 1998, the Applicant was arrested by police in the Bronx, New York. The Applicant pled guilty to the felony charge of criminal possession of a weapon in the third degree. The Applicant was sentenced to a year imprisonment.

11. On April 27, 1998, the Applicant was arrested by police in Manhattan, New York for a string of armed robberies occurring in March - April, 1998. The Applicant pled guilty to five counts of robbery in the first degree. The Applicant was sentenced to 12 1/2

to 25 years imprisonment. The Applicant served 14 years in prison for these crimes and was released in 2012. The Applicant completed parole for these crimes in 2017.

12. The Applicant was arrested on October 15, 2017 by the Bethlehem City, Pennsylvania Police Department. The Applicant pled guilty to resisting arrest and was placed on probation for one year.

13. The Applicant was arrested on February 25, 2019 by the Yonkers City, New York Police Department for intoxicated driving. The Applicant pled guilty to this charge and was placed on probation for three years.

14. The Applicant was arrested on March 19, 2019 by the Columbia County, New York Sheriff's Office for driving while intoxicated. The Applicant pled guilty to this charge and was placed on one year of unsupervised probation.

15. The Applicant was arrested by the New Haven, Connecticut Police Department for an incident occurring May 1, 2019 in which he was charged with third-degree trespassing, breach of the peace, and third degree assault. The Applicant pled guilty to breaching the peace.

16. The Applicant was arrested on October 14, 2019 by the Wallkill, New York Town Police Department and charged with intoxicated driving. The Applicant received 5 years probation.

17. In his Application, the Applicant failed to disclose his September 23, 1997 arrest by the City of White Plains, New York Police Department which resulted in a guilty plea for possession of stolen property.

18. In his Application, the Applicant failed to disclose his criminal history in Connecticut and Pennsylvania.

19. In his Application, the Applicant only reported one DWI charge to the Board.

CONCLUSIONS OF LAW

Based on the foregoing Investigative Findings, Panel B, under Health Occ. § 14-205(b)(3)(i), denies a license to the Applicant to practice radiography in Maryland for the reasons that are grounds under Health Occ. § 14-5B-14, specifically for the Applicant's: fraudulent or deceptive attempt to obtain a license for the Applicant, licensed individual, or for another, Health Occ. § 14-5B-14(a)(1); unprofessional or immoral conduct in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance, Health Occ. § 14-5B-14(a)(3); willfully making or filing a false report or record in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance, Health Occ. § 14-5B-14(a)(10); and conviction with respect to a crime of moral turpitude, which has not been reversed on appeal or set aside, Health Occ. § 14-5B-14(c)(1).

Panel B also denies the Applicant a license based upon its finding that the Applicant does not possess good moral character. *See* Health Occ. § 14-5B-09(b)(1).

ORDER

It is, on the affirmative vote of a majority of the quorum of Panel B, hereby:

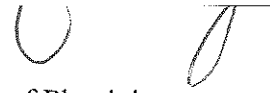
ORDERED that the Application of **John L. Farrar** to practice radiography in the State of Maryland is **DENIED**; and it is further

ORDERED that this Final Order is a public document.

04/17/2023
Date

Signature On File

Christine A. Farréllly
Executive Director
Maryland State Board of Physicians



NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Health Occ. § 14-408, the Applicant has the right to seek judicial review of this Final Order. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Final Order. The cover letter accompanying this Final Order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Applicant files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, Maryland 21215

Notice of any petition should also be sent to Board Counsel at the following address:

Noreen M. Rubin
Assistant Attorney General
Maryland Office of the Attorney General
Maryland Department of Health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201