

IN THE MATTER OF \* BEFORE THE MARYLAND STATE  
 GIOVANI MOORE-SMITH \* BOARD OF PHYSICIANS  
 APPLICANT \* CASE NUMBER: 2221-0137 A

\* \* \* \* \*

**FINAL ORDER OF DENIAL OF LICENSURE AS A NUCLEAR MEDICINE  
 TECHNOLOGIST UNDER THE MARYLAND RADIATION THERAPY,  
 RADIOGRAPHY, NUCLEAR MEDICINE TECHNOLOGY, AND RADIOLOGY  
 ASSISTANCE ACT**

On or about May 13, 2022, Disciplinary Panel A (“Panel A”) of the Maryland Board of Physicians (the “Board”) notified GIOVANI MOORE-SMITH (the “Applicant”) of Panel A’s intent to deny his Application for Licensure as a Nuclear Medicine Technologist under the Maryland Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-5B-01 *et seq.* (2021 Repl. Vol.).

The pertinent provisions of the Act provide:

**Health Occ. § 14-5B-09. Qualifications for licenses**

- (a) 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, applicant shall:
  - (1) Be of good moral character.

**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, as applicable[.]

**Health Occ. § 14-5B-14. Denials, reprimands, suspensions, and revocations --  
In general**

(a) Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel, on the affirmative vote of a majority of a 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, licensee, 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[.]

**FINDINGS OF FACT**

Panel A makes the following Findings of Fact:

**I. Application**

1. On or about January 28, 2021, the Applicant submitted to the Board an Application for Licensure: Nuclear Medicine Technologist (the "Application") in which he answered all character and fitness questions in the negative.

2. The Application contains a section titled Character and Fitness Questions. Applicants are instructed to check either a yes or no answer to each question. On page 6

of the Application, the Applicant answered No to both questions 15g and 15h which state:

15g. 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?

15h. 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.

3. The Application instructed the Applicant to “provide a signed and dated detailed explanation and attach appropriate supporting documents” for any YES answer.

4. As part of its licensing function, the Board conducted a Criminal History Records Check (“CHRC”) of the Applicant.

5. The CHRC revealed that the Respondent had two charges in October 2015 and in November 2015 during his time in the United States Air Force. Therefore, the Applicant should have answered yes to character and fitness questions 15g and 15h.

6. Based on the positive CHRC, the Board opened the case for investigation.

## **II. Investigation**

7. As part of its investigation, the Board requested and received the Applicant’s Air Force Personnel File which revealed that he enlisted in the Air Force on August 24, 2010 and was administratively discharged on January 20, 2016. The file also included the following information:

- a. On September 7, 2013, the Applicant was apprehended by the Ministry of Defense Police for suspicion of drunk driving. The Applicant refused to consent to a breath sample. For this misconduct he was sentenced by the local court in the United Kingdom to a fine and a driving ban of 20 months. He was also charged and found guilty of possession of a knife and ordered to pay a fine. He received a fine by the Court and a driving ban.
- b. On November 9, 2013, the Applicant was apprehended by Suffolk Police in England for punching a doorman while intoxicated at a nightclub. The Court in the United Kingdom levied a fine and he received a Letter of Reprimand from the Air Force.
- c. On December 3, 2014, the Applicant was derelict in the performance of his duties by being absent from his place of duty while not in leave status. The Applicant had departed the United Kingdom and returned to the United States for vacation. He received a Letter of Counseling from the Air Force.
- d. On April 10, 2015, the Applicant failed to obey lawful orders while on deployment in Spain. The Applicant consumed more than the allowed two drinks of alcoholic beverage, was late for curfew, and late for the crew showtime. He received a letter of reprimand from the Air Force.
- e. In October of 2015, the Air Force found that the Applicant assaulted his wife by pulling her hair, putting her in a headlock and pushing her to the floor. After the incident, the Applicant made a false official statement to an

investigator regarding his alcohol use during the assault and subsequently violated a no contact order with a female airman. The Applicant engaged in an adulterous relationship with a female airman that was not his wife and lied about the relationship. The Applicant received a nonjudicial punishment from the Air Force under Article 15.

f. On November 6, 2015, the Applicant failed to comply with a command-directed substance abuse evaluation and he was recommended for administrative separation.

g. On January 20, 2016, the Applicant received an Administrative Discharge from the Air Force for a pattern of misconduct and failure in alcohol abuse treatment with a pattern of misconduct as the primary basis.

8. On February 3, 2021, the Board sent the Applicant a letter requesting that he provide an explanation for the incidents that were contained in his CHRC.

9. In his response, the Applicant admitted that he was arrested for Driving Under the Influence and for Assault while serving in the military. The Applicant stated that his driver's license was suspended for two years, that he was required to take a mandatory drive safety course, and he was fined. He also stated that he received military disciplinary action by a reduction in rank and that he attended a compulsory alcohol awareness course. In his response he claims that he was arrested for assault when a bouncer escorted him out of a club and he resisted but that the club owner issued an informal apology to him and bailed him out of jail. He states that he received military

discipline and was reprimanded because his actions were viewed as unbecoming of military personnel. He further stated that he had never been arrested, charged, or alleged for a sexual offense in his life.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Applicant is not of good moral character and that his conduct as set forth above, does not meet the requirements of Md. Code Ann., Health Occ. § 14-5B-09(b)(1). The Board further concludes a as a matter of law that the Applicant's actions constitute grounds to deny his Application under the following provisions of § 14-5B-14(a)(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant, licensee, or for another; (3) Is guilty of unprofessional or immoral conduct in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance; and (10) Willfully makes or files a false report or record in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance [.]

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 27<sup>th</sup> day of June, 2022, by a majority of the Panel considering this case:

ORDERED that the Application of Jiovani Moore-Smith for Nuclear Medicine Technology licensure, in the State of Maryland is hereby **DENIED**; and it is further

ORDERED that this is an Order of Panel A, and, as such is a **PUBLIC RECORD** pursuant to Md. Code Ann., Health Occ. §§ 1-607 and Gen. Prov. § 4-333(b)(6).

06/27/2022  
Date

## *Signature On File*

Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians

### **NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW**

Pursuant to Md. Code Ann., Health Occ. § 14-5B-14.1, the Applicant has the right to seek judicial review of this Final Decision and Order. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Final Decision and Order. The cover letter accompanying this final decision and 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 Farrelly, Executive Director  
Maryland State Board of Physicians  
4201 Patterson Avenue, 4<sup>th</sup> Floor  
Baltimore, Maryland 21215-0095

Notice of any petition should also be sent to the Board's counsel at the following address:

Noreen M. Rubin

Assistant Attorney General  
Maryland Department of Health  
300 West Preston Street, Suite 205  
Baltimore, Maryland 21201