

**IN THE MATTER OF**

\*

**BEFORE THE**

**MOSES B. TIBO, Radiographer**

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**MARYLAND STATE**

**Respondent**

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**BOARD OF PHYSICIANS**

**License Number: R11785**

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**Case Number: 7724-0005 B**

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**ORDER AFTER SHOW CAUSE HEARING**

On July 25, 2023, Moses B. Tibo, Radiographer, entered into a non-public Disposition Agreement with Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) wherein Mr. Tibo agreed to undertake certain obligations to avoid further investigation by the Board concerning two driving while under the influence charges. Pursuant to the Disposition Agreement, Mr. Tibo agreed to enroll in the Maryland Professional Rehabilitation Program (“MPRP”), enter into a Board-monitored Participant Rehabilitation Agreement with MPRP, and comply with all MPRP’s referrals, rules, and requirements, including but not limited to, the term and conditions of the Participation Rehabilitation Agreement and Participant Rehabilitation Plan. On January 24, 2024, Panel B issued a Violation of Disposition Agreement and Notice to Show Cause charging Mr. Tibo with a violation of his Disposition Agreement based upon notification from MPRP that Mr. Tibo was discharged for cause from MPRP, effective January 5, 2024, due to his non-compliance. On February 28, 2024, Panel B held a show cause hearing where Mr. Tibo had the opportunity to argue why his license should not be subject to discipline. Mr. Tibo appeared on his own behalf, and the State was represented by the Administrative Prosecutor.

## FINDINGS OF FACT

Panel B makes the following factual findings:

### **Background**

On March 17, 2017, Mr. Tibo pled guilty to driving while impaired by alcohol and received probation before judgment. On July 16, 2019, the Board issued an advisory letter to Mr. Tibo, explaining that, although the Board was not opening an investigation, the Board was concerned about his conduct and that any future similar conduct may be grounds for disciplinary action.

On October 5, 2021, Mr. Tibo pled guilty to driving a vehicle while under the influence of alcohol *per se* and, again, received probation before judgment. As a result of the second guilty plea for driving while impaired, Mr. Tibo agreed to enter into a Disposition Agreement with Panel B in lieu of a Board investigation into a possible violation of Md. Code Ann., Health Occ. § 14-5B-14.

### **July 25, 2023 Disposition Agreement**

The Disposition Agreement required Mr. Tibo to enter into a Board-monitored Participant Rehabilitation Agreement with MPRP within ten business days of the date Panel B executed the Disposition Agreement, which was August 8, 2023. In addition, Mr. Tibo was required to comply with the Participant Rehabilitation Agreement and fulfill all conditions of the Participant Rehabilitation Agreement. The Disposition Agreement further states that

if the MPRP discharges the Respondent for unsuccessful completion of the Participant Rehabilitation Agreement or rehabilitation plan, or if the Respondent fails to comply with any term or condition of this Agreement, this Agreement shall be treated as a public Consent Order, the violation of which authorizes the Board or a Board panel, after notice and an opportunity to be heard, to take any action prescribed under §§ 14-5B-14(a) and 14-405.1 of the Medical Practice Act, including a reprimand, probation, suspension or revocation of the Respondent's [ ] license; and or fine.

On July 25, 2023, the Board sent a copy of the fully executed Disposition Agreement to Mr. Tibo and informed him that he was required to enroll in MPRP by August 8, 2023. Mr. Tibo

did not enroll in MPRP until September 12, 2023. On September 29, 2023, Panel B issued an advisory letter to Mr. Tibo notifying him that he failed to enroll in MPRP by August 8, 2023, as well as the extension date of September 8, 2023, and that any further non-compliance with the Disposition Agreement could result in additional discipline up to and including revocation.

### **Current Violation**

On November 15, 2023, MPRP notified the Board that Mr. Tibo violated his Disposition Agreement on November 7, 2023, and Mr. Tibo admitted the violation.<sup>1</sup>

On December 20, 2023, Mr. Tibo informed the Board that he was having difficulty complying with the costs of the testing required by MPRP. The Board instructed Mr. Tibo to address his concerns with MPRP. On January 2, 2024, MPRP communicated to the Board that Mr. Tibo was not in compliance with the Program due to unpaid testing fees and stated that they had offered Mr. Tibo financial assistance, but that he had not filled out the forms.

On January 8, 2024, MPRP informed the Board that they closed Mr. Tibo's case for cause, effective January 5, 2024, due to his non-compliance with his Disposition Agreement. Mr. Tibo submitted a written response to the Board in which he acknowledged his violation and that MPRP closed his case for cause after he failed to comply with the conditions.

On January 25, 2024, Panel B issued a Violation of Disposition Agreement and Notice to Show Cause alleging Mr. Tibo violated the MPRP's Participant Rehabilitation Agreement.

### **Show Cause Hearing**

On February 28, 2024, Panel B held a show cause hearing where Mr. Tibo had the opportunity to argue why his license should not be subject to further discipline. Mr. Tibo appeared on his own behalf, and the State was represented by the Administrative Prosecutor. At the hearing, Mr. Tibo admitted his violation of the July 25, 2023 Disposition Agreement and he asked that he

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<sup>1</sup> The nature of the violation is confidential and will not be disclosed in this document.

be given another chance to comply. He explained that he was now able to pay for the MPRP program and was willing to re-enroll and comply with the requirements. In response, the State summarized Mr. Tibo's disciplinary history and the facts of the current violation and recommended that Mr. Tibo's license be suspended for a period of time.

### **CONCLUSION OF LAW**

Panel B concludes, and it is undisputed, that Mr. Tibo violated the July 25, 2023, Disposition Agreement that he entered into with Panel B.

### **SANCTION**

Pursuant to the July 25, 2023 Disposition Agreement, upon a finding of a violation, the Disposition Agreement is treated as a public consent order and the Panel may reprimand Mr. Tibo, place Mr. Tibo on probation with appropriate terms and conditions, or suspend or revoke Mr. Tibo's license to practice radiography in Maryland. Based on Mr. Tibo's acceptance of responsibility and evidence that Mr. Tibo is committed to complying with his MPRP participant rehabilitation plan going forward, the Panel will impose a sanction of a reprimand and a six-month period of probation with the requirement that he re-enroll in MPRP and comply with all of MPRP's requirements and recommendations.

### **ORDER**

It is, thus, by Board Disciplinary Panel B, hereby

**ORDERED** that Moses B. Tibo, Radiographer, is **REPRIMANDED**; and it is further

**ORDERED** that the Disposition Agreement, dated July 25, 2023, is **TERMINATED** as it is superseded by this Order after Show Cause Hearing ("Order"); and it is further

**ORDERED** that Mr. Tibo is placed on **PROBATION** for a minimum of **SIX MONTHS**<sup>2</sup>

from the date of this Order, with the following probationary terms and conditions:

1. Mr. Tibo shall re-enroll in the Maryland Professional Rehabilitation Program (MPRP) and shall:
  - (a) Within **5 business days**, shall contact MPRP to schedule an initial consultation for re-enrollment;
  - (b) Within **15 business days**, enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;
  - (c) fully and timely cooperate and comply with all MPRP's referrals, rules, and requirements, including, but not limited to, the terms and conditions of the Participant Rehabilitation Agreement and Participant Rehabilitation Plan entered with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP;
  - (d) sign and update the written release/consent forms requested by the Board and MPRP, including release/consent forms to authorize MPRP to make verbal and written disclosures to the Board and to authorize the Board to disclose relevant information from MPRP records and files in a public order. Mr. Tibo shall not withdraw his release/consent;
  - (e) sign and update the written release/consent forms as requested by the Board and MPRP. Mr. Tibo shall sign the release/consent forms to authorize MPRP to make verbal and written disclosures to the Board, including disclosure of any and all MPRP records and files possessed by MPRP. Mr. Tibo shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of Mr. Tibo's current therapists and treatment providers) verbal and written information concerning Mr. Tibo and to ensure that MPRP is authorized to receive the medical records of Mr. Tibo, including, but not limited to, mental health and drug or alcohol treatment records. Mr. Tibo shall not withdraw his release/consent; and

**IT IS FURTHER ORDERED** that if, upon the authorization of MPRP, Mr. Tibo transfers to a rehabilitation program in another State, his failure to comply with any term or condition of the out-of-state's rehabilitation program, constitutes a violation of this Order. Mr. Tibo shall also sign any out-of-state written release/consent forms to authorize the Board to exchange with (i.e.,

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<sup>2</sup> If Mr. Tibo's license expires while Mr. Tibo is on probation, the probationary period and any probationary conditions will be tolled.

disclose to and receive from) the out-of-state program verbal and written information concerning Mr. Tibo, and to ensure that the Board is authorized to receive the medical records of Mr. Tibo, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. Mr. Tibo shall not withdraw the release/consent; and it is further

**ORDERED** that, after a minimum period of **SIX (6) MONTHS**, after Mr. Tibo has complied with all terms and conditions of probation, and upon MPRP's determination that Mr. Tibo can practice safely without monitoring, Mr. Tibo may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated through an order of Panel B. Mr. Tibo may be required to appear before Panel B to discuss his petition for termination or the Panel may choose to administratively terminate the probation. Panel B will grant the petition to terminate the probation if Mr. Tibo has complied with all of the probationary terms and conditions, the Panel determines that Mr. Tibo can safely practice without further monitoring, and there are no pending complaints related to the charges; and it is further

**ORDERED** that, if Mr. Tibo allegedly fails to comply with any term or condition of probation or this Order, Mr. Tibo shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings, and if there is no genuine dispute as to a material fact, Mr. Tibo shall be given a show cause hearing before Panel B; and it is further

**ORDERED** that, after the appropriate hearing, if Panel B determines that Mr. Tibo has failed to comply with any term or condition of probation or this Order, Panel B may reprimand Mr. Tibo, place Mr. Tibo on probation with appropriate terms and conditions, or suspend or revoke Mr. Tibo's license to practice radiography in Maryland. Panel B may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon Mr. Tibo; and it is further

**ORDERED** that there shall be no early termination of probation; and it is further

**ORDERED** that Mr. Tibo is responsible for all costs incurred in fulfilling the terms and conditions of this Order; and it is further

**ORDERED** that, unless stated otherwise in the order, any time period prescribed in this order begins when this Order goes into effect. This Order goes into effect upon the signature of the Board's Executive Director, who signs on behalf of Panel B; and it is further

**ORDERED** that this Order is a public document pursuant to Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

03/20/24  
Date

***Signature On File***

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Christine A. Farrelly, Executive Director  
Maryland State Board of Physicians