

IN THE MATTER OF
CARLI LANKFORD, R.T.

Respondent

License Number: R0007206

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case Number: 2011-0377

* * * * *

CONSENT ORDER

On July 12, 2011, the Maryland State Board of Physicians (the "Board") issued an Order of Summary Suspension of License to Practice Radiography to **CARLI LANKFORD, R.T.** (the "Respondent") (Date of Birth, 6/18/82), License Number R0007206, pursuant to Md. State Gov't Code Ann. ("S.G.") § 10-226(c)(2) (2009 Repl. Vol. and 2010 Supp.) On July 28, 2011, a quorum of the Board held a post-deprivation hearing to determine whether to continue the summary suspension of the Respondent's license. After oral argument by the Respondent and the State, on or about July 29, 2011, the Board issued an Order Continuing the Respondent's Summary Suspension finding that the public health, safety and welfare imperatively required continuing the emergency action.¹

In addition, on July 12, 2011, the Board issued Charges Under the Maryland Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Act (the "Charges"). Md. Health Occ. Code Ann. ("H.O.") §§ 14-5B-01 *et seq.* (2009 Repl. Vol. and 2010 Supp.) (the "Act").

¹ The Board's Order also informed the Respondent that she had a right to appeal the Board's decision and request a full evidentiary hearing before an Administrative Law Judge, but she did not do so.

The pertinent provisions under § 14-5B-14 of the Act provides the following:

- (a) Subject to the hearing provisions of § 14-405 of this title, the Board, on the affirmative vote of a majority of the quorum may ...reprimand any licensee ...place any licensee ...on probation, or suspend or revoke a license if the applicant licensee or holder of a temporary license:
 - (3) Is guilty of unprofessional or immoral conduct in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance;
 - (4) Is professionally, physically or mentally incompetent;
 - (7) Is addicted to, or habitually abuses any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article; [or]
 - 8) Provides professional services: (ii) while using any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article or any other drugs that is in excess of therapeutic amounts or without valid medical indication.

Further, on or about December 2, 2011, the Office of the Attorney General for the State of Maryland filed a Petition to Revoke the Respondent's Radiography License (the "Petition"), pursuant to H.O. § 14-5B-14(c), which provides:

- (1) On the filing of certified docket entries with the Board by the Office of the Attorney General, the Board shall order the suspension of a licensee or holder of a temporary license if the licensee or holder of a temporary license 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, the Board shall order the revocation of a license or temporary license on the certification by the Office of the Attorney General.

On or about December 7, 2011, a Case Resolution Conference was held before a panel of the Board.² As a result of negotiations, the Respondent has agreed to enter into this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

1. At all times relevant hereto, the Respondent was and is licensed to practice radiography in the State of Maryland. The Respondent was originally issued a radiography license in the State of Maryland on June 28, 2004, under License Number R0007206.

2. On or about December 1, 2010, the Board's Intake Unit received a complaint from a hospital (the "Hospital"), the Respondent's former employer, regarding the Respondent.

3. The complaint alleged that on or about November 11, 2010 the Respondent appeared "tired and sleepy" just a few hours into her shift, which began at 3 p.m. The Respondent claimed she did not feel well and had a headache. She scheduled to have someone pick her up from the Hospital as she felt that she could not drive. The Respondent left work at 6:00 p.m. but returned approximately thirty minutes later and solicited a urine sample from three of her colleagues, stating that her sister needed it to pass a urine drug screen in order to obtain pain medication.

4. Based on the complaint, the Board initiated an investigation of the Respondent under Board Case Number 2011-0377.

² The Respondent agreed to forgo her opportunity to show cause why the Board should not revoke her license and elected to resolve the both the Charges and the Petition at a single Case Resolution Conference.

5. Pursuant to a Board subpoena, the Hospital provided the Board with statements of the three employees from whom the Respondent solicited a urine specimen on or about November 11, 2010.

6. One employee stated that the Respondent even offered him money for his urine. This employee stated that the Respondent told him she needed the urine specimen for her sister, who had been taking Percocet tablets from her husband for a back injury. The Respondent explained that her sister was seeking to obtain her own Percocet prescription but would need to provide a "clean" urine sample to do so.

7. All three employees declined to provide the Respondent with a urine specimen.

8. Pursuant to a Board subpoena, the Respondent appeared at the Board's office for an interview on April 21, 2011.

9. During the interview, the Respondent admitted that on November 10, 2010, the day before the incident, she had ground up a 30 mg Percocet tablet and snorted it.

10. The Respondent stated that during her shift at the Hospital on November 11, 2010, she had a headache and was "seeing spots." The Respondent notified her employer that she needed to leave. Hospital records reveal that the Respondent performed radiology services for seven patients prior to leaving.

11. During the interview with the Board's investigator, the Respondent admitted that she had asked three Hospital colleagues to provide her with a urine sample on November 11, 2010. The Respondent stated that despite what she had told her colleagues, she had requested the urine specimen for her boyfriend so that he could

obtain pain medication because his own urine would reveal his use of non-prescribed drugs.

12. The Respondent also told the Board's investigator that she had problems with drug addiction, specifically heroin and cocaine, and that she had recently received treatment for her addiction but had relapsed prior to the incident described in the complaint. Specifically, the Respondent had completed an in-patient treatment program between August 16, 2010 and August 26, 2010. Thereafter, the Respondent attended an intensive out-patient treatment through the same facility.

13. However, the Respondent stated that she relapsed about four days after being released from the in-patient program.

14. Between September 27, 2010 and October 11, 2010, the Respondent completed another in-patient treatment program. The Respondent stated that upon completion of the program she lived in transitional housing for thirty days and maintained her sobriety during that time.

15. The Respondent stated that she returned to work at the Hospital on or about October 25, 2010 and relapsed again shortly thereafter. The Respondent confirmed that she was using drugs and going to work between October 25, 2010 and November 11, 2010, the date of the incident described in the complaint.

16. During her interview with the Board's investigator, the Respondent also revealed a criminal history involving a conviction for the illegal possession of controlled paraphernalia.

17. The Board's investigator then obtained court documents from the District Court for Wicomico County, Maryland, which showed that the Respondent was charged on or about November 4, 2010, in Case No. 5H00057657, with possession of controlled dangerous substance ("CDS") equipment, to wit, a hypodermic syringe/needle in violation of Md. Crim. L. Code, Ann., § 5-620(a)(2).

18. In addition, the Board's investigator obtained court documents from the District Court for Wicomico County, Maryland, which revealed that on or about December 3, 2010, the Respondent was charged with two counts of CDS possession, not marihuana, in violation of Md. Crim. L. Code Ann. § 5-601(a)(1); three counts of possession of CDS paraphernalia, in violation of Md. Crim. L. Code Ann. § 5-619(c)(1); and one count of possession of CDS equipment, in violation of Md. Crim. L. Code, Ann. §5-620(a)(2).

19. Trial on all of the above charges was held on or about April 4, 2011 whereupon the Respondent entered a plea of guilty to one count of possession of CDS equipment. The court granted the Respondent probation before judgment with three years of supervised probation and imposed a criminal fine of \$250.00. The remaining charges described above were placed on the stet docket.

20. The Board's investigator also obtained court documents from the District Court for Somerset County, Maryland, which revealed that on or about April 29, 2011 the Respondent was charged in Case No. 0G00017976 with one count of forgery, to wit, a stolen check; one count of theft less than \$100.00; one count of possession of forged documents; two counts of fraud per identity theft; two counts of conspiracy to forge documents; and one count of conspiracy to commit theft less than \$100.00.

21. On or about July 8, 2011, the Respondent appeared in the District Court of Maryland for Somerset County and with advice of counsel voluntarily and knowingly entered a plea of guilty to one count of possessing a forged document in violation of Md. Criminal Law Code Ann. § 8-601(b). Upon the Court's acceptance of the Respondent's plea of guilty, the State entered *nolle prosequi* on the remaining charges.

22. Pursuant to the Respondent's plea of guilty, the Court offered and the Respondent accepted an eighteen-month sentence, with fifteen months suspended, and eighteen months of supervised probation following her release from incarceration pursuant to Md. Criminal Procedure Code Ann. §§ 6-219(b) and 6-221(a). The Respondent's probation is scheduled to terminate on or about May 8, 2013. The Court also issued an order requiring the Respondent to make restitution in the amount of \$378.85 to PNC Bank.

23. Pursuant to Md. Rule 7-104, the Respondent had 30 days after the entry of the judgment in *State v. Carli Lankford*, Case No. 0G00017976, to file an appeal in that case. The Respondent failed to file an appeal by October 18, 2011, thereby waiving her right to appeal and rendering the judgment final.

24. The Respondent's plea of guilty to knowingly possessing a forged document constitutes a plea of guilty to a crime involving moral turpitude. See *Oltman v. Maryland State Board of Physicians*, 162 Md. App. 457 (2005) (guilty plea by physician assistant to Maryland misdemeanor offense of obtaining prescription drug by fraud, deceit, misrepresentation, or subterfuge was conviction for "crime involving moral turpitude"); See also *Maryland State Board of Physician Quality Assurance v.*

Felsenberg, 351 Md. 288 (1998) (crimes involving fraud and deceit are crimes involving moral turpitude).

25. The Respondent's conduct of knowingly possessing a forged check constitutes fraudulent and deceitful behavior that involves moral turpitude.

26. Based on the totality of circumstances, the Respondent's plea of guilty to knowingly possessing a forged document, in violation of Md. Criminal Law Code Ann. § 8-601(b), constitutes a plea of guilty to a crime involving moral turpitude.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent:

Is guilty of unprofessional or immoral conduct in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance, H.O. § 14-5B-14(a)(3);

Is professionally, physically or mentally incompetent, H.O. § 14-5B-14(a)(4);

Is addicted to, or habitually abuses any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article, H.O. § 14-5B-14(a)(7);

Provide[d] professional services while using any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article or any other drugs that is in excess of therapeutic amounts or without valid medical indication, H.O. § 14-5B-14(a)(8)(ii); and

[Has pled] guilty or nolo contendere with respect to a crime involving moral turpitude, H.O. § 14-5B-14(c).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 25th day of January, 2012, on an affirmative vote of a majority of the quorum of the Board considering this case:

ORDERED that the Summary Suspension of the Respondent issued on July 12, 2011 is TERMINATED; and it is further;

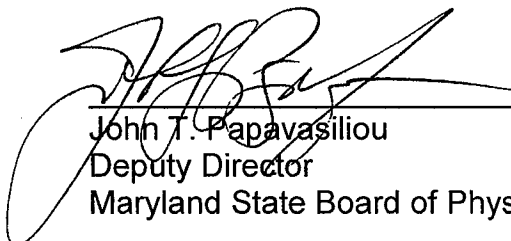
ORDERED that the Respondent's license to practice radiography is **REVOKED** for at least two (2) years; and it is further;

ORDERED that the Respondent may not apply for the reinstatement of her license until after two years from the effective date of this Consent Order; and it is further;

ORDERED that the two year period before an application for reinstatement may be filed does not imply that the Board will grant the application if the Respondent applies after two years; and it is further;

ORDERED that this Consent Order shall be a **PUBLIC DOCUMENT**.

1/25/2012
Date



John T. Papavasiliou
Deputy Director
Maryland State Board of Physicians

CONSENT

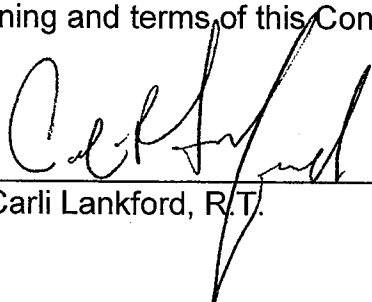
I, Carli Lankford, R.T., acknowledge that I was given the opportunity to consult with counsel before entering into this Consent Order but voluntarily and knowingly elected not to do so. By this Consent and for the purpose of resolving both the Charges and Petition referenced herein, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing on the Charges in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. Likewise, I agree to forego my opportunity to provide a written response to the Show Cause Order issued with the Petition.

I acknowledge the legal authority and jurisdiction of the Board and the Attorney General's Office to initiate both the Charges and the Petition, respectively, and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after a hearing on the Charges or submission of my answer to the Show Cause Order issued with the Petition.

I sign this Consent Order voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

1-2-12
Date



Carli Lankford, R.T.

STATE OF MARYLAND
CITY/COUNTY OF Dorchester

I HEREBY CERTIFY that on this 2nd day of January,
2012, before me, a Notary Public of the foregoing State and City/County personally
appear Carli Lankford, R.T., License Number R0007206, and made oath in due form of
law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notary seal.

Cheryl A. Harvey
Notary Public

My commission expires:

