

IN THE MATTER OF * BEFORE THE MARYLAND STATE
 OLUFUNKE R. ANIFOWOSE, * BOARD OF PHYSICIANS
 APPLICANT * CASE NUMBER: 2220-0248B

* * * * *

CONSENT ORDER

On June 30, 2020, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) notified **OLUFUNKE R. ANIFOWOSE** (the “Applicant”) of Panel B’s intent to deny her Application for Initial Licensure under the Maryland Radiation Therapy, Radiography, Nuclear Medicine Technology and Radiology Assistance Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-5B-01 *et seq.* (2014 Repl. Vol. and 2019 Supp.).

The pertinent provisions of the Act provide:

§ 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 subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of a 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 licensee or applicant:

- ...
- (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[.]

On September 23, 2020, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring as a result of this DCCR, the Applicant agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

Panel B finds:

I. Prior Denial of Application for Licensure

1. On or about August 22, 2012, the Board received the Applicant’s 2012 application.
2. The Applicant answered “yes” to a question regarding whether her employment had been affected by disciplinary actions, and a question regarding whether she had been charged with or convicted of any criminal act for which she pleaded nolo contendere, could receive or did receive probation before judgment, or were sentenced to probation or confinement.
3. The Board’s investigation revealed that in 2011, the Applicant, who was then certified by the Maryland Board of Nursing as a medication technician, had been terminated from her employment as a direct healthcare provider and was charged in the Circuit Court for Baltimore County with vulnerable adult physical injury, first degree assault, and abuse/neglect of a vulnerable adult/custodian.

4. In September 2012, the Applicant entered an Alford plea and was found guilty of abuse/neglect of a vulnerable adult-custodian. The Applicant was sentenced to 18 months incarceration, suspended, and 18 months of supervised probation.

5. On October 23, 2012, the Maryland Board of Nursing issued to the Applicant an Order of Reprimand.

6. On October 25, 2013, the Board of Physicians notified the Applicant of its intent to deny her Application for Radiographer Licensure (the "2012 application."). The Board of Physicians based its intent to deny the Applicant's application on the Applicant's failure to demonstrate good moral character and her discipline by a licensing authority for an act that would be grounds for disciplinary action under the Board's disciplinary statutes, in violation of Health Occ. § 14-5B-09(b) and Health Occ. § 14(a)(17), respectively.

7. The Applicant waived her right to an evidentiary hearing to contest the Board of Physicians' denial of her application.

8. By Final Order dated March 14, 2014, the Board of Physicians denied the Applicant's Application.

The Applicant's History Subsequent to the 2014 Application Denial

9. Subsequent to the Board's 2014 denial of the Applicant's first application, the Maryland Board of Nursing took additional action against the Applicant's medical technician certificate.

10. Specifically, on November 5, 2014, the Board of Nursing charged the Applicant with violating the Maryland Nurse Practice Act under the following disciplinary grounds:

(3) Is disciplined by a...court in this State...for an act that would be grounds for disciplinary action under the Board's disciplinary statutes; *to wit*,

(4) Is convicted of or pleads guilty or *nolo contendere* to a felony or to a crime involving moral turpitude, whether or not any appeal or any proceeding is pending to have the conviction or plea set aside;

(15) Has physically, verbally, psychologically abused, neglected or otherwise harmed a person under the applicant or certificate holder's care[.]

(4) Is convicted of or pleads guilty or *nolo contendere* to a felony or to a crime involving moral turpitude, whether or not any appeal or any proceeding is pending to have the conviction or plea set aside;

(26) After failing to renew a certificate, commits any act that would be grounds for disciplinary action under this section.

11. The Applicant failed to submit a request for an evidentiary hearing on the charges, thereby waiving her right to a hearing.

12. On August 22, 2016, the Maryland Board of Nursing issued to the Applicant a Default Final Order of Revocation of Medication Technician Certificate.

The Applicant's Current Application for Licensure

13. On or about December 4, 2019, the Board received from the Applicant an Application for Licensure: Radiographer.

14. The Applicant answered "no" to Character and Fitness Questions (b) and (c) that inquire:

(b) Has a state licensing or disciplinary board (including Maryland), a comparable body in the armed services or the Veterans Administration, ever taken action against your license? Such actions include, but are not limited to, limitations of practice, required education admonishment or reprimand, suspension, probation or revocation?

(c) Has any licensing or disciplinary board in any jurisdiction (including Maryland), a comparable body in the armed services or the Veterans Administration, ever filed any complaints or charges against you or investigated you for any reason?

15. In responding “no” to Character and Fitness Questions (b) and (c), the Respondent failed to report to the Board of Physicians that the Board of Nursing had revoked her medication technician certificate in 2016.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, Disciplinary Panel B concludes as a matter of law that the Applicant is guilty of unprofessional or immoral conduct in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance, in violation of Health Occ. § 14-5B-14(3); willfully makes or files a false report or record in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance, in violation of Health Occ. § 14-5B-14(10); and that the Applicant is not of good moral character, as required by Health Occ. § 14-5B-09(b)(1).

ORDER

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

ORDERED that the Application of Olufunke R. Anifowose to practice radiography in Maryland is **DENIED**; and it is further

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

11/06/2020
Date

Signature on File

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

CONSENT

I, Olufunke R. Anifowose, assert that I am aware of my right to consult with and be represented by counsel in considering this Consent Order and in any proceedings that would otherwise result from the Notice of Intent to Deny currently pending. I have chosen to proceed without counsel and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the Notice of Intent to Deny. I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order. I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the Findings of

Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

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

Signature on File

10/27/20
Date

Olufunke R. Anifowose
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Howard

I HEREBY CERTIFY that on this 27th day of October 2020, before me, a Notary Public of the foregoing State and City/County Olufunke R. Anifowose personally appeared 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 notarial seal.

S. Atifa Ahsan
Notary Public

My Commission expires: 2/8/2023

