

IN THE MATTER OF
SAMUEL S. NOKURI, M.D.

Respondent

License Number: D70766

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case Number: 2222-0098A

* * * * *

CONSENT ORDER

On January 31, 2023, Disciplinary Panel A of the Maryland State Board of Physicians (the “Board”) charged **SAMUEL S. NOKURI, M.D.**, (the “Respondent”), License Number D70766, with violating the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2021 Repl. Vol. and 2022 Supp.) and the Maryland Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Act, Health Occ. § 14-5B-01 *et seq.* (2021 Repl. Vol. and 2022 Supp.).

Specifically, Disciplinary Panel A charged the Respondent with violating the following provisions under Health Occ. § 14-404 and Health Occ. § 14-5B-18.1:

Health Occ. § 14-404. Denials, reprimands, probations, suspensions, and revocations – Grounds.

(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 the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(3) Is guilty of:

(ii) Unprofessional conduct in the practice of medicine[.]

Health Occ. § 14-5B-18.1. Employment of individuals without license prohibited.

- (a) *Physicians.* – Except as otherwise provided in this subtitle, a licensed physician may not employ or supervise an individual practicing radiation therapy, radiography, nuclear medicine technology, or radiology assistance without a license.

As a resolution of this matter, the Respondent has agreed to enter into this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

Disciplinary Panel A makes the following Findings of Fact:

Licensing/Background Information

1. At all times relevant, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on May 4, 2010, under License Number: D70766. The Respondent’s license is current until September 30, 2023.

2. At all times relevant, the Respondent practiced medicine as part-owner of a medical practice (the “Practice”),¹ which provided mainly urgent care with some primary and pediatric care. The Practice has three active locations in Columbia, Oxon Hill, and Lusby, Maryland.

¹ To ensure confidentiality, the names of individuals, hospitals and healthcare facilities involved in this case are not disclosed in this document.

3. On or about September 24, 2021, the Board received an anonymous complaint alleging that the Respondent was employing unlicensed individuals to operate x-ray machines at his Practice.

4. Based on the complaint, the Board initiated an investigation of the Respondent and the Practice.

II. Board Investigation

5. The Board's investigation revealed that from in or around January 2019 to in or around January 2021 the Respondent employed at least two medical assistants ("Medical Assistants 1 and 2"), who were not licensed to practice radiography in Maryland, to take radiographs of patients at various locations of the Practice.

Medical Assistant 1

6. On or about June 29, 2022, Board investigators interviewed Medical Assistant 1 under-oath. During the interview, Medical Assistant 1 stated that the Respondent hired him in January 2019 to serve as a radiographer for the Practice's Columbia location, even though he told the Respondent that he was neither certified by the American Registry of Radiologic Technologists ("ARRT") nor licensed as a radiographer in Maryland.

7. Medical Assistant 1 stated that he was the sole radiographer at the Practice's initial location in Columbia from approximately January 2019 to at least May 2020, when the Respondent required him to obtain a radiographer's license in Maryland within six months. Despite that agreement, Medical Assistant 1 stated that he continued to take radiographs of patients until his resignation from the Practice in or around November 2021.

Medical Assistant 1 stated that he continued to take radiographs after May 2020 due to his fear that the Respondent would terminate his employment if he did not do so.

8. Medical Assistant 1 further stated that throughout his employment at the Practice, the Respondent required him to teach other nurse practitioners, physician assistants, and unlicensed medical assistants in the Practice on how to operate radiographic machines, position patients and take radiographs.

Medical Assistant 2

9. On or about July 8, 2022, Board investigators interviewed Medical Assistant 2 under-oath. During the interview, Medical Assistant 2 stated that the Respondent hired her as a radiographic technician on or about August 26, 2020, for the Practice's newly opened location in Oxon Hill. At the time, Medical Assistant 2 had a radiographer's license in Virginia but not in Maryland. Medical Assistant 2 stated that the Respondent personally interviewed her and told her that she would be able to practice radiography in Maryland as long as she was certified by ARRT, which Medical Assistant 2 was.

10. Medical Assistant 2 stated that she was the Practice's sole radiographer at the Oxon Hill location from approximately August 2020 to January 2021 when the Respondent terminated her employment. Medical Assistant 2 stated that during that period she took approximately 20 to 30 radiographs per day, six days per week.

11. Medical Assistant 2 stated that she became licensed to practice radiography in Maryland on or about August 11, 2021. She stated that the Respondent later rehired her in November 2021 to take radiographs at his newly opened location in Lusby. Medical

Assistant 2 worked as a radiographer at the Practice's Lusby location until in or around March 2022 when she resigned.

Radiographer 1

12. On or about July 14, 2022, Board investigators interviewed under-oath a licensed radiographer ("Radiographer 1"), who worked at the Practice's Oxon Hill location from approximately September 2021 to December 1, 2021. Radiographer 1 had been practicing radiography since 2009 and been licensed in Maryland since September 23, 2020.

13. During the interview, Radiographer 1 stated that the Respondent hired her for the position of radiologic coordinator and to take radiographs at the Practice's Oxon Hill location. Radiographer 1 stated that during her short employment at the Practice, she was the sole licensed radiographer at the Oxon Hill location. She stated that not long after she started working at Oxon Hill location, however, she began to notice images of questionable quality that were taken by someone other than herself. Radiographer 1 stated that around that time, the Respondent also asked her to train unlicensed medical assistants at the Practice on how to take radiographs.

14. Radiographer 1 stated that she told the Respondent many times that unlicensed medical assistants were not allowed to take radiographs and that she refused to train medical assistants on how to take radiographs. Radiographer 1 stated that, however, she continued to see images taken by medical assistants.

15. On or about November 30, 2021, Radiographer 1 sent an email to the Respondent advising him against allowing anyone other than a Maryland licensed

radiographer to practice radiography at the Practice. Radiographer 1 also provided the Respondent with references to Maryland regulations, as well as a contact person at the Board for questions. The Respondent terminated Radiographer 1's employment the following day on December 1, 2021.

The Respondent

16. On or about July 6, 2022, and September 7, 2022, Board investigators interviewed the Respondent under-oath. During the interview, the Respondent admitted that Medical Assistant 1 took radiographs of patients at the Practice's Columbia location from January 2019 to at least May 2020 without being licensed in Maryland. The Respondent also admitted Medical Assistant 2 took radiographs of patients at the Practice's Oxon Hill location from August 2020 to January 2021 without being licensed in Maryland. The Respondent further admitted that he asked Medical Assistant 1 and Radiographer 1 to train unlicensed medical assistants on how to take radiograph of patients.

17. During the interview, although the Respondent stated that he took full responsibility, he attributed the oversight to his practice managers' incompetence and his lack of understanding of laws and regulations pertaining to the practice of radiography in Maryland.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Disciplinary Panel A concludes as a matter of law that the Respondent's actions, as described above, constitute unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii); and employing

or supervising an individual practicing radiography without a license, in violation of Health Occ. § 14-5B-18.1(a).

ORDER

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

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that within **ONE (1) YEAR** of the effective date of this Consent Order, the Respondent shall pay a civil fine of **FIFTY THOUSAND DOLLARS (\$50,000.00)**. The payment shall be by money order or bank certified check made payable to the Maryland Board of Physicians and mailed to P.O. Box 37217, Baltimore, Maryland 21297.

ORDERED that if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent 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 followed by an exceptions process before a disciplinary panel; and if there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before a disciplinary panel; and it is further

ORDERED that after the appropriate hearing, if the disciplinary panel determines that the Respondent has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice medicine in Maryland. The disciplinary panel may, in

addition to one or more of the sanctions set forth above, impose a civil monetary fine on the Respondent; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that the Respondent shall comply with the Maryland Medical Practice Act, Md. Code Ann., Health Occ. § 14-101 - § 14-702, and all federal and state laws and regulations governing the practice of medicine in Maryland; and it is further

ORDERED that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board or her designee. The Executive Director signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order; and is further

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

09/27/2023

Signature On File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Samuel S. Nokuri, M.D., acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, 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 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. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings 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 any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

Signature On File

9/18/2023

Date

Samuel S. Nokuri, M.D.
Respondent

NOTARY

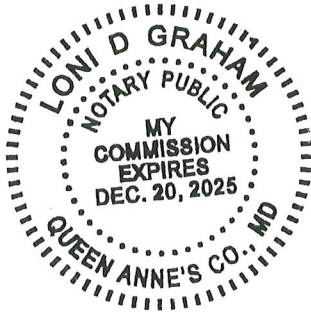
STATE OF MARYLAND
CITY/COUNTY OF

Anne Arundel

I HEREBY CERTIFY that on this 18th day of September

 , 2023, before me, a Notary Public of the foregoing State and City/County personally appear Samuel S. Nokuri, M.D., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.



Loni D. Graham
Notary Public

My commission expires: 12/20/25