

IN THE MATTER OF	*	BEFORE THE
FIRST CALL URGENT CARE	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
	*	Case Number: 2224-0190A
* * * * *		

CONSENT ORDER

In or around February 2024, the Maryland State Board of Physicians (the “Board”) initiated an investigation of **FIRST CALL URGENT CARE** (the “Respondent”) based on allegations that it employed an individual to practice radiography without a license. At the conclusion of its investigation, Disciplinary Panel A (“Panel A”) of the Board determined that it had grounds to charge the Respondent with failing to comply with the Maryland Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-5B-01 *et seq.*

The pertinent provision of the Act is as follows:

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

- (a) 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.
- (b) Except as otherwise provided in this subtitle, a hospital, related institution, alternative health system, or employer may not employ an individual practicing radiation therapy, radiography, nuclear medicine technology, or radiology assistance without a license.

- (c) A disciplinary panel may impose a civil penalty of up to \$1,000 for employing an individual without a license under this section.

Prior to the issuance of disciplinary charges, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel A finds the following facts:

1. The Respondent is an urgent care clinic in Maryland that provides walk-in medical care to patients.
2. The Board initiated an investigation of the Respondent after an applicant for a radiography license (the "Individual") stated in her application that she worked as an "X-Ray Tech" for the Respondent from in or around May 2023 to in or around February 2024.
3. The Board's investigation determined that from in or around May 2023 to in or around February 2024, the Respondent employed the Individual to practice radiography at its facility without a license to practice radiography by the Board.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent employed an individual to practice radiography without a license, in violation of Health Occ. § 14-5B-18.1(b).

ORDER

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

ORDERED that, **within NINETY (90) DAYS** of the effective date of the Consent Order, the Respondent shall pay a civil fine of **ONE THOUSAND DOLLARS (\$1000.00)**. The payment shall be by bank certified check or money order made payable to the Maryland Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297; 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 or her designee signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order; 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).

Signature On File

08/07/2024
Date

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

CONSENT

The Respondent, First Call Urgent Care (“First Call”), has consulted with counsel before signing this document.

By this Consent, First Call agrees to be bound by this Consent Order and all its terms and conditions and understands that the Board will not entertain any request for amendments or modifications to any condition.

First Call asserts that it is aware of the right to a hearing before the Board pursuant to Md. Code Ann, Health Occ. § 14-405 and Md. Code Ann., State Gov’t §§ 10-201 *et seq.* concerning any disciplinary charges that could have been issued against it. First Call waives this right and elects to sign this Consent Order instead.

First Call acknowledges the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which First Call would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on behalf of First Call, and to all other substantive and procedural protections as provided by law. First Call waives those substantive and procedural protections. First Call acknowledges the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order.

First Call voluntarily enters into and agrees to comply with the terms and conditions set forth in this Consent Order as a resolution of the pending disciplinary matters. First Call waives any right to contest the Findings of Fact and the Conclusions of Law set out in this Consent Order. First Call waives all right to appeal this Consent Order.

I sign this Consent Order, on behalf of First Call, without reservation, and fully understand and comprehend the language and meaning of its terms.

Signature On File

8/5/2024
Date

Conner J. Ferguson
Managing Partner
On Behalf of First Call Urgent Care

NOTARY

STATE OF Maryland
CITY / COUNTY OF Howard

I HEREBY CERTIFY that on this 5 day of August 2024, before me, a Notary Public of the foregoing State and City/County, personally appeared Conner J. Ferguson, 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 notarial seal.

[Signature]
Notary Public

My commission expires: _____

