

IN THE MATTER OF	*	BEFORE THE MARYLAND
RODNEY H. DAILEY, Sr., RCP	*	STATE BOARD OF
Respondent	*	PHYSICIANS
License Number: L01419	*	Case Number: 7720-0062

**ORDER FOR SUMMARY SUSPENSION OF LICENSE TO PRACTICE
RESPIRATORY CARE**

Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) hereby **SUMMARILY SUSPENDS** the license of Rodney Dailey, Respiratory Care Practitioner (the “Respondent”), License Number L01419, to practice respiratory care in the State of Maryland. Panel B takes such action pursuant to its authority under Md. Code Ann., State Gov’t § 10-226(c)(2)(i) (2014 Repl. Vol. & 2019 Supp.), concluding that the public health, safety, or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS¹

I. BACKGROUND

1. At all times relevant, the Respondent has been licensed to practice as a respiratory care practitioner in the State of Maryland. The Respondent was initially licensed to practice in Maryland on November 17, 1992 under license number L01419. The Respondent allowed his license to lapse one time which

¹ The statements regarding the Respondent’s conduct are intended to provide the Respondent with reasonable notice of the alleged facts. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent regarding this matter.

resulted in his submission of an application for reinstatement which was granted on November 13, 2008. The Respondent has since renewed his license nine times; the most recent renewal was submitted on April 18, 2018. In these applications the Respondent answered “No,” to all character and fitness questions related to the use of illicit substances. The Respondent’s most recently renewed license states that the expiration date is May 30, 2020.

2. At all times relevant to these charges, the Respondent has been employed as a Pulmonary Function Technician at a Hospital² in Maryland.
3. On October 4, 2019, Panel B charged the Respondent under Health Occ. § 14-5A-17(a)(1)³, (3)⁴, and (10)⁵, in case number 2219-0167, based on the Respondent’s failure to report his criminal history on his prior applications for licensure.
4. On January 6, 2020, the Respondent entered a Consent Order with the Board as a resolution to the October 4, 2019 charges. The sanction agreed to in the Consent Order included a reprimand, and the Respondent was placed on probation for a minimum of thirty (30) days and was required to be evaluated by the Maryland Professional Rehabilitation Program (“MPRP”).

² For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. The Respondent may obtain the names of all individuals and facilities referenced in this document by contacting the Administrative Prosecutor.

³ Health Occ. § 14-5A-17(a)(1) – Fraudulently or deceptively obtains or attempts to obtain a license for the applicant, licensee, or for another.

⁴ Health Occ. § 14-5A-17(a)(3) – Is guilty of unprofessional or immoral conduct in the practice of respiratory care.

⁵ Health Occ. § 14-5A-17(a)(10) – Willfully makes or files a false report or record in the practice of respiratory care.

5. On or about January 28, 2020, MPRP notified Board staff of aberrant toxicology screening results⁶ obtained from the Respondent. Based on this notification, the Board opened an investigation.

II. BOARD INVESTIGATION

6. On or about January 29, 2020, Board staff sent a letter to the Respondent notifying him of the January 2020 toxicology screening results and requesting a written response to the test results within five business days.
7. On or about February 12, 2020, Board staff received the Respondent's written response. In his response, the Respondent acknowledged that the toxicology screening results were accurate at that time. This admission and additional statements made by the Respondent directly contradict the Respondent's previous statements to the Board during the investigation which preceded the Respondent's entry into the Consent Order.
8. On or about March 16, 2020, MPRP notified the Board of another aberrant toxicology test, the results of which are available to the Respondent.
9. On March 17, 2020, Board staff sent a letter to the Respondent requesting a response to the March 2020 toxicology results.
10. On March 26, 2020, Board staff received the Respondent's written response. In his response, the Respondent offered his explanation for the most recent toxicology screening results while denying any intentional consumption.

⁶ The results of the toxicology screenings will not be disclosed in this document but are available to the Respondent.

CONCLUSION OF LAW

Based on the foregoing investigative findings, Panel B concludes that the public health, safety or welfare imperatively requires emergency action in this case, pursuant to Md. Code Ann., State Gov't. § 10-226(c)(2)(i) (2014 Repl. Vol. & 2019 Supp.), and Md. Code Regs. 10.32.02.08B(7).

ORDER

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

ORDERED that pursuant to the authority vested in Panel B by Md. Code Ann., State Gov't § 10-226(c)(2), the Respondent's license, L01419 , to practice as a respiratory care practitioner in the State of Maryland be and is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that the Respondent shall not practice respiratory care in Maryland while his license is Summarily Suspended; and it is further

ORDERED that in accordance with Md. Code Regs. 10.32.02.08B(7)(c), and E, a post-deprivation hearing on the Summary Suspension will be held on **April 22, 2020 at 1:00 p.m.**, before Panel B at the Board's offices, located at 4201 Patterson Avenue, Baltimore, Maryland 21215-0095; and it is further

ORDERED that after the post-deprivation **SUMMARY SUSPENSION** hearing held before Panel B, the Respondent, if dissatisfied with the result of the hearing, may

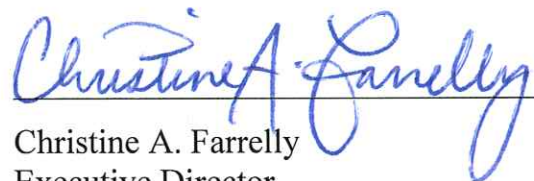
request, within ten (10) days of the decision on the post-deprivation hearing, an evidentiary hearing, such hearing to be held within thirty (30) days of the request, before an Administrative Law Judge at the Office of Administrative Hearings, Administrative Law Building, 11101 Gilroy Road, Hunt Valley, Maryland 21031-1301; and it is further

ORDERED that a copy of this Order of Summary Suspension shall be filed with the Board in accordance with Md. Code Ann., Health Occ. § 14-407 (2014 Repl. Vol. & 2019 Supp.); and it is further

ORDERED that this 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). (2014 Repl. Vol. & 2019 Supp.).

04/08/2020

Date



Christine A. Farrelly
Executive Director
Maryland State Board of Physicians