

IN THE MATTER OF

\*

BEFORE THE

LUMINIS HEALTH ANNE ARUNDEL  
MEDICAL CENTER

\*

MARYLAND STATE

Respondent

\*

BOARD OF PHYSICIANS

\*

Case Number: 2223-0059B

\* \* \* \* \*

**CONSENT ORDER**

On April 19, 2023 Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the "Board") sent a Notice of Employment of Unlicensed Individual to LUMINIS HEALTH ANNE ARUNDEL MEDICAL CENTER (the “Respondent”) of its failure to comply with the Maryland Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Act (the “Act”), codified at Health Occ. § 14-5B-01 *et seq.* (2021 Repl. Vol. and 2022 Supp.).

The pertinent provisions of the Act are as follows:

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

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

On June 28, 2023, 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 Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

### **FINDINGS OF FACT**

Disciplinary Panel B finds the following:

1. The Respondent, Luminis Health Anne Arundel Medical Center, is a hospital with more than 400 beds across a 57-acre campus located at 2001 Medical Parkway, Annapolis, Maryland 21401.

2. On or about August 26, 2022, the Board received an *Application for Reinstatement of Radiographer* (the “Reinstatement Application”) from an applicant (the “Radiographer”) who was initially licensed to practice radiography in Maryland on June 26, 1991, but failed to renew his license, which expired on July 1, 2021.<sup>1</sup> The Board later reinstated the Radiographer’s radiography license on September 15, 2022.

3. In the Reinstatement Application under “Employment Activities,” the Radiographer disclosed that he had been continuously employed by the Respondent at its facility as a CAT scan technician from December 2017 to August 2022.

4. Based on that disclosure, the Board initiated an investigation of the Respondent.

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<sup>1</sup> The Radiographer’s license was scheduled to expire on April 30, 2021. However, due to the State of Emergency during the COVID-19 pandemic, Governor Hogan issued an executive order, which tolled the expiration of health occupations licenses until July 1, 2021.

5. The Board's investigation revealed that the Respondent continued to employ the Radiographer and allowed him to practice radiography from July 1, 2021 until September 15, 2022, when his Maryland radiography license was expired.

6. In a written response to Board inquiry, the Respondent admitted to the oversight but attributed it to confusions that occurred during the State of Emergency involving the outbreak of COVID-19.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Respondent is guilty of employing an individual practicing radiation therapy, radiography, nuclear medicine technology, or radiology assistance without a license, in violation of § 14-5B-18.1(b) of the Health Occupations Article.

### ORDER

It is thus by a majority of a quorum of Disciplinary Panel B of the Board hereby:

**ORDERED** that within **ONE (1) YEAR**, the Respondent shall pay a civil fine of **\$1,000.00 (ONE THOUSAND DOLLARS)**. 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 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 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).

07/27/2023  
Date

***Signature on File***

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

**CONSENT**

Luminis Health Anne Arundel Medical Center has consulted with counsel before signing this document.

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 pending charges. 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.

7/18/2023  
Date

***Signature on File***

Sherry B. Perkins, PhD, RN, FAAN  
President

On behalf of Luminis Health Anne Arundel  
Medical Center

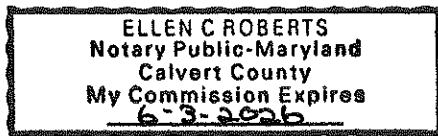
NOTARY

STATE OF Maryland

CITY/COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 18<sup>th</sup> day of July,  
2023, before me, a Notary Public of the State and County aforesaid, personally appeared  
Sherry B. Perkins, and gave oath in due form of law that the foregoing Consent Order was  
her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.



Ellen C. Roberts  
Notary Public

My Commission Expires: 6-3-2026