

IN THE MATTER OF

* BEFORE THE MARYLAND

STEVEN LEE MILLS

* STATE BOARD OF PHYSICIANS

Applicant

* Case Number: 2221-0032B

FINAL ORDER

Based on information received, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) issued to **STEVEN LEE MILLS** (the “Applicant”) notice of its **INTENT TO DENY** his Application for Initial Licensure: Radiographer (the “Application”) pursuant to 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. & 2020 Supp.). Panel B based its intent to deny on the following provision of the Act:

§ 14-5B-14. Denial of License.

- (a) *In general.* – Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may deny a license to any applicant . . . if the applicant . . .
 - (3) Is guilty of unprofessional or immoral conduct in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance[.]

On March 22, 2021, Panel B’s Notice of Intent to Deny Application for Initial Licensure (the “Notice”) was issued. Panel B notified the Applicant in the Notice that this Final Order would be executed unless the Applicant requested a hearing by April 22, 2021. Panel B did not receive a written request for a hearing on or before that date.

FINDINGS OF FACT

Panel B makes the following findings of fact:

I. BACKGROUND

1. On or about December 10, 2001, in Illinois, the Applicant was granted licensure in Radiography, license number 500479777. His Illinois licensure is currently non-renewed with an expiration date of December 31, 2003.
2. On or about June 30, 2004, in Delaware, the Applicant was granted licensure as a Medical Radiologic Technologist, license number 2565. His Delaware licensure is currently active with an expiration date of July 3, 2022.
3. On or about March 10, 2020, the Applicant submitted to the Board his Application in which he sought licensure in Maryland as a Radiographer.
4. In his Application, the Applicant answered "YES" to Question 15(n) which states the following:
 15. Character and Fitness Questions

 (n) Has your employment or contractual relationship with any hospital, HMO, other health care facility, health care provider, institution, armed services, or the Veterans Administration ever been terminated for disciplinary reasons?

II. BOARD INVESTIGATION

5. The Board initiated an investigation into the Applicant's representations in his Application. As part of its investigation, the Board reviewed the Applicant's written

responses to question 15n on the Application and subpoenaed documents from the Applicant's former employer.

6. Based on the information from the Application and the subpoenaed documents, it was determined that from May 2003 until his termination in September 2019, the Applicant was employed by a state-wide health care system as a MRI/CT Technologist at a site in Newark, Delaware.
7. The Applicant explained the events leading up to his termination, stating in part:

I had hurt my back and had been out of work for a little while. I had been told that I could come back on light duty . . . because I had run out of PTO, I had come back and had had the terms [*sic*] coming back had been changed several times over the course of a couple of weeks. The last being that I could only be there when my immediate supervisor [*sic*] was there . . . I had had to tell my part time job I would be out for 3 weeks until I could come back off of light duty. I was then told that I would not be needed the next day . . . I had called my doctor and gotten approval to come back to work off of light duty, even though I was not really confident with my back. I had worked and had someone tell me that I had also been taken off of the schedule for the rest of the week . . . The stress of knowing that I would not have any money coming in, even though I had done what they had asked, had all of the stress and frustration of the whole situation come to me at one time. As I was explaining what happened [to my colleague] I had started getting louder and talking faster and I had used a couple of curse words. It had been a couple of minutes and then I was done and was back to my normal self. I had come in the next day and was called to one of the administrators offices. I had been told that I was being put on administrative leave as they looked into the incident . . . [Later] I was told that I was being terminated because I was accused of saying that my supervisor could shove it down her f*****g throat . . . That was the first I had heard what I had been accused of[.]

8. According to a copy of the Disciplinary Action Record obtained via subpoena and by email from the Applicant, the disciplinary incident was described in part:

Date 9/11/19

....

Infraction Nature and Date – Egregious Incident of Uncivil Disrespectful, Threatening Language & Actions

....

On Thursday evening, September 5th 2019, a Workplace Safety Report was completed regarding concern of your behavior in the work area. It was reported that in the presence of staff members and ear shy of patients you repeatedly displayed your frustration regarding the management of your work restrictions and using profanity in an angry, loud, and offensive manner. Your behavior, tone and temperament made others in the department feel very uncomfortable and concerned for their safety.

During an investigation of the concern, it was revealed that you had shown alarming physical body language with shaking of your arms & legs, spoke disrespectfully of your supervisor with use of threatening language, specifically stating “She can shove it down her f-----throat!” while discussing your recent ADA accommodation. When the concern was discussed with you on Friday, September 6th, you admitted to the behavior and stated that you were angry with your manager and that is why you acted out and used profanity towards her. Due to the concern raised regarding safety and the behavior exhibited, you were placed on Administrative Leave pending investigation.

The behavior exhibited is considered disruptive and unacceptable in the workplace. Treating others with respect, dignity, and courtesy is integral in our Focus on Excellence and clinical outcomes and service. Due to the egregious nature of your behavior (i.e. uncivil, disrespectful, threatening language, and profanity) in the workplace, your employment with . . . is terminated immediately.

9. The remainder of the subpoenaed documents revealed a pattern of unprofessional behavior that did not appear to have been formally addressed by the employer until the incident in September 2019, including: making disturbing and threatening comments to coworkers (i.e. “If you knew the thoughts that were going through my head you’d be scared”, “Off the top of my head, without thinking, I thought of a better way to torture someone. I would take a cauterizer and start at the bottom of their feet and work my way up[.]” and explaining how the Applicant would take a

gun and blow the [surgical] rod out of a patient's leg); scream and yell at patients over the intercom when the patient was unable to stay still; curse and throw things around the console area when frustrated; and present with sudden and unpredictable mood shifts that were accompanied with comments and behaviors that frightened his coworkers.

III. BASIS FOR DENIAL OF INITIAL LICENSURE

10. The Applicant's affirmative response to Question 15n, in that his acts, and the explanation he provided for the response, as supported by his personnel file, constitutes evidence that the Applicant has violated Health Occ. § 14-5B-14(a)(3)(Is guilty of unprofessional or immoral conduct in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance.).

CONCLUSIONS OF LAW

Panel B issued its denial of the Applicant's Application based on the foregoing Findings of Fact. Panel B concludes as a matter of law that the Applicant has violated Health Occ. § 14-5B-14(a)(3)(Is guilty of unprofessional or immoral conduct in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance.).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by an affirmative vote of the majority of a quorum of Panel B, hereby

ORDERED that the Applicant's Application for Initial Licensure is **DENIED**; and it is further

ORDERED that this Final 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).

07/09/2021

Date

Signature on File

Christine Farrelly, Executive Director
Maryland State Board of Physicians

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Md. Code Ann., Health Occ. § 14-408(a), Steven Lee Mills has the right to seek judicial review of this Final Decision and Order. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Final Decision and Order. The cover letter accompanying this Final Decision and Order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If Steven Lee Mills files a petition for judicial review, the Board is a party and should be served with the court's process at the following address

**Maryland State Board of Physicians
Christine A. Farrelly, Executive Director
4201 Patterson Avenue
Baltimore, Maryland 21215**

Notice of any petition should also be sent to the Board's counsel at the following address:

**Noreen M. Rubin
Assistant Attorney General
Department of Health and Mental Hygiene
300 West Preston Street, Suite 302
Baltimore, Maryland 21201**