

IN THE MATTER OF
RALPH D. MULLER, NMT

Respondent

License Number: N00470

*** BEFORE THE**
*** MARYLAND STATE**
*** BOARD OF PHYSICIANS**
*** Case Number: 2221-0070**

* * * * *

ORDER OF DEFAULT

On March 30, 2021, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) summarily suspended the license of **RALPH D. MULLER, NMT**. On April 2, 2021, Panel A charged Mr. Muller with unprofessional or immoral conduct in the practice of nuclear medicine technology; being professionally, physically, or mentally incompetent; and failing to cooperate with a lawful investigation. *See* Md. Code Ann., Health Occ. §§ 14-5B-14(a)(3), (4), (26) (2014 Repl. Vol. & 2020 Supp.). The charges alleged that Mr. Muller made sexist comments, used racial slurs, and told anti-Semitic conspiracy theories to co-workers and patients. Mr. Muller also failed to appear for an evaluation ordered pursuant to Health Occ. § 14-402(a), which under Health Occ. § 14-402(c) is “prima facie evidence of the licensed individual’s inability to practice . . . the respective discipline competently”, failed to comply with a Board subpoena requesting documents, and failed to participate in a Board interview, thereby impeding the Board’s investigation. On July 15, 2021, the case was referred to the Office of Administrative Hearings (“OAH”) for an evidentiary hearing.

On August 6, 2021, the Administrative Law Judge (“ALJ”) conducted a scheduling conference. At the scheduling conference, the administrative prosecutor appeared telephonically on behalf of the State and Mr. Muller appeared telephonically and represented himself. Mr. Muller represented on the record that he had no interest in contesting the charges or proceeding

with a hearing. The ALJ informed Mr. Muller that the telephone pre-hearing conference would take place on September 9, 2021 at 9:30 a.m. As such, Mr. Muller had actual knowledge of the prehearing conference date and time. Mr. Muller confirmed his telephone number and email address and did not inform OAH that his address of record had changed.

On August 9, 2021, the ALJ issued a Scheduling Order that notified the parties of the date, time, of the Prehearing Conference and that the Prehearing Conference would be conducted by telephone. It notified the parties that OAH would issue a prehearing conference notice with further information and instructions. It contained email and phone contact information for each party and asked the parties to correct the contact information if incorrect. The Scheduling Order directed both parties to submit a prehearing conference statement with a list of witnesses and exhibits by August 19, 2021. It was mailed to each party and the parties' respective addressees of record. The United States Postal Service did not return to OAH the Scheduling Order mailed to Mr. Muller. The State submitted a prehearing conference statement on August 10, 2021. Mr. Muller did not submit a prehearing conference statement.

On August 10, 2021, OAH sent to Mr. Muller, via United States mail, a Notice of Remote Prehearing Conference to his address of record. Under the Maryland Radiation Therapy, Radiography, Nuclear Medicine Technology and Radiology Assistance Act, Mr. Muller was required to notify the Board in writing of a change in name or address within 60 days after the change. Health Occ. § 14-5B-12.1(a). The notice informed the parties that the prehearing conference would be held on September 9, 2021, at 9:30 a.m. via the WebEx videoconferencing platform. The Notice attached instructions on how to access the WebEx platform. Attached to the notice was a document entitled "Remote Prehearing Conference Instructions" which directed the parties to submit a prehearing conference statement in advance of the hearing. The notice

stated that failure to appear or give timely notice of inability appear for the telephone prehearing conference may result in a decision against the party. The Notice sent to Mr. Muller was returned to OAH with the notation "Return to Sender, Not Deliverable as Addressed, Unable to Forward."

On September 9, 2021, at 9:30 a.m., the ALJ convened the Prehearing Conference as scheduled. The Administrative Prosecutor appeared on behalf of the State. Mr. Muller did not appear. The ALJ waited twenty minutes and then proceeded with the prehearing conference. Prior to the conclusion of the prehearing conference, the ALJ attempted to reach Mr. Muller by telephone, but there was no answer. The administrative prosecutor represented at the prehearing conference that he had spoken with Mr. Muller after the scheduling conference, and at that time Mr. Muller stated several times that he had no interest in proceeding further with the matter, nor was he interested in maintaining his license. The Administrative Prosecutor represented that during that conversation, he informed Mr. Muller that if Mr. Muller failed to appear at the prehearing conference, a default order would likely be issued which would conclude the matter. Both the administrative prosecutor and the ALJ called Mr. Muller on the day of the hearing, and Mr. Muller did not answer the telephone call. The State moved for a proposed default order against Mr. Muller.

Under OAH's rules of procedure, "[i]f, after receiving proper notice in Regulation .05C of this chapter, a party fails to attend or participate, either personally or through a representative, in a prehearing conference, hearing, or other stage of a proceeding, the ALJ may proceed in that party's absence or may, in accordance with the hearing authority delegated by the agency, issue a final or proposed default order against the defaulting party." COMAR 28.02.01.23A. The

method of giving notice under regulation .05C includes notice “sent to the parties by United States mail.” COMAR 28.02.01.05C.

On September 20, 2021, the ALJ issued a Proposed Default Order. The ALJ found that Mr. Muller had proper notice of the September 9, 2021 prehearing conference and that he failed to appear. The ALJ proposed that the Panel find Mr. Muller in default, adopt as findings of fact the statements set out in the allegations of fact section of the charging document, conclude as a matter of law that Mr. Muller violated Health Occ. §§ 14-5B-14(a)(3), (4), and (26) in the manner set forth in the charges, and recommended as a sanction that Mr. Muller’s license be revoked.

On September 24, 2021, the ALJ mailed copies of the Proposed Default Order to Mr. Muller, the administrative prosecutor, and the Board at the parties’ respective addresses of record. The Proposed Default Order notified the parties that they may file written exceptions to the proposed order but must do so within 15 days of the date of the Proposed Default Order. The Proposed Default Order stated that any exceptions and request for a hearing must be sent to the Board with attention to the Board’s Executive Director. Mr. Muller did not file exceptions. On November 17, 2021, this case came before Disciplinary Panel B (“Panel B”) of the Board for final disposition.

FINDINGS OF FACT

Because Panel B concludes that Mr. Muller has defaulted, the following findings of fact are adopted from the allegations of fact set forth in the April 2, 2021 Charges Under the Maryland Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Act and are deemed proven by the preponderance of the evidence:

The Respondent was originally issued a license to practice nuclear medicine technology in Maryland on November 23, 1994, under License Number N00470. The Respondent's latest license was given the expiration date of April 30, 2021.¹ At all times relevant to these charges, the Respondent practiced as a nuclear medicine technologist at a health care facility (the "Facility")² located in Baltimore County, Maryland. The Facility employed the Respondent from on or about October 2, 2000 to September 29, 2020.

On March 30, 2021, Panel A, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2) (2014 Repl. Vol. & 2020 Supp.) and Md. Code Regs. ("COMAR") 10.32.02.08B(7), issued an *Order for Summary Suspension*, in which it summarily suspended the Respondent's license to practice nuclear medicine technology, concluding that the public health, safety or welfare imperatively required emergency action. The Respondent's nuclear medicine technology license remains suspended as of the date of these charges.

The Board initiated an investigation of the Respondent after reviewing a Mandated 10-Day Report from the Facility, dated September 23, 2020, which stated that it suspended the Respondent's employment on September 17, 2020 "pending investigation due to unethical and unprofessional behavior." The Facility sent the Board a follow-up Mandated 10-Day Report, dated October 2, 2020, which stated that it separated the Respondent from employment on September 29, 2020, due to "unethical and unprofessional conduct."

¹ Mr. Muller's license was set to expire on April 30, 2021. Mr. Muller's license did not expire because of his non-renewal, however. A license may not lapse by operation of law "while the individual is under investigation or while charges are pending." Health Occ. § 14-5B-13; *see also Salerian v. Board of Physicians*, 176 Md. App. 231, 247 (2007). Because the charges against Mr. Muller were still "pending" as that term is used in the statute in April 2021, his license did not lapse or expire and remained active for disciplinary purposes throughout the Board's charging and administrative proceedings.

² For confidentiality reasons, the name of the health care facility or any patients referenced herein will not be identified in this document Default Order.

By letter dated October 26, 2020, the Board notified the Respondent that it had opened an investigation on him after receiving information that the Facility separated him from employment on September 29, 2020. The Board requested that the Respondent address the matter in a written response. By letter to the Board dated November 3, 2020, the Respondent stated that on September 29, 2020, the Facility “ended my employment of 20 years . . . largely as part of their response to a Patient complaint received September 17, 2020. The body of the complaint was objecting to topics of conversation while patient exam was performed, i.e. politics, religion etc.” The Respondent added that “a similar complaint was registered via internal corporate hotline by a fellow employee prior to this incident and I was issued a warning by superiors about inappropriate topics of conversation in the workplace.” The Respondent stated that he believed that the Facility was “not willing to tolerate another policy violation and therefore to end my employment was the only recourse.”

As part of its investigation, the Board acquired the Facility’s Human Resources file on the Respondent, which documented two complaints against him. The first complaint was filed on September 13, 2019, by one of the Respondent’s co-workers (the “Co-Worker”), who reported that the Respondent made comments to her that made her feel uncomfortable. Specifically, the Co-Worker alleged that the Respondent had been disrespectful and condescending toward her and often used racial slurs, made sexist comments, inappropriately discussed religious beliefs and referred to some co-workers as “stupid a-holes.” The Co-Worker stated that the previous week, the Respondent stated to her that “there are dead babies in McDonald’s cheeseburgers and in the same conversation how ‘Jews’ buy baby blood on the black market and they torture people to release adrenaline in their blood and sadistically drink it.” The Co-Worker also reported to the Facility that the Respondent informed her that he had

“gotten back” at a co-worker who previously reported him to the Facility’s Human Resources department.

The second complaint was filed on September 17, 2020 by a patient’s spouse. The patient’s spouse stated that while his wife (the “Patient”) was undergoing a two-hour-long hepatobiliary iminodiacetic acid³ scan on September 15, 2020, the Respondent subjected her to a variety of conspiracy theories that made her feel very uncomfortable. Specifically, the Respondent, while alone with the Patient in the test room, brought up racist and anti-Semitic conspiracy theories,⁴ used racist language when referring to African Americans and described the Catholic Church as an evil organization responsible for the QAnon conspiracy of pedophilia. The Patient’s spouse further stated that the Respondent frightened the Patient during the procedure because he was responsible for placing an intravenous radioactive tracer in her arm, and she questioned whether he had properly administered the radioactive agent and performed the examination. The Patient’s spouse also reported that the Patient was traumatized by the incident and immediately reported her concerns to him after the appointment. The Patient requested to remain anonymous due to her fear that the Respondent would retaliate against her. The Patient’s spouse stated,

[The Patient] was placed in a very uncomfortable position she was undergoing a test that took over two hours, she was in no position to challenge the Tech on these conspiracy theories or to leave the situation. She was not even allowed to move during the procedure. She was very uncomfortable and tried to change the subject multiple times, she did not engage or wish to engage in a conversation about these ridiculous conspiracy theories . . . [w]e have serious concerns about someone’s mental health and fitness to do their job and for a health professional who holds these beliefs and preaches them to patients.

³ This test is commonly referred to as a HIDA scan.

⁴ Specifically, the Patient’s spouse stated, “Of most concern was that [the Respondent] advocated a ‘Blood Liable (sic)’ conspiracy theory that has been responsible for the murder of thousands of Jewish people since the Middle Ages; he told my wife that satanic Jews drink the blood of young children.” The actual term for this bigoted trope is “Blood Libel.”

Board staff interviewed the Respondent's Co-Worker on February 26, 2021, during which she confirmed the allegations she made in her complaint to the Facility. The Co-Worker stated that the Respondent was a "conspiracy theorist" who expressed racist and sexist beliefs in the workplace in front of her and other Facility staff persons. In this interview, the Co-Worker expressed concerns for her safety about having filed her complaint.

Board staff interviewed the Patient on March 15, 2021, who confirmed the statements her spouse made in his complaint to the Facility. The Patient stated that on September 15, 2020, she underwent a two-hour procedure that the Respondent conducted. The Patient stated that during the first part of the test, the Respondent informed her that she may need to have her gallbladder removed which caused her to begin to panic. She said that they began to talk about diet during which the Respondent informed her that McDonald's places the meat of little children in its hamburgers. He stated there are a lot of "hidden secrets" that people are unaware of, such as that the California governor is a pedophile and "has just opened up the laws allowing pedophilia in California." The Patient stated that she remained quiet but the Respondent repeatedly "came up to [her] face" and told her to "hold on to her child tight." The Patient stated that this made her feel fearful because she has a young child and the Respondent kept talking about a pedophilia ring kidnapping young children.

According to the Patient, the Respondent further stated that there were "Satanic Jews" who have "been drinking little kids' blood for hundreds of years." He also stated that actors in Hollywood drink the blood of little children to stay young. The Patient stated that the Respondent's comments made her feel sick to her stomach but she was unable to move due to the nature of the examination. She stated, "at this point I can't get out . . . I was hoping someone would knock on the door to see how I was doing" She stated that she closed her eyes and

pretended to be asleep but he just got more passionate about this subject matter and continued to get very close to her face. The Patient also said that he referred to her as “sheep” and stated that she needs to awaken. He went on to tell her that the Pope is dead and that his presence at Easter Mass was actually a hologram. The Respondent also stated that the comedian Dave Chapelle is also dead and that he had a message for the “sheep” but a “higher power” killed him to “shut him up.”

The Respondent also told the Patient that the deceased John F. Kennedy, Jr., and his wife were alive and he saw him “with [his] own eyes at a Trump rally.” The Respondent proceeded to show the Patient a magazine from the early 2000s with JFK Jr. on the cover and stated “the Higher Power wants you to think he’s dead” but he is in fact alive and living in Pennsylvania under a different name. The Respondent stated, “There’s a plan he’s going to run alongside Trump and get us out of this.” The Patient stated that the Respondent also made racist comments about African Americans, specifically mentioning Oprah Winfrey. The Respondent stated, “if Biden gets elected, that Biden will send all the African Americans back to their plantations.”

The Patient stated that she was shaking and was very concerned about the Respondent’s mental health, stating, “I was very afraid to say anything against him because he was in charge of my intravenous medicine.” She stated that the Respondent kept “jumping from topic to topic, not really making the connection, just kind of all over the place.”

On March 10, 2021, Board staff emailed and mailed the Respondent a letter notifying him that pursuant to Health Occ. §14-402(a),⁵ the Board was directing him to appear at the

⁵ Health Occ. § 14-402(a) states: In reviewing an application for licensure, certification or in investigating an allegation against a licensed physician or any allied health professional regulated by the Board under this title, the Physician Rehabilitation Program may request the Board to direct, or the Board on its own initiative may direct, the licensed physician or any allied health professional regulated by the Board under this title to submit to an appropriate examination. Health Occ. § 14-402(c) states: The unreasonable failure or refusal of the licensed individual to submit to an examination is prima facie

offices of the Maryland Professional Rehabilitation Program (“MPRP”) on March 15, 2021 at 10:00 a.m. for an intake evaluation for the purpose of scheduling an examination.⁶ On March 15, 2021 at 10:04 a.m., the Respondent emailed MPRP staff, stating, “I am no longer interested. It seems clear that somehow rehabilitation is to take place for having different views.” In order to provide the Respondent with an additional opportunity to comply with the examination requirement, the Board rescheduled the Respondent’s appointment for March 17, 2021 at 11:00 a.m.

Board staff emailed and mailed the Respondent a second letter notifying him of the rescheduled date and time and again informed him that the unreasonable failure or refusal to submit to examination constitutes *prima facie* evidence of a licensed practitioner’s inability to practice nuclear medicine technology, unless the Board finds that the failure or refusal was beyond the control of the individual. On March 16, 2021 at 4:28 p.m., the Respondent emailed Board staff, stating, “Received, thank you. I’ve notified [his contact person at MPRP] that I intend to make meeting at 11:00 a.m.” On March 17, 2021 at 10:39 a.m., the Respondent emailed MPRP staff and stated, “Apologies for wasting your time and efforts but I can find no way to consent to this process and will not meet with zoom today.” In response, MPRP staff telephoned the Respondent to give him an opportunity to ask questions about the evaluation process and he confirmed his decision not to submit to the evaluation. The Respondent also left Board staff a voicemail after work hours on March 17, 2021, stating that he “cannot consent to this process,” would no longer speak to anyone at MPRP and that “this is a witch hunt.”

evidence of the licensed individual’s inability to practice medicine or the respective discipline competently, unless the Board or disciplinary panel finds that the failure or refusal was beyond the control of the licensed individual.

⁶ Due to COVID restrictions the Respondent was provided a link to appear for the examination via Zoom.

By letter dated March 18, 2021, Board staff issued the Respondent a *subpoena ad testificandum* (“SAT”), requiring him to appear for a Board interview to take place on March 25, 2021 at 10:00 a.m. The SAT further informed the Respondent that his failure to comply with the SAT could result in his being charged with failing to cooperate with a lawful Board investigation under Health Occ. § 14-5B-14(a)(26). On March 23, 2021 at 1:39 p.m., the Board emailed the Respondent a videoconference invitation to appear for his interview on March 25, 2021 at 10:00 am. On March 24, 2021 at 10:06 a.m., the Respondent emailed the Board, stating, “Sorry, I can’t make it. Busy all week, not enough notice ahead of time.” On March 24, 2021 at 11:10 a.m., the Board emailed the Respondent, stating, “The interview remains scheduled for 3/25/2021 at 10:00 a.m. Please be advised that should you fail to appear for the interview the Board could consider this to be failure to cooperate with a lawful investigation conducted by the Board in violation of Health Occ. § 14-5B-14(a)(26).” On March 25, 2021 at 10:00 a.m., the Respondent failed to appear for his Board videoconference interview.

CONCLUSIONS OF LAW

Panel B finds Mr. Muller in default based upon his failure to attend or participate at the Office of Administrative Hearings for the prehearing conference scheduled for September 9, 2021. *See* State Gov’t § 10-210(4). Based upon the foregoing findings of fact, Panel B concludes that Mr. Muller is guilty of unprofessional or immoral conduct in the practice of nuclear medicine technology, is professionally, physically, or mentally incompetent, and failed to cooperate with a lawful investigation by the Board. *See* Health Occ. § 14-5B-14(a)(3), (4), and (26).

SANCTION

Panel B adopts the sanction recommended by the ALJ, which is to revoke Mr. Muller's license to practice as a nuclear medicine technologist.

ORDER

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

ORDERED that the **SUMMARY SUSPENSION** of Mr. Muller's license **issued on March 30, 2021** is **TERMINATED AS MOOT**; and it is further


ORDERED that **Ralph D. Muller's** license to practice nuclear medicine technology in Maryland (License No. N00470) is **REVOKED**; and it is further

ORDERED that this Default Order goes into effect and is filed upon the signature of the Executive Director of the Board or her designee. The Executive Director or her designee signs and files the Default Order on behalf of the disciplinary panel; and it is further

ORDERED that this is a public document.

12/27/2021
Date

Signature on File

Christine A. Farrelly, Executive Director
Maryland Board of Physicians 

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Md. Code Ann., Health Occ. § 14-5B-14.1(a), Mr. Muller has the right to seek judicial review of this Order of Default. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Order of Default. The cover letter accompanying this 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 Mr. Muller 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:

**David S. Finkler
Assistant Attorney General
Maryland Department of Health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201**