

IN THE MATTER OF * BEFORE THE MARYLAND
JUDE OKPALANNAKA, NMT * STATE BOARD OF
Respondent * PHYSICIANS
License No.: N01698 * Case No.: 2219-0166B

* * * * *

CONSENT ORDER

On October 29, 2019, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the "Board") charged **JUDE OKPALANNAKA, NMT** (the "Respondent") with violations of the Maryland Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-5B-01 *et seq.* (LexisNexis 2014 Repl. Vol. and Supp. 2019).

The pertinent provisions of the Act provide the following:

Health Occ. § 14-5B-14. Denial of license.

- (a) Subject to the hearing provisions of § 14-405 of this title, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or licensee:
 - (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant, licensed individual, or for another;
 - (3) Is guilty of unprofessional or immoral conduct in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance; [and]
 - (10) Willfully makes or files a false report or record in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance[.]

On December 18, 2019, 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, and Order.

FINDINGS OF FACT

Panel B finds:

1. The Respondent was originally licensed as a Nuclear Medicine Technologist in Maryland on November 8, 2018, (License No.: N01698).
2. The Respondent’s Nuclear Medicine Technologist license expires on April 30, 2021.
3. The Respondent is certified by the American Registry of Radiologic Technologists (“AART”)¹.
4. The Board opened an investigation after the Respondent reported on his initial Nuclear Medicine Technologist Application that he held positions as a nuclear medicine technologist at several facilities in Maryland before receiving a license.
5. Subsequently, the Board also received a Complaint from an employer that the Respondent falsified a time sheet.
6. The Board issued subpoenas for employment and personnel records in furtherance of its investigation.

¹ AART is a credentialing organization that offers certification and registration to individuals in medical imaging, interventional procedures, and radiation therapy.

7. The Respondent applied for his initial Nuclear Medicine Technologist license on or about October 24, 2018 (the "Application").

8. According to the Application, the Respondent stated that he graduated from a nuclear medicine technologist program in May 2017.

9. The Application asked the Respondent to list in chronological order employment activities since his graduation date.

10. The Respondent listed employment at the following medical facilities on the Application:

- (a) June 2017 to September 2017: Nuclear Medicine Tech, [Facility 1];²
- (b) August 2018 to present: Nuclear Medicine Tech, [Facility 2];
- (c) October 2018 to present: Nuclear Med Tech, [Facility 3].

11. The Respondent listed his mother as his supervisor at Facility 1.

12. Board Staff reviewed the Application and in email correspondence dated November 5, 2018, asked the Respondent to explain how he had been practicing as a "Nuclear Medicine Tech" from June 17 to present without a license.

13. In email correspondence dated November 6, 2018, the Respondent stated that he was volunteering at Facility 1 and 3 and that he was currently seeking employment at Facility 2.

² For confidentially purposes, the names of medical facilities, and/or other agencies, and all individuals referenced herein will not be identified in this Consent Order.

14. The Respondent also claimed that his job duties included explaining imaging procedures, examining machines to ensure that they were properly working, and monitoring patients to check for unusual drug reactions.

15. In furtherance of its investigation the Board subpoenaed records from Facility 1, 2, and 3.

16. Facility 1 reported that it did not employ nuclear medicine techs and had no record that Respondent was ever an employee.

17. Facility 3 stated that the Respondent was not an employee, but he was a trainee who completed a student and trainee agreement and agreed to shadow a licensed technologist.

18. Personnel records from Facility 2 confirmed that the Respondent was employed through a Subcontractor at Facility 2 after he received his Maryland nuclear medicine technology license.

19. The Respondent received his Maryland license on November 8, 2018, and he was terminated from Facility 2 on or about November 26, 2018, based on allegations that he falsified a timesheet.

20. Staff from the Subcontractor agency reported to the Board that, during his employment at Facility 2, the Respondent completed a timesheet and claimed that he worked hours he did not work, including hours when Facility 2 was closed.

21. Board staff interviewed the Respondent under oath on April 4, 2019.

22. Board staff asked the Respondent why he reported working as a nuclear medicine technologist at facilities where he was never employed.

23. The Respondent admitted that he was not employed at Facility 1, 2, or 3. He stated he was trying to get his license and did not have work experience, so he reported his volunteer activities as work experience.

24. The Respondent also reported that he made inaccurate statements in his November 6 email to the Board regarding job duties he allegedly performed at Facility 1, 2, and 3. The Respondent claimed that he did not perform all the duties listed, but instead he stated: "these were just ideas of what I would do."

25. The Respondent submitted a Renewal Application to the Board on or about April 1, 2019.

26. The Renewal Application's "Part II. CHARACTER & FITNESS" section: Question "o" asked:

Has your employment or contractual relationship with any hospital, HMO, other health care facility, health care provider, or institution, armed services or the Veteran's Administration been terminated for disciplinary reason?

27. The Respondent answered "NO" in response to the question.

28. Board staff asked the Respondent why he answered "NO" when he was terminated from Facility 2 for falsifying a timesheet.

29. The Respondent acknowledged that he was terminated for falsifying a time record but claimed he did not consider the termination from Facility 2 to be a termination for a disciplinary reason.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes that Mr. Okpalannaka willfully made and filed a false report or record in the practice of nuclear medicine technology, in violation of Health Occ. § 14-5B-14(a)(10). Panel B dismisses the charges of Health Occ. § 14-5B-14(a)(1) (Fraudulently or deceptively obtains or attempts to obtain a license) and (3) (Is guilty of unprofessional or immoral conduct in the practice of nuclear medicine technology).

ORDER

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

ORDERED that the Respondent is **REPRIMANDED**.

ORDERED that within **SIX (6) MONTHS**, the Respondent is required to take and successfully complete a course in professional ethics. The following terms apply:

- (a) it is the Respondent's responsibility to locate, enroll in and obtain the disciplinary panel's approval of the course before the course is begun;
- (b) the disciplinary panel will not accept a course taken over the internet;
- (c) the Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the course;
- (d) the course may not be used to fulfill the continuing medical education credits required for license renewal; and
- (e) the Respondent is responsible for the cost of the course.

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 the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that, if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If the disciplinary panel determines there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings followed by an exceptions process before a disciplinary panel; and if the disciplinary panel determines there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before a disciplinary panel; and it is further


ORDERED that after the appropriate hearing, if the disciplinary panel determines that the Respondent has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend with appropriate terms and conditions, or revoke the Respondent's license to practice medicine in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine on the Respondent; 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. 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).

02/25/2020
Date

Signature on File

Christine A. Farrelly 
Executive Director
Maryland State Board of Physicians

CONSENT

I, Jude Okpalannaka, NMT assert that I am aware of my right to consult with and be represented by counsel in considering this Consent Order and in any proceedings that would otherwise result from the charges currently pending. I have chosen to proceed without counsel and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

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.

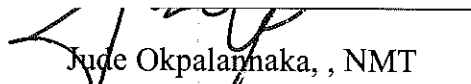
I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural 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.

Signature on File

02/21/2020

Date


Jude Okpalannaka, NMT
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 21st day of February 2020, before me, a Notary Public of the foregoing State and City/County, personally appeared Jude Okpalannaka, NMT 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.



Gloria Toney Brown

Notary Public

My Commission expires: March 9, 2021