

IN THE MATTER OF * BEFORE THE MARYLAND
KAITLYN E. HYLER * STATE BOARD OF
Respondent * PHYSICIANS
License Number: O00845 * Case Number: 2220-0058

**ORDER FOR SUMMARY SUSPENSION OF LICENSE TO PRACTICE
RADIATION THERAPY**

Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) hereby **SUMMARILY SUSPENDS** the license of Kaitlyn Elizabeth Hyler, Radiation Therapist (the “Respondent”), License Number O00845, to practice radiation therapy in the State of Maryland. Panel A 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 hereto, the Respondent was licensed to practice radiation therapy in the State of Maryland. The Respondent was originally licensed to practice radiation therapy in Maryland on July 23, 2015, under license number O00845. The expiration date set forth on the license is April 30, 2021.

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.

2. At all times relevant hereto, the Respondent was employed as a Radiation Therapist at a hospital in Maryland (the "Hospital"),² from approximately May 2016, through April 8, 2019, at which time the Hospital terminated her employment.
3. The Respondent is currently employed as a Circulation Assistant at a library and is no longer working as a Radiation Therapist in the State of Maryland.
4. On April 30, 2019, the Respondent filed an application for renewal (the "Renewal Application") of her license to practice radiation therapy with the Board. In her Renewal Application, the Respondent answered "yes" to character and fitness questions (f)³ and (n),⁴ stating that she was terminated from the Hospital for "personal reasons."
5. Based on the Respondent's affirmative response to the character and fitness questions, the Board opened an investigation.

II. BOARD INVESTIGATION

6. On or about July 15, 2019, Board staff sent a subpoena to the Hospital for the Respondent's complete personnel file, which the Board received on or about July 30, 2019.

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 Question (f): Has a hospital, related health care facility, HMO, or alternative health care system denied your application for privileges, or failed to renew your privileges, including your privileges as a resident; or limited, restricted, or revoked your privileges in any way?

⁴ Question (n): Has your employment or contractual relationship with any hospital, HMO, other health care facility, health care provider, or institution, armed services or the Veterans Administration been terminated for disciplinary reasons?

7. A review of the Respondent's personnel file revealed that, on March 26, 2019, the Respondent's supervisor (the "Supervisor") was informed by another staff member that the Respondent was "nodding off at the treatment console and slurring her words." At this point the Supervisor sent the Respondent to have a Fitness-for-Duty ("FFD") evaluation based on these observations as well as previous instances of similar conduct. The Supervisor noted that the Respondent also nodded off during a staff meeting one day during the previous month, and on another occasion had been observed "stumbling around and being clumsy and dropping things."
8. The FFD evaluation included laboratory testing, the results of which are available to the Respondent.
9. On April 8, 2019, the Hospital terminated the Respondent's employment.
10. On or about July 31, 2019, Board staff sent an initial contact letter notifying the Respondent that a full investigation had been opened and requesting a written response within ten business days.
11. On or about August 14, 2019, Board staff received the Respondent's written response and other materials as directed by the initial contact letter. In her written response, the Respondent stated that her termination was "a direct result of a momentary lapse in judgement." The Respondent elaborated that she "made the absolute worst decision [she] could have made, which was to self-medicate with an illicit substance..." The Respondent went on to state that she

did not take the substance while she was at work but that she did go to work while it was still in her system and put herself and her patients at risk.

12. On or about November 5, 2019, Board staff conducted an interview of the Respondent under oath.
13. The Respondent stated that she was terminated because she used an illicit substance and made the mistake of going into work. She stated that on the night prior to reporting to work on the morning of March 26, 2019, she purchased what she believed to be Percocet⁵ and consumed it via insufflation sometime between approximately 10:00pm and 2:00am. The Respondent said that as soon as she took the drugs into her system she knew that something was not right with the dosage and she felt it was “much more potent than anything [she] had ever experienced.” She stated that she “passed out” around approximately 3:00am and arrived at work at 7:30am. The Respondent said that on her drive into work she felt “a little off but didn’t feel the level of impaired that [she] very clearly objectively was.”
14. Upon arriving at work, the Respondent stated that she was conducting an x-ray⁶ from the imaging seat and felt like she was having trouble operating the machine as she normally would. At this point one of the Respondent’s colleagues stepped in to assist and someone informed the Respondent’s Supervisor of the Respondent’s actions. The Supervisor informed the

⁵ Oxycodone acetaminophen, commonly sold under the brand name Percocet *inter alia*, is an opioid pain medication that is classified as a Schedule II CDS.

⁶ An x-ray is an image made by projecting x-rays through organs or structures of the body onto an image receptor. (*Mosby’s Medical Dictionary, 10th Ed., 2017*)

Respondent of her colleagues' observations and stated that they wanted her to go to have the FFD evaluation. The Respondent stated that she understood the gravity of that request and consented. She stated that after she was sent home that day she had no further contact from the Hospital until she was notified of her termination via phone call on April 8, 2019. In response to being asked about the FFD evaluation results the Respondent stated, "I was not fit for duty...it was not a safe environment for myself and definitely not for my patients."

15. On or about December 9, 2019, Board staff conducted an interview under oath with the Respondent's Supervisor. The Supervisor stated that she had been supervising the Respondent for a couple of months before she began to receive reports from other staff members that the Respondent had been behaving strangely on multiple occasions. The Supervisor stated that on one particular occasion on or about February 27, 2019, the Respondent "nodded off" during a staff meeting. The Supervisor stated that the Respondent had been participating in the meeting and talking at a fast pace and slurring her words, but moments later nodding off. The Supervisor stated that she was not comfortable with the Respondent seeing patients while exhibiting such behavior, so she was sent home early from work that day.
16. The Supervisor stated that on March 26, 2019, she was informed by one of the other staff members that the Respondent was slurring her words and "nodding off at the console." At this point the Supervisor began the process of sending

the Respondent for the FFD evaluation, with which she complied. The Respondent was subsequently terminated and has not been to the Hospital thereafter.

CONCLUSION OF LAW

Based on the foregoing investigative findings, Panel A 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 A of the Board, hereby:

ORDERED that pursuant to the authority vested by Md. Code Ann., State Gov't § 10-226(c)(2), the Respondent's license, O00845, to practice as a radiation therapist in the State of Maryland be and is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that the Respondent shall not practice radiation therapy in Maryland while her license is Summarily Suspended;

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 **March 11, 2020 at 11:15 a.m.**, at the Board's offices, located at 4201 Patterson Avenue, Baltimore, Maryland 21215-0095; and it is further

ORDERED that after the post-deprivation initial **SUMMARY SUSPENSION** hearing held before Panel A, the Respondent, if dissatisfied with the result of the hearing, may request, within ten (10) days of the decision on the post-deprivation initial 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.).

2/2/2020

Date

Signature on File

Ellen Douglas Smith
Deputy Director
Maryland State Board of Physicians