

**IN THE MATTER OF
KAITLYN E. HYLER,
RADIATION THERAPIST**

Respondent

License Number: O00845

*** BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS**

*** Case Number: 7721-0029**

*** * * * ***

ORDER AFTER SHOW CAUSE HEARING

On September 3, 2020, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (“Board”) and Kaitlyn E. Hyler, Radiation Therapist, agreed to a consent order that, among other things, required Ms. Hyler to enroll in the Maryland Professional Rehabilitation Program (“MPRP”) and comply with a Participant Rehabilitation Agreement. On March 5, 2021, Panel A charged Ms. Hyler with violating the Participant Rehabilitation Agreement. On May 12, 2021, Panel A held a show cause hearing where Ms. Hyler had the opportunity to argue why her license should not be subject to further discipline. Ms. Hyler did not appear at the show cause hearing.

FINDINGS OF FACT

Background

On April 30, 2019, Ms. Hyler submitted an application to the Board for the renewal of her license and she indicated in the application that she was terminated from the hospital where she was employed as a Radiation Therapist. The Board opened an investigation, and on March 2, 2020, Panel A summarily suspended Ms. Hyler’s license after the investigation revealed that Ms. Hyler had been sent home from work, and her employment was terminated, as a result of her showing up to work at the hospital impaired after using an illicit substance. On March 26, 2020,

the Panel charged Ms. Hyler with unprofessional or immoral conduct in the practice of radiation therapy, *see* Health Occ. § 14-5B-14(a)(3), and providing professional services while using a narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article, or any other drug in excess of therapeutic amounts or without valid medical indication, *see* Health Occ. § 14-5B-14(a)(8)(ii).

September 3, 2020 Consent Order

On September 3, 2020, Panel A and Ms. Hyler entered into a consent order wherein the Panel found that Ms. Hyler violated the Act in the manner described in the charges. Pursuant to the Consent Order, Ms. Hyler was reprimanded and her license was suspended for a minimum of six months, and Ms. Hyler was required to enter into and comply with a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP.¹

The Consent Order stated:

1. The Respondent shall enroll in the Maryland Professional Rehabilitation Program (“MPRP”) as follows:

* * *

(c) the respondent shall fully and timely cooperate and comply with all MPRP’s referrals, rules, and requirements, including but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP;

* * *

(f) the Respondent’s failure to comply with any of the above terms or conditions including terms and conditions of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) constitute a violation of this Consent Order[.]

¹ The summary suspension was superseded by the Consent Order.

The Consent Order further stated:

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 a 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 a disciplinary panel determines there is no genuine dispute of 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 of this Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on further 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 upon the Respondent[.]

On or about September 28, 2020, Ms. Hyler enrolled in MPRP and signed a Participant Rehabilitation Agreement and an Addendum to the Rehabilitation Agreement.

Violation of September 3, 2020 Consent Order

On October 27, 2020, MPRP notified the Board that Ms. Hyler had violated the terms of her Participant Rehabilitation Agreement. In a letter, dated November 7, 2020, Ms. Hyler acknowledged that she violated the Participant Rehabilitation Agreement. On November 17, 2020, MPRP notified the Board of a second violation and, on November 20, 2020, MPRP notified the Board of a third violation. On December 2, 2020, MPRP advised the Board that Ms. Hyler notified MPRP of her intent to withdraw from MPRP. On December 4, 2020, MPRP discharged Ms. Hyler from the program for cause.

Show Cause Hearing

On March 5, 2021, Panel A issued a Violation of Board Order and Notice to Show Cause, alleging a violation of the terms and conditions of the September 3, 2020 Consent Order for failing to comply with the terms of the Participant Rehabilitation Agreement she entered into with MPRP. This Violation of Board Order and Notice to Show Cause was mailed to Ms. Hyler at the address of record on file with the Board. The Violation of Board Order and Notice to Show Cause stated: "Please be advised that Panel A is providing you with an opportunity to appear before it and **SHOW CAUSE** why it should not impose sanctions against your license. This Show Cause Hearing has been scheduled for **WEDNESDAY May 12, 2021, at 1:00 p.m.** before Panel A at the Board's offices, 4201 Patterson Avenue, Baltimore, Maryland 21215."

Because of the COVID-19 pandemic, the hearing was scheduled to take place remotely via the Zoom platform. On April 29, 2021, a Board staff member sent an email to Ms. Hyler with instructions about the Zoom meeting and an invitation to attend a Zoom "test" on May 4, 2021, to allow Ms. Hyler to familiarize herself with the Zoom platform prior to her hearing on May 12, 2021. Ms. Hyler did not respond to the email or attend the test. A Board staff member sent Ms. Hyler another email, on May 6, 2021, offering her a second opportunity to participate in a Zoom test call and giving the instructions for appearing remotely at the May 12, 2021 show cause hearing. Again, Ms. Hyler did not respond to the email.

On May 11, 2021 at 5:10 p.m., the day before the scheduled hearing, Board staff sent to Ms. Hyler's email address a link to the Show Cause hearing through the Zoom platform and an alternate telephone number along with instructions for how to join the meeting. Ms. Hyler did not respond. On May 12, at 12:01 p.m., an hour before the scheduled Show Cause hearing, Board staff again sent a link and alternate phone number to the Show Cause hearing to Ms. Hyler's email address, and the email further instructed Ms. Hyler to sign in 10 to 15 minutes

before 1:00 p.m. At 12:45 p.m. Board staff sent another email to Ms. Hyler instructing her to sign in for her 1:00 p.m. hearing. On May 12, 2021, at 1:06 p.m., six minutes after the time scheduled for the hearing, Panel A proceeded with the Show Cause hearing. Ms. Hyler did not appear at, or participate in, the Show Cause hearing. The administrative prosecutor appeared on behalf of the State. During the hearing, the administrative prosecutor argued in support of a violation and recommended the revocation of Ms. Hyler's license.

CONCLUSION OF LAW

Panel A concludes that Ms. Hyler failed to comply with a condition of the September 3, 2020 Consent Order by failing to comply on multiple occasions with a condition of the Participant Rehabilitation Agreement she entered into with MPRP..

SANCTION

Pursuant to the January 6, 2020 Consent Order, upon a finding of a violation, the Panel may reprimand Ms. Hyler, place Ms. Hyler on probation with appropriate terms and conditions, suspend, or revoke Ms. Hyler's license to practice medicine in Maryland. Ms. Hyler signed the Participant Rehabilitation Agreement on September 28, 2020, and, less than two months later, she violated the agreement multiple times. MPRP informed Panel A on December 2, 2020, that Ms. Hyler intended to withdraw from MPRP. On December 4, 2020, MPRP discharged Ms. Hyler from the program for cause. Based on Ms. Hyler's failure to comply with the requirements of the Consent Order, the Panel revokes Ms. Hyler's license.

ORDER

It is, thus, by Board Disciplinary Panel A, hereby

ORDERED that the license of Kaitlyn E. Hyler, Radiation Therapist, license number 000845, to practice radiation therapy in Maryland, is **REVOKED**; 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).

June 28, 2021
Date

Signature on File

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

