

**IN THE MATTER OF** \* **BEFORE THE MARYLAND**  
**TAMMY J. ASHBY, Radiographer** \* **STATE BOARD OF**  
**Applicant for Reinstatement** \* **PHYSICIANS**  
**License No.: R06402** \* **Case No.: 8824-0001**

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**ORDER ON APPLICATION FOR REINSTATEMENT OF RADIOGRAPHY LICENSE**  
**AFTER REVOCATION**

**I. INTRODUCTION**

On August 24, 2020, Disciplinary Panel A (the “Panel”) of the Maryland State Board of Physicians (“the Board”) revoked the Maryland license of Tammy J. Ashby to practice radiography, based on her conviction for Theft Scheme: \$10,000 to \$100,000, a crime of moral turpitude.<sup>1</sup> On February 1, 2024, the Board received Ms. Ashby’s application for the reinstatement of her radiography license. On June 12, 2024, Panel A convened as a Reinstatement Inquiry Panel to consider her application. The Panel reviewed Ms. Ashby’s reinstatement application; her written responses to questions from the Board; a written response from the Administrative Prosecutor; and Panel A’s prior revocation order. Panel A also heard oral presentations from Ms. Ashby and the Administrative Prosecutor.

**II. PROCEDURAL AND FACTUAL HISTORY**

Ms. Ashby was originally licensed to practice radiography in the State of Maryland, on June 21, 2002, under license number R06402. On January 17, 2018, in the District Court of Maryland for Garrett County, Case Number 3X00025259, Ms. Ashby entered an Alford Plea to, and was convicted of, one count of Theft-Scheme: \$10,000 to \$100,000, in violation of Md. Code Ann., Criminal Law Article § 7-104. The Court sentenced Ms. Ashby to eighteen months of incarceration, with all eighteen months suspended, and three years of supervised probation

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<sup>1</sup> The August 24, 2020 Final Decision and Order is incorporated by reference and available upon request.

with conditions that included payment of restitution to her former employer in the amount of \$34,433.90. Ms. Ashby did not appeal her conviction and her Alford plea and conviction were not set aside.

The Panel found that Ms. Ashby's conviction for Theft-Scheme: \$10,000 to \$100,000 was a crime involving moral turpitude because the offense involved intentional dishonesty for purposes of personal gain. Through her Alford plea, Ms. Ashby admitted to using a company credit card to make purchases for her personal use that were not authorized by anyone at the company. The conservative amount of estimated purchases totaled \$34,433.90. Ms. Ashby's actions were deliberate, willful, and with the intent to deceive her employer from whom she embezzled the funds. Ms. Ashby then tried to conceal her actions and the credit card charges to avoid being caught. The Panel concluded that Ms. Ashby's actions were "intentional, or not innocent in [their] purpose, or not accidental." *Board of Dental Exam'rs v. Lazzell*, 172 Md. 314, 322 (1937). As a result, in its Final Decision and Order issued on August 24, 2020, the Panel revoked Ms. Ashby's radiography license, as required by Health Occ. § 14-5B-14(c)(2).

### **III. APPLICATION FOR REINSTATEMENT**

On February 1, 2024, the Board received Ms. Ashby's application for the reinstatement of her radiography license. On February 27, 2024, the allied health unit of the Board determined that Ms. Ashby satisfied the licensure requirements for reinstatement and referred her case over to the probation unit for consideration of the post-disciplinary reinstatement of Ms. Ashby's license.

On March 5, 2024, Board staff sent Ms. Ashby a letter advising her of the post-disciplinary reinstatement process and requesting a written response to certain questions including the following:

1. What is your understanding of the nature and circumstances of your conduct which resulted in the revocation of your Maryland license?
2. What is your understanding of the Board's concerns with respect to your conduct?
3. Have you accepted responsibility for the action(s) resulting in the revocation of your license?
4. What steps have you taken to lessen the likelihood of recurrence?
5. What efforts have you made to maintain your competency to practice radiography in your area of specialty (i.e. continuing education credits)?

The Board also requested that Ms. Ashby provide information regarding her probation status, employment and job duties since her revocation, and potential employment prospects. On March 27, 2024, the Board received a written response from Ms. Ashby. She acknowledged her guilt and conviction, her failure to report the criminal charge, and explained that she paid restitution in full and her criminal conviction was expunged as of January 24, 2023. She stated that she has stepped out of financial responsibilities from companies and would not venture into management roles again. Ms. Ashby stated that she was employed at a hospital in West Virginia for six and a half years and that she has been offered a position in Maryland as a travel x-ray technologist.

#### **IV. CONSIDERATION OF APPLICATION**

The reinstatement of an individual's license after revocation is a discretionary decision by a disciplinary panel. Health Occ. § 14-409; *see Oltman v. Maryland State Board of Physicians*, 182 Md. App. 65, 78 (2008). Panel A must consider whether post-disciplinary reinstatement is in the interest of the health and welfare of the general public and consistent with the best interest of the profession. COMAR 10.32.02.06B(7). Critical issues for the Panel's consideration

include Ms. Ashby's understanding of the nature of her violations, and her acceptance of responsibility for these violations.

During the application process, Ms. Ashby has expressed insight and reflection into her offenses by accepting full responsibility and conveying genuine remorse for her serious criminal conduct as well as her failure to disclose her conduct to the Board. Ms. Ashby also submitted documentation that she had paid the restitution ordered by the Court and that her conviction had been expunged. The Panel concludes that reinstatement of Ms. Ashby's license to practice radiography with probation and a course in professional ethics is within the interest of the health and welfare of the general public and is consistent with the best interest of the profession. The Panel, therefore, grants Ms. Ashby's application for reinstatement subject to probation and a requirement that she take and successfully complete a course in professional ethics.

#### **V. ORDER**

It is thus, by Disciplinary Panel A, hereby:

**ORDERED** that pursuant to Health Occ. § 14-409, the license of Tammy J. Ashby to practice as a radiographer in Maryland is **REINSTATED**; and it is further

**ORDERED** that Ms. Ashby is placed on **PROBATION<sup>2</sup> for a minimum of ONE (1) YEAR** and until she has successfully complied with the following condition:

1. Ms. Ashby is required to take a course in Professional Ethics. The following terms apply:
  - (a) It is Ms. Ashby's responsibility to locate, enroll in and obtain the disciplinary panel's approval of the course before the course is begun;
  - (b) Ms. Ashby must provide documentation to the disciplinary panel that she has successfully completed the course;

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<sup>2</sup> If Ms. Ashby's license expires while the license is on probation, the probationary period will be tolled. COMAR 10.32.02.05C(3).

(c) The course may not be used to fulfill the continuing medical education credits required for license renewal;

(d) Ms. Ashby is responsible for the cost of the course; and it is further

**ORDERED** that Ms. Ashby shall not apply for early termination of probation; and it is further

**ORDERED** that after Ms. Ashby has complied with all terms and conditions of probation and the minimum period of probation imposed by this Order has passed, Ms. Ashby may submit to the Board a written petition for termination of probation. After consideration of the petition, the probation may be terminated through an order of the disciplinary panel. Ms. Ashby may be required to appear before the disciplinary panel to discuss her petition for termination. The disciplinary panel may grant the petition to terminate the probation, through an order of the disciplinary panel, if Ms. Ashby has complied with all probationary terms and conditions and there are no pending complaints relating to the charges that led to the revocation of her license on August 24, 2020; and it is further

**ORDERED** that a violation of probation constitutes a violation of this Order; and it is further

**ORDERED** that if Ms. Ashby allegedly fails to comply with any term or condition imposed by this Order, Ms. Ashby shall be given notice and an opportunity for a hearing. If the disciplinary panel determines that 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. If the disciplinary panel determines that there is no genuine dispute as to a material fact, Ms. Ashby 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 Ms. Ashby has failed to comply with any term or condition imposed by this Order, the disciplinary panel may reprimand Ms. Ashby, place Ms. Ashby on probation with appropriate terms and conditions, or suspend or revoke Ms. Ashby's license to practice as a radiographer in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon Ms. Ashby; and it is further

**ORDERED** that Ms. Ashby is responsible for all costs incurred in fulfilling the terms and conditions of this Order of Reinstatement; and it is further

**ORDERED** that the effective date of this Order is the date the Order is signed by the Executive Director of the Board or her designee. The Executive Director or designee signs the Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Order, and it is further

**ORDERED** that this is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Health Occ. §§ 1-607 and 14-411.1, and Gen. Prov. § 4-333(b) (Repl. Vol. 2021).

*Signature On File*

07/03/2024  
Date

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