

IN THE MATTER OF	*	BEFORE THE
PATRICIA A. AIELLO	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: R01159	*	Case Number: 2217-0118
* * * * *	*	* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On August 16, 2017, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged **PATRICIA A. AIELLO** (the “Respondent”), License Number R01159, under the Maryland Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Act (the “Act”), Md. Code Ann., Health Occ. II (“Health Occ. II”) §§ 14-5B-01 *et seq.* (2014 Rep. Vol. and 2016 Supp.).

Specifically, Panel A charged the Respondent with violating the following provisions of the Act:

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

(a) *In general.* -- 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 reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the . . . 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;
- (10) Willfully makes or files a false report or record in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance;

- (14) Knowingly makes a misrepresentation while practicing radiation therapy, radiography, nuclear medicine technology, or radiology assistance; [and]
- (28) Fails to submit to a criminal history records check under § 14-308.1 of this title.

Health Occ. II § 14-308.1. Criminal history records check.

- (b) *Application required.* -- An applicant, a licensee, or a certificate holder shall apply to the Central Repository for a State and national criminal history records check.
- (c) *Required submissions.* -- As part of the application required under subsection (b) of this section, an individual shall submit to the Central Repository:
 - (1) Two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;
 - (2) The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and
 - (3) The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

On November 15, 2017, the Respondent appeared before Panel A, sitting as a Disciplinary Committee for Case Resolution. As a result of negotiations occurring before Panel A, the Respondent agreed to enter into the following Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order, Consent and Notary.

FINDINGS OF FACT

Panel A makes the following Findings of Fact:

- 1. At all times relevant hereto, the Respondent was and is licensed as a radiographer in the State of Maryland. The Respondent was initially licensed as a

radiographer in Maryland on June 26, 1991, under License Number R01159. The Respondent's license is currently active and is scheduled for renewal on April 30, 2019.

2. On or about April 24, 2017, the Respondent initiated the process of applying for renewal of her radiography license for the 2017 renewal period using the Board's online renewal application process. When a licensee applies online to renew his/her license, a notice appears that informs the licensee that the Board may not renew a license if it has not received the licensee's Criminal History Record Check ("CHRC") information, which includes the licensee's submission of his/her fingerprints to the Criminal Justice Information Services ("CJIS") before attempting to complete the renewal application.

3. The Respondent submitted her online application (the "Application") on or about April 27, 2017, along with the required renewal fee. The Application the Respondent signed states, "Failure to submit to a . . . [CHRC] . . . may result in disciplinary action." When submitting her online Application, the Respondent attested that she completed her CHRC.

4. On or about April 27, 2017, the Respondent contacted the Board's Customer Service Unit and requested a refund of her renewal fee due to difficulties she encountered in completing her CHRC. A Board Customer Service representative informed the Respondent to submit a request in writing before her license expired, *i.e.*, on or before April 30, 2017. The Board did not receive the Respondent's written request for a refund until May 2, 2017, however. On May 1, 2017, the Board renewed the Respondent's radiography license.

5. By letter dated May 16, 2017, the Board informed the Respondent that as of May 11, 2017, it had not received a CHRC for her and as a result, she was being referred to the Compliance Unit for a preliminary investigation.

6. By letter dated June 21, 2017, the Board informed the Respondent that it had initiated a preliminary investigation of this matter and requested that she submit a written response to the Board. In response, the Respondent telephoned a Board staff member and informed her that she would not be submitting a written response to the Board.

7. The Board's investigation determined that the Respondent failed to submit her fingerprints to CJIS in compliance with the CHRC process, as set forth in Health Occ. II § 14-308.1.

8. The Respondent's failure to complete her CHRC, as described above, constitutes, in whole or in part, a violation of Health Occ. II § 14-5B-14(a)(28), Fails to submit to a criminal records history check under § 14-308.1 of this title.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent violated the following provision of the Act: Health Occ. II § 14-5B-14(a)(28), Fails to submit to a criminal records history check under § 14-308.1 of this title.

ORDER

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

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that the charges under Health Occ. II § 14-5B-14(a)(1), (3), (10) and (14) are hereby **DISMISSED**; and it is further

ORDERED that within ten (10) days, the Respondent shall submit to a full and complete CHRC in compliance with Health Occ. II § 14-308.1. The Respondent shall immediately notify the Board in writing that she has submitted her CHRC according to the terms set forth herein; and it is further

ORDERED that if the Respondent allegedly fails to comply with any term or condition of the Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If 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 there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board or Board panel; and it is further

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

ORDERED that, unless stated otherwise in the order, any time period prescribed in this order begins when the Consent Order goes into effect. The Consent Order goes into effect upon the signature of the Board's Executive Director, who signs on behalf of Panel A; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the condition of this Consent Order; and it is further

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014).

12/01/2017
Date

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

CONSENT

I, Patricia A. Aiello, acknowledge that I have been apprised of my right to counsel and have knowingly and voluntarily agreed to proceed without counsel before entering into this Consent Order. By this Consent, I agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact, Conclusions of Law and Order.

I acknowledge the validity of this Consent Order as if entered into 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 own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of Panel A to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of Disciplinary Panel B of the Board that might have followed after any such hearing.

I sign this Consent Order, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

28 Nov 2017
Date

Patricia A. Aiello
Patricia A. Aiello
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 28 day of November,
2017, before me, a Notary Public of the foregoing State and City/County, did personally
appear Patricia A. Aiello, and made oath in due form of law that signing the foregoing
Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notary seal.

Aaron L. Bennett, SR
AARON L. Bennett, SR
Notary Public

My commission expires: 07-27-2020