

IN THE MATTER OF	*	BEFORE THE MARYLAND
LESLYA WALLACE	*	STATE BOARD OF
Applicant	*	PHYSICIANS
License Number: R0001212 (Expired)	*	CASE NO: 2017-0441B

* * * * *

CONSENT ORDER

On October 27, 2017, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board"), notified Leslya Wallace, (the "Applicant"), License number R0001212, of the Board's intent to deny her Application for Reinstatement of Radiographer Licensure under the Maryland Radiation Therapy, Radiography, Nuclear Medicine Technology and Radiology Assistance Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-5B-01 *et seq.* (2014 Repl. Vol. & 2015 Supp.)

The pertinent provisions of the Act are as follows:

§ 14-5B-14 Denial of license.

- (a) Subject to the hearing provisions of §14-405 of this title, the Board, on the affirmative vote of a majority of the quorum may deny a license or temporary license to any licensee or holder of a temporary license on probation, or suspend or revoke a license if the applicant licensee or holder of a temporary license:
- (3) Is guilty of unprofessional or immoral conduct in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance;
- (18) Fails to meet appropriate standards for the delivery of quality radiation therapy, radiography[.]

On September 26, 2018, 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 Applicant agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions

of Law and Order.

I. FINDINGS OF FACT

Panel B finds the following:

1. On or about June 26, 1991, the Board granted the Applicant a license to practice as a Radiographer. The Applicant's license expired on or about April 30, 2013.
2. On or about August 30, 2016, the Board received an Application for Reinstatement of Radiation Therapists, Radiographers, or Nuclear Medicine Technologists, from the Applicant.
3. In her application, the Applicant answered "YES" to question 13(D), which asked:

Has your employment by any health care employer been affected by disciplinary actions including probation, suspension, loss or privileges, transfer to other duties, or termination of employment or contact?
4. As part of her application, the Applicant stated that she was employed as a "Radiographer Tech" at a facility located in Washington, D.C. ("Facility A") from November 21, 2011 to August 8, 2016.
5. Based on the Applicant's response to question 13(D), the Board initiated an investigation.
6. On September 22, 2016, the Board subpoenaed from Facility A, the Applicant's personnel file and any information leading to the termination of the Applicant.
7. According to Facility A's letter of termination, on August 8, 2016, Facility A terminated the Applicant's employment "due to ongoing negligence."
8. According to Facility A's personnel records and the Applicant's letter of termination, on December 8, 2015 and May 9, 2016, the Applicant took x-rays of the wrong body part of two separate patients. In each instance, Facility A issued to the Applicant a corrective

action plan and provided one-on-one training.

9. Despite the training and corrective action plans, on July 13, 2016, the Applicant performed the wrong examination on a patient. As a result of the Applicant's third error in an eight-month period, the Applicant was terminated from her employment.
10. On November 29, 2016, the Applicant sent a letter to the Board, writing, in part:

I would like to explain the actions that lead to my termination of employment. Please note that it was not my intention to perform an exam on the wrong patient nor the wrong body part. I do understand I should have focused more on what was before me at the present time.

II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes that the Applicant is guilty of unprofessional conduct in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance, in violation of Md. Code Ann., Health Occ. II § 14-5B-14(a)(3); and failed to meet appropriate standards for the delivery of quality radiography care performed in any outpatient surgical facility, office, hospital, or related institution, or any other location in this State, in violation of § 14-5B-14(a)(18).

III. ORDER

ORDERED that the Applicant's application request for reinstatement of her license to practice radiography in the State of Maryland is **GRANTED**; and it is further

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

ORDERED that the Applicant is placed on **PROBATION**¹ for **SIX (6) MONTHS**, to begin upon the effective date of this Consent Order, subject to the following probationary terms

¹ If the Applicant's license expires while the Applicant is on probation, the probationary period and any probationary conditions will be tolled.

and conditions:

- (1) Within **five (5) business days** from the effective date of this Consent Order, the Applicant shall contact the Maryland Professional Rehabilitation Program ("MPRP") to schedule an initial evaluation. If MPRP determines that enrollment in MPRP is indicated, the Applicant shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP, as determined by MPRP, within **fifteen (15) business days** from the effective date of this Consent Order;
- (2) The Applicant shall fully, timely, and satisfactorily cooperate and comply with all MPRP referrals, rules, and requirements, including, but not limited to, the terms and conditions of any Rehabilitation Agreement(s) and Rehabilitation Plan(s) entered into with MPRP; and shall fully participate and comply with recommendations as directed by MPRP;
- (3) The Applicant's failure to comply with a term or condition of any Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) shall constitute a violation of this Consent Order;
- (4) The Applicant shall sign and update the written release/consent forms requested by the Board and MPRP, including release/consent forms to authorize MPRP to make verbal and written disclosures to the Board, and to authorize the Board to disclose relevant information from MPRP records and files in a public order;
- (5) The Applicant shall also sign any written release/consent forms to authorize MPRP and the Board to exchange with (i.e., disclose to and receive from) outside entities, verbal and written information concerning the Applicant, and to ensure that MPRP is authorized to receive information it deems relevant to the Applicant's participation in the Program;

(6) A failure to, or withdrawal of, consent, is a violation of this Consent Order; and it is further

ORDERED that after a minimum of **SIX (6) MONTHS**, and notification from MPRP to the Board that the Applicant has fully and satisfactorily complied with the terms and conditions above, the Applicant may submit a written petition to Panel B for termination of probation. After consideration of the petition, and a determination that the Applicant has complied with the probationary conditions, the Applicant's probation may be administratively terminated through an order of the panel if there are no complaints related to the Applicant's practice of radiography; and it is further

ORDERED that if the Applicant allegedly fails to comply with any term or condition of this Consent Order, the Applicant 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 Applicant shall be given a show cause hearing before the Board or a disciplinary panel; and it is further

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

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

ORDERED that the Applicant shall comply with the Maryland Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Act, Md. Code Ann., Health Occ. § 14-5B-01 - §14-5B-21, and all federal and state laws and regulations governing the practice of radiography in Maryland; and it is further

ORDERED that this Consent Order is a public document pursuant to Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2), and Gen. Prov. § 4-333(b)(6) (2014 & Supp. 2017).

10/24/2018
Date

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

CONSENT

I, Leslya Wallace., by affixing my signature hereto, acknowledge that I have consulted with counsel and I have agreed to enter into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

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 not to challenge the Findings of Fact, Conclusions of Law, and Order set forth in this Consent Order. I acknowledge the legal authority and jurisdiction of the Board 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 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.

Signature on File

10-19-18
Date

Leslya Wallace

NOTARY
STATE/ DISTRICT OF Columbia

CITY/COUNTY OF: N/A

I HEREBY CERTIFY that on this 19 day of October, 2018, before me, a
Notary Public of the State/District and County aforesaid, personally appeared Leslya Wallace and
gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

[Signature]

Notary Public

My commission expires: 01-31-2022

