

IN THE MATTER OF                   \*       BEFORE THE MARYLAND  
ELIZABETH L. MYERS               \*       STATE BOARD OF  
Respondent                       \*       PHYSICIANS  
License Number: R02592           \*       Case Number: 2219-0195B

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**ORDER FOR SUMMARY SUSPENSION OF LICENSE TO PRACTICE  
RADIOGRAPHY**

Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) hereby **SUMMARILY SUSPENDS** the license of Elizabeth L. Myers, Radiographer (the “Respondent”), License Number R02592, to practice radiography in the State of Maryland. Panel B takes such action pursuant to its authority under Md. Code Ann., State Gov’t § 10-226(c)(2)(i) (2014 Repl. Vol. & 2018 Supp.), concluding that the public health, safety, or welfare imperatively requires emergency action.

**INVESTIGATIVE FINDINGS<sup>1</sup>**

**I. BACKGROUND**

1. At all times relevant hereto, the Respondent was and is licensed to practice radiography in the State of Maryland. The Respondent was originally licensed to practice radiography in Maryland on December 20, 1991, under license number R02592. The Respondent’s license is current through April 30, 2021.

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<sup>1</sup> 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 an MRI Technologist at a hospital in Maryland (“the Facility”)<sup>2</sup>, from approximately March 2014, through April 3, 2019, at which time she resigned her position.
3. The Respondent is currently employed as a Staff MRI Technologist at a different hospital in Maryland where she began employment in May 2019.
4. On April 4, 2019, the Board received a Mandated 10-Day Report<sup>3</sup> from the Facility documenting the resignation in lieu of termination of the Respondent’s employment after testing positive for alcohol on or about March 11, 2019, following a for-cause Fitness for Duty (“FFD”) evaluation.

## **II. BOARD INVESTIGATION**

5. The Board opened a full investigation based on the information received in the Mandated 10-Day Report.
6. On or about April 11, 2019, Board staff sent a subpoena to the Facility for the Respondent’s complete personnel file, which the Board received on or about May 14, 2019.
7. A review of the Respondent’s personnel file revealed that on March 11, 2019, the Respondent’s Supervisor (“the Supervisor”) referred the Respondent for an FFD evaluation due to suspicion that the Respondent was under the influence

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<sup>2</sup> 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.

<sup>3</sup> Md. Code Ann. H.O. §§14-5B-15 requires that within 10 days of an action hospitals report any action taken against a licensee which limits, reduces, otherwise changes, or terminates any licensee for any reason that might be grounds for disciplinary action under H.O. § 14-5B-14.

while on duty. The Supervisor stated that he observed the Respondent make several mistakes while scanning a patient's spine and described her behavior as "clearly impaired." The FFD evaluation report includes a section entitled Employee's Summary which reads, "I was intoxicated yesterday...I drank a few beers before coming into work...my manager felt I was out of sorts, not my normal self..."

8. The FFD evaluation included laboratory testing, the results of which indicated that the Respondent tested positive for alcohol at 0.24g/dl, with a collection date of March 11, 2019.
9. On or about May 24, 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.
10. On or about June 3, 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 during the day in question she "did have a few drinks" but thought that it would be out of her system before she began her shift.
11. On or about June 12, 2019, Board staff conducted an interview under oath with the Supervisor.
12. During the interview the Supervisor stated that on March 11, 2019, another technician on his team asked him to come observe the Respondent, whom they believed was acting strangely. The Supervisor then observed the Respondent

conducting a scan of a patient. He observed that her positioning of the scan was incorrect and asked her to repeat it; she repeated the scan and achieved the exact same incorrect positioning result. The Supervisor stated that he thought that it was odd for the Respondent to repeat the same mistake given the Respondent's level of experience. Based on these observations he asked her to step aside and asked her if she was feeling alright. The Respondent stated that she was fine but the Supervisor was not convinced by her response and asked if she needed to be sent for an FFD evaluation. The Supervisor stated that she responded "Please do not send me for a fitness-for-duty." At this point the Supervisor asked the Respondent if she would fail, to which she responded "I might." At that point he sent her for the FFD evaluation.

13. The Supervisor escorted the Respondent to have the FFD evaluation administered. The Supervisor stated that at this point it appeared that she was "clearly under the influence of something." The two of them arrived at the waiting room where the FFD would be administered and continued conversing. The Supervisor stated that at this point the Respondent admitted that she had been drinking, after which he did not ask her any further questions, and the FFD was subsequently administered and returned a positive result for alcohol.
14. On June 17, 2019, Board staff conducted an interview with the Respondent under oath.
15. The Respondent stated that on the night prior to the incident she did some drinking, but decided to report to work the next day for her shift at

approximately 3:00 pm on March 11, 2019 because she did not want to leave her co-workers short-staffed. When she arrived at work her coworkers noticed that her behavior was abnormal, and she was ultimately sent for an FFD where a urine test was conducted which came back positive for alcohol.

16. The Respondent stated that she began drinking the prior evening. She stated that she drank “over the night and then in the morning around 10 or so.” When asked what she had been drinking she stated that in the morning she drank two beers pretty quickly to relieve some anxiety that she was experiencing. The previous evening she began drinking vodka shots at approximately 5:00 or 6:00 pm. She further stated that she stayed awake all night and continued to drink “maybe four or five” drinks throughout the evening.<sup>4</sup>
17. The Respondent was asked whether she worked with any patients on the day in question and responded that she did not. The Respondent was asked about the Supervisor’s observations that she was improperly scanning a patient prior to her being pulled aside; she responded that she had no such recollection. The Respondent further stated that she did not recall telling the Supervisor that she thought she would fail the FFD, nor did she recall admitting to him that she had been drinking.

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<sup>4</sup> Additional relevant information was disclosed by the Respondent that has not been specifically referenced in this document for confidentiality and privacy purposes.

### **CONCLUSION OF LAW**

Based on the foregoing investigative findings, Panel B 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. & 2018 Supp.), and Md. Code Regs. 10.32.02.08B(7).

### **ORDER**

It is thus by Disciplinary Panel B 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, R02592, to practice as a radiographer in the State of Maryland be and is hereby **SUMMARILY SUSPENDED**; and it is further

**ORDERED** that in accordance with Md. Code Regs. 10.32.02.08B(7)(c), D and E, a post-deprivation hearing on the Summary Suspension will be held on **July 17, 2019 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 **SUMMARY SUSPENSION** hearing held before Panel B, the Respondent, if dissatisfied with the result of the hearing, may request within ten (10) days 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. & 2018 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. & 2018 Supp.).

07/09/2019  
Date

***Signature on File***

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Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians