

IN THE MATTER OF
KRISTA M. BREWER

Applicant

License Number: R06721 (expired)

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BEFORE THE
MARYLAND STATE
BOARD OF PHYSICIANS
Case Number: 2220-0285B

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FINAL ORDER

On October 5, 2020, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") notified **KRISTA M. BREWER** (the "Applicant"), Former License Number R06721, of its intent to deny her *Application for Reinstatement of Radiographer* (the "2020 Application"), dated April 14, 2020. Panel B took such action pursuant to the Maryland Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Act (the "Act"), Md. Code Ann., Health Occ. §§ 14-5B-01 *et seq.* (2014 Repl. Vol. & 2019 Supp).

The pertinent provisions of the Act provide:

Health Occ. § 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 a quorum of the disciplinary panel, may deny a license to any applicant . . . if the applicant . . . :
 - (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant, licensee, or for another;
 - (3) Is guilty of unprofessional or immoral conduct in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance; [and]

- (10) Willfully makes or files a false report or record in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance[.]

In its Notice, Disciplinary Panel B informed the Applicant that she had the opportunity to request a hearing by submitting a request in writing to the Board's Executive Director within thirty days of service of the Notice. More than thirty days have elapsed since the service of the Notice on the Applicant, and the Applicant has not requested a hearing.

FINDINGS OF FACT

Disciplinary Panel B makes the following Findings of Fact:

LICENSING INFORMATION

1. The Board initially issued a radiographer license to the Applicant on May 6, 2003, under License Number R06721. The Applicant retained continuous licensure until May 30, 2015, when her radiographer license expired.

BASIS OF BOARD INVESTIGATION

2. On April 14, 2020, the Applicant submitted the 2020 Application to reinstate her radiographer license. In the 2020 Application, the Board directed the Applicant to answer "YES" or "NO" to a series of "Character and Fitness" questions and provide explanations for all "YES" responses. The Applicant responded "YES" to Question G, which asks:

Have you ever pleaded guilty or nolo contendere to any criminal charge, been convicted of a crime, or received probation before judgment because of a criminal charge?

3. The Applicant provided an explanation for this affirmative response, stating that in March 2013, she was charged with “conspiracy-possession with intent to distribute,” and received a “probation sentence” and “had to do community service.”

4. The Applicant answered “NO” to Question H, which asks:

Have you ever committed an offense involving alcohol or controlled dangerous substances to which you pled guilty or nolo contendere, or for which you were convicted or received probation before judgment? Such offenses include, but are not limited to, driving while under the influence of alcohol or controlled dangerous substances.

5. At the conclusion of the 2020 Application, the Applicant certified that she personally reviewed all responses in the application and that the information she gave was true and correct to the best of her knowledge and that any false information she provided may be cause for denial of the 2020 Application.

BOARD INVESTIGATIVE FINDINGS

6. The Board opened an investigation of the Applicant based on the disclosures she made on her 2020 Application. As part of its investigation, the Board reviewed the Applicant’s prior licensure renewal applications and determined that she failed to disclose her prior criminal history in her 2013 renewal application (the “2013 Application”), dated April 20, 2013.

7. In the 2013 Application, the Board directed the Applicant to provide “YES or “NO” answers to a series of “Character and Fitness” questions for the period since April 30, 2011 and provide explanations for all “YES” responses. The Applicant answered “NO” to Question I, which asks:

Are there any charges pending against you in any court of law, are you currently under arrest, released pending trial with or without bond, or is there any outstanding warrant for your arrest?

8. At the conclusion of the 2013 Application, the Applicant certified that she personally reviewed all responses in the application and that the information she gave was true and correct to the best of her knowledge.

9. The Board's investigation determined that the Applicant failed to disclose on her 2013 Application that on or about March 11, 2013, she was charged in the Circuit Court for Baltimore County, Maryland, with a series of drug-related offenses, including: conspiracy, possession with intent to distribute (common law); conspiracy to distribute controlled dangerous substances ("CDS")--narcotics (common law); possession of CDS, not marijuana (Md. Code Ann., Crim. Law § 5-601(a)(1)); delivering a CDS to a person detained or confined in a place of confinement (Md. Code Ann., Crim Law § 9-416(a)(1)); and possession of a CDS with intent to deliver it to a person detained or confined in a place of confinement (Md. Code Ann., Crim Law § 9-416(a)(2)).

10. Court records state that on or about July 25, 2012, the Applicant initiated a scheme whereby she obtained Suboxone (buprenorphine)¹ strips by prescription and mailed the strips to an incarcerated inmate, who then re-distributed the strips to other inmates. The incarcerated inmate then arranged for the Applicant to receive compensation for providing the Suboxone strips. The Applicant continued to engage in this conspiracy until in or around October 2012.

¹ Buprenorphine is an opioid use disorder treatment medication and Schedule III CDS. Suboxone is a trade name for a medication containing buprenorphine.

11. On or about July 11, 2013, the Applicant appeared in the Circuit Court for Baltimore County and pursuant to a plea agreement, entered a plea of guilty to the charge of conspiracy, possession with intent to distribute, in violation of the common law. As part of the plea agreement, the State *nolle prossed* the remaining charges.

12. On or about October 7, 2013, the court sentenced the Applicant to 18 months of incarceration, which it suspended in its entirety, placed her on probation for 3 years and ordered her to perform 288 hours of community service.

GROUND FOR DENIAL OF REINSTATEMENT APPLICATION

13. Under the Act, a disciplinary panel may deny a license to an applicant if the applicant violated any provisions of Health Occ. § 14-5B-14(a). In this case, the Applicant made material misrepresentations on her 2013 Application when she failed to disclose her criminal history, as set forth above. When doing so, the Applicant fraudulently or deceptively obtained a license, engaged in unprofessional conduct in the practice of radiography and filed a false report or record in the practice of radiography.

14. Panel B denies the Applicant's Application in that her actions, as set forth above, constitute a violation of the following provisions of the Act under Health Occ. § 14-5B-14(a): (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant, licensee, or for another; (3) Is guilty of unprofessional or immoral conduct in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance; and (10) Willfully makes or files a false report or record in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Disciplinary Panel B concludes as a matter of law that the Applicant's actions constitute grounds to deny her Application under the following provisions of Health Occ. § 14-5B-14(a): (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant, licensee, or for another; (3) Is guilty of unprofessional or immoral conduct in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance; and (10) Willfully makes or files a false report or record in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance.

ORDER

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

ORDERED that the Application of **KRISTA M. BREWER** to reinstate her license to practice radiography in Maryland, filed on April 14, 2020, is **DENIED**; and it is further

ORDERED that this Final 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).

12/01/2020

Signature on File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. § 14-5B-14.1 (2014 Repl. Vol. & 2019 Supp.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of service of this Order and shall be made as provided for judicial review of a final decision in the Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2014 Repl. Vol.) and Title 7, Chapter 200 of the Maryland Rules.