

IN THE MATTER OF

*

BEFORE THE

FARISON PADAVIL, Radiographer

*

MARYLAND STATE

Respondent

*

BOARD OF PHYSICIANS

License Number: R06782

*

Case Number: 7719-0015A

* * * * *

ORDER AFTER SHOW CAUSE HEARING

On September 19, 2018, Farison Padavil, Radiographer, entered into a Consent Order with Board Disciplinary Panel A ("Panel A") of the Maryland State Board of Physicians ("Board") wherein he was reprimanded, ordered to pay a fine, and ordered to contact the Maryland Professional Rehabilitation Program ("MPRP") to schedule an initial evaluation and possible enrollment. On February 22, 2019, Panel A issued a Violation of Consent Order and Notice to Show Cause, charging Mr. Padavil with violating the terms and conditions of the September 19, 2018 Consent Order by failing to sign the required release forms necessary for enrollment and participation in MPRP. On May 8, 2019, Panel A held a show cause hearing where Mr. Padavil had the opportunity to argue why his license should not be subject to further discipline.¹

FINDINGS OF FACT

Background

Mr. Padavil was initially licensed by the Board to practice as a radiographer in Maryland on July 15, 2003.² Mr. Padavil applied for the renewal of his license in 2005, 2007, 2009, 2011,

¹ The Show Cause hearing was initially scheduled for April 10, 2019. Mr. Padavil appeared at the Board on that date without counsel and requested a postponement to obtain counsel. Panel A granted the postponement request and rescheduled the hearing to May 8, 2019.

² Mr. Padavil's license to practice radiography expired on April 30, 2019. Pursuant to section 14-403 of the Health Occupations Article, the license of an individual regulated by the Board may not "lapse by operation of law while the individual is under investigation or while charges are pending." The Board's investigation and issuance of the

2013, 2015, and 2017. As part of the initial application and each application for renewal, Mr. Padavil was asked whether he had been charged with a crime, convicted of any crime, pled guilty or *nolo contendere* to any crime, or been sentenced to confinement or a period of probation, including probation before judgment, for any crime. Mr. Padavil answered “No” on each application.

In 2015, the General Assembly enacted legislation requiring Board licensees seeking the renewal of their licenses to submit to a Criminal History Records Check (“CHRC”), beginning October 1, 2016. Maryland Code Ann., Health Occ. § 14-5B-12(g). Mr. Padavil was required to submit to a CHRC, for the first time, when he renewed his license in 2017. The Board discovered, as a result of the CHRC and subsequent Board investigation, that Mr. Padavil had two criminal convictions, which he failed to disclose on any of his applications to the Board.

On June 7, 2018, Panel A charged Mr. Padavil with fraudulently or deceptively obtaining a license, unprofessional or immoral conduct in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance, and willfully making or filing a false report in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance. *See* Health Occ. § 14-5B-14(a)(1), (3), and (10). On September 19, 2018, Mr. Padavil entered into a Consent Order with Panel A to resolve the charges against him.

September 19, 2018 Consent Order

In the Consent Order, Panel A found that Mr. Padavil fraudulently or deceptively obtained a license, in violation of Health Occ. § 14-5B-14(a)(1), was guilty of unprofessional conduct in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance, in violation of Health Occ. § 14-5B-14(a)(3), and willfully made or filed a

Violation of Consent Order and Notice to Show Cause occurred before the expiration of Mr. Padavil’s license. Therefore, by operation of law, Mr. Padavil’s license did not expire during these proceedings.

false report in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance, in violation of Health Occ. § 14-5B-14(a)(10). Mr. Padavil was reprimanded, ordered to pay a fine, and ordered to schedule an initial evaluation with MPRP and enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan if MPRP determined enrollment was indicated. The specific terms were, in pertinent part, as follows:

- (1) Within **five (5) business days** from the effective date of this Consent Order, the Respondent shall contact the Maryland Professional Rehabilitation Program ("MPRP") to schedule an initial evaluation. If MPRP determines that enrollment in MPRP is indicated, the Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP within **fifteen (15) business days** from the effective date of this Consent Order;
- (2) The Respondent 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 all Rehabilitation Agreement(s) and Rehabilitation Plan(s) entered into with MPRP; and shall fully participate and comply with therapy, treatment, evaluations, and screenings as directed by MPRP;
- (3) The Respondent shall sign and update the written release/consent forms requested by the Board and MPRP. The Respondent shall sign the release/consent forms to authorize MPRP to make verbal and written disclosure to the Board, including disclosures of any and all MPRP records and files possessed by MPRP;
- (4) The Respondent 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, including all of the Respondent's current therapists and treatment providers, verbal and written information concerning the Respondent, and to ensure that MPRP is authorized to receive the medical records of the Respondent, including, but not limited to, mental health and drug or alcohol treatment records or alcohol abuse information[.]

The Consent Order also stated:

ORDERED that if the Respondent allegedly fails to comply with any term or condition of this 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 a disciplinary panel; and it is further

ORDERED that, after the appropriate hearing, if the Board or a disciplinary panel determines that the Respondent has failed to comply with any term or condition of this Consent Order, the Board or a disciplinary 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 medicine 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 Respondent[.]

Mr. Padavil signed the Consent Order, agreeing and accepting to be bound by the Consent Order and all of its terms and conditions.

Violation of September 19, 2018 Consent Order

Mr. Padavil enrolled in MPRP on October 16, 2018 and signed the Participant Rehabilitation Plan and relevant addendums. Mr. Padavil, however, did not sign the required release forms that were necessary to complete his enrollment and begin participation in MPRP. During the initial MPRP meeting, Mr. Padavil disclosed three additional criminal acts, which were not reported on any of his applications, and a termination of employment from a hospital, which also was not disclosed to the Board. Mr. Padavil was given until the end of the week to sign the release forms and was told that his failure to sign the release forms would constitute a violation of his Consent Order. On October 19, 2018, MPRP closed Mr. Padavil's case for cause due to his failure to sign the required release forms. On October 22, 2018 the Board requested a written response from Mr. Padavil. Mr. Padavil did not respond to the Board's request for a response.

Show Cause Hearing

On February 22, 2019, Panel A issued a Violation of Consent Order and Notice to Show Cause, charging Mr. Padavil with violating the terms and conditions of the September 19, 2018 Consent Order. On April 10, 2019, Mr. Padavil appeared at the Board without counsel and requested a postponement to obtain counsel. Panel A granted the postponement request and rescheduled the hearing to May 8, 2019. On May 8, 2019, Mr. Padavil, again, appeared without

counsel. The State was represented by Administrative Prosecutor, Michael Brown. During the hearing, Mr. Padavil admitted that he did not sign the required release forms for MPRP. He explained that he did not sign the release forms because he was planning to surrender his license to the Board. Mr. Padavil stated that after discussing the surrender of his license with others, he decided not to surrender his license and asked the panel for another opportunity to enroll in MPRP. Panel A will give Mr. Padavil another opportunity to enroll in MPRP and comply with MPRP's requirements, but in order to ensure that Mr. Padavil completes all necessary paperwork required for enrollment, the panel will order that Mr. Padavil's license be suspended until the time when he has completed all necessary forms and complied with all of MPRP's instructions for enrollment.

CONCLUSION OF LAW

Panel A finds that Mr. Padavil violated the terms of the September 19, 2018 Consent Order by failing to sign the required release forms necessary for enrollment in MPRP.

ORDER

On an affirmative vote of a majority of a quorum of Disciplinary Panel A, it is hereby

ORDERED that Mr. Padavil is **REPRIMANDED**; and it is further

ORDERED that the conditions imposed by the September 19, 2018 Consent Order are **TERMINATED**; and it is further

ORDERED that Mr. Padavil's license to practice radiography in Maryland is **SUSPENDED**³ immediately; and it is further

³ Mr. Padavil's license is expired as of the date of this Order. If Mr. Padavil wishes to resume the practice of radiography in Maryland, he will need to first apply for and meet the requirements to administratively reinstate his license. When Mr. Padavil meets the requirements for administrative reinstatement, his license will be reinstated, but his license will remain suspended until he enrolls in MPRP and completes all necessary forms required to complete enrollment in MPRP.

ORDERED that after his expired license is administratively reinstated, Mr. Padavil shall comply with the following terms and conditions of the suspension:

(1) Mr. Padavil shall contact MPRP to schedule an initial consultation for enrollment;

(2) Mr. Padavil shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;

(3) Mr. Padavil shall fully and timely cooperate and comply with all MPRP's referrals, rules, and requirements, including, but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP to complete enrollment;

(4) Mr. Padavil 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) Mr. Padavil shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of Mr. Padavil's current therapists and treatment providers) verbal and written information concerning Mr. Padavil and to ensure that MPRP is authorized to receive the medical records of Mr. Padavil, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. Mr. Padavil shall not withdraw his release/consent; and it is further

ORDERED that after Mr. Padavil has fully and satisfactorily enrolled in MPRP and completed all necessary releases and forms required by MPRP, Mr. Padavil may submit a written petition for termination of suspension. After a determination that Mr. Padavil has completed all documentation necessary for enrollment in MPRP, the disciplinary panel may administratively terminate Mr. Padavil's suspension through an order of the disciplinary panel; and it is further

ORDERED that upon termination of the suspension, Mr. Padavil shall be placed on **PROBATION**⁴ for a minimum period of **TWO (2) YEARS**. During the probationary period, Mr. Padavil shall comply with the following probationary terms and conditions:

⁴ If Mr. Padavil's license expires during the period of probation, the probation and any conditions will be tolled.

(1) Mr. Padavil shall continue his enrollment in MPRP under the Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP for the duration of probation, as follows:

(a) Mr. Padavil 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 all Rehabilitation Agreement(s) and Rehabilitation Plan(s) entered into with MPRP; and shall fully participate and comply with therapy, treatment, evaluations, and screenings as directed by MPRP;

(b) Mr. Padavil shall sign and update the written release/consent forms requested by the Board and MPRP. Mr. Padavil shall sign the release/consent forms to authorize MPRP to make verbal and written disclosure to the Board, including disclosures of any and all MPRP records and files possessed by MPRP;

(c) Mr. Padavil 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, including all of Mr. Padavil's current therapists and treatment providers, verbal and written information concerning Mr. Padavil, and to ensure that MPRP is authorized to receive the medical records of Mr. Padavil, including, but not limited to, mental health and drug or alcohol treatment records or alcohol abuse information;

(d) Mr. Padavil's failure to comply with any term or condition of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) shall constitute a violation of this Order;

(2) Mr. Padavil shall pay a civil fine in the amount of \$1,000.00 by money order or bank certified check made payable to the Maryland State Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297-3217; and it is further

ORDERED that Mr. Padavil shall not apply for early termination of probation; and it is further

ORDERED that after Mr. Padavil has complied with all terms and conditions of probation and the minimum period of probation has passed, Mr. Padavil 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. Mr. Padavil may be required to appear before the disciplinary panel to discuss his petition for termination. The disciplinary panel may grant the petition to terminate the probation, through an order of the disciplinary

panel, if Mr. Padavil has complied with all probationary terms and conditions and there are no pending complaints relating to the charges; and it is further

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

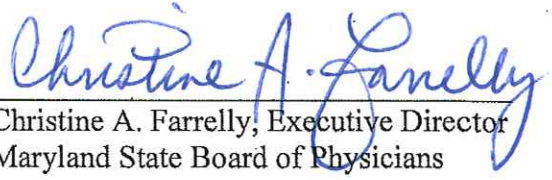
ORDERED that, if Mr. Padavil allegedly fails to comply with any term or condition imposed by this Order, Mr. Padavil shall be given notice and an opportunity for a hearing. If the disciplinary panel determines there is a genuine dispute as to a material fact, the hearing shall be before an Administrative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

ORDERED that the effective date of the Order is the date the Order is signed by the Executive Director of the Board or her designee. The Executive Director or her 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 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).

06/04/2019
Date


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