

IN THE MATTER OF

\*

BEFORE THE MARYLAND

FARISON PADAVIL,  
Radiographer

\*

STATE BOARD OF

\*

Respondent

PHYSICIANS

License Number: R06782

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Case Number: 2218-0135A

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**CONSENT ORDER**

On June 7, 2018, Disciplinary Panel A of the Maryland State Board of Physicians (the "Board"), charged Farison Padavil, Radiographer (the "Respondent"), License Number R06782, under the Maryland Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") § 14-5B-14 (2014 Repl. Vol. & 2017 Supp.).

The pertinent provisions of Health Occ. § 14-5B-14 provide as follows:

- (a) 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 deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant or 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[.]

On August 8, 2018, Panel A was convened as a Disciplinary Committee for Case Resolution ("DCCR") in this matter. Based on negotiations occurring as a result of this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

## **I. FINDINGS OF FACT**

Panel A finds:

1. At all times relevant to these charges, the Respondent was licensed as a radiographer in the State of Maryland. The Respondent was initially licensed in Maryland on July 15, 2003. The Respondent's license is scheduled to expire on April 30, 2019.

### **CRIMINAL HISTORY**

2. On September 29, 2000, in the Superior Court of California County of Santa Clara, the Respondent pleaded *nolo contendere*, and was found guilty of Assault with a Deadly Weapon on or about November 17, 2000 (Case No. CC083559). The Respondent was sentenced to 10 months incarceration and three years of probation.

3. On March 17, 2017, in the District Court for Prince George's County, the Respondent pleaded guilty to, and was found guilty of Driving While Impaired by Alcohol (Case No. CJ170335). The Respondent was sentenced to Probation Before Judgment.

### **FAILURE TO REPORT CRIMINAL HISTORY TO THE BOARD**

4. The Board discovered, as part of the criminal background check, that the Respondent had the above-referenced prior undisclosed convictions.

5. The Respondent initially applied for licensure as a radiographer in 2003, and applied for renewal of his license in 2005, 2007, 2009, 2011, 2013, 2015 and 2017. As part of the initial application, and each subsequent renewal application, the Respondent was asked "Have you ever been charged with or convicted of any criminal act for which you pled *nolo contendere*, could receive, or did receive, probation before judgment, or were sentenced to probation or confinement?"<sup>1</sup> The Respondent answered "No" each time he was asked.

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<sup>1</sup> In 2009 the question changed to "Have you pleaded guilty or *nolo contendere* to any criminal charge, or have you been convicted of a crime or placed on probation before judgment because of a criminal charge?"

6. As part of the Respondent's 2017 renewal application, the Respondent was asked "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." The Respondent answered "No" to the question.

## **II. CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent fraudulently or deceptively obtained or attempted to obtain a license, in violation of Health Occ. § 14-5B-14(a)(1); is 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 false report or record in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance, in violation of Health Occ. § 14-5B-14(a)(10).

## **III. ORDER**

It is thus by Disciplinary Panel A of the Board, hereby

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

**ORDERED** that within **ONE (1) YEAR**, the Respondent shall pay a civil fine in the amount of **\$700.00**, 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:

- (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;
- (5) The Respondent'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 Consent Order; and it is further

**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; and it is further

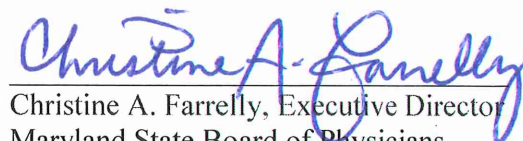
**ORDERED** that unless stated otherwise in the order, any time period prescribed in this order begins when the Consent Order goes into effect. The Consent Order goes into effect upon the signature of the Board's Executive Director, who signs on behalf of Panel A; and it is further

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

**ORDERED** that the Respondent 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).

09/19/2018  
Date

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

### CONSENT

I, Farison Padavil, by affixing my signature hereto, acknowledge that I have been apprised of my right to 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***

9/14/18  
Date

Farison Padavil<sup>t</sup>

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**NOTARY**

**STATE OF MARYLAND**

**CITY/COUNTY OF**

Prince George's

**I HEREBY CERTIFY** that on this 14th day of September, 2018,

before me, a Notary Public of the foregoing State and City/County personally appear Farison Padavil and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

**AS WITNESSETH** my hand and notary seal.

DARYL HANNAH A. RODRIGUEZ  
NOTARY PUBLIC - MARYLAND  
PRINCE GEORGES COUNTY  
MY COMMISSION EXPIRES  
DECEMBER 09, 2019

  
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Notary Public

My commission expires: 12/09/2019