

IN THE MATTER OF

*

BEFORE THE MARYLAND

**TYRONE HUGHLEY,
Radiographer**

*

STATE BOARD OF

*

Respondent

PHYSICIANS

License Number: R07179

*

Case Number: 2217-0110B

* * * * *

CONSENT ORDER

On May 14, 2018, Disciplinary Panel B of the Maryland State Board of Physicians (the "Board"), charged Tyrone Hughley, Radiographer (the "Respondent"), License Number R07179, 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 provision 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 22, 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 Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

I. FINDINGS OF FACT

Panel B finds:

1. At all times relevant, the Respondent was licensed as a radiographer in the State of Maryland. The Respondent was initially licensed in Maryland on July 16, 2004. The Respondent's license is scheduled to expire on April 30, 2019.

CRIMINAL HISTORY

2. On February 15, 1989, in the Superior Court of the District of Columbia, the Respondent plead guilty to, and was found guilty of, Attempted Possession Cocaine (Case No. 1987 F 011345). The Respondent was sentenced to 180 days incarceration with all time suspended, and two years of probation.

3. On May 17, 1989, in the Superior Court of the District of Columbia, the Respondent plead guilty to, and was found guilty of, Attempted Possession with Intent to Distribute Cocaine (Case No. F-267-89C). The Respondent was sentenced to one to three years incarceration, with all time suspended, and two years of probation under the "intensive probation supervision program."

4. On July 19, 1994, in the U.S. District Court for the District of Columbia, the Respondent plead guilty to, and was found guilty of, Narcotics-Sell, Distribute or Dispense-Conspiracy to Distribute and Possess with Intent to Distribute Cocaine and Cocaine Base (Case No.1:94-cr-00285-JHP-1). On November 10, 1994, the Respondent was sentenced to two years incarceration, and three years supervised release.

5. On October 25, 2011, in the Superior Court of the District of Columbia, the Respondent was found guilty of Attempted Threats to Do Bodily Harm- Misdemeanor (Case No.

2011 CMD 016411). The Respondent was sentenced to 180 days incarceration, with all but 10 days incarceration suspended, and twelve months supervised probation.

6. According to the Affidavit in Support of an Arrest Warrant filed on July 27, 2011:

On 07/26/2011 at approximately 2055hrs, Ofc. [1] and Ofc. [2] were releasing the defendant on a citation release, after been [sic] arrested for Disorderly Conduct- Inciting Violence. As the defendant was obtaining his prisoners property, he began to leave, at which time he turned to the Officers and stated "when one of yall get hit, ima slow yall down, one of yall gonna die." The Officers felt intimidated that the defendant would carry out these threats, as he is an employee of [Hospital]. This is the hospital that primarily provides care to [police officers] who are injured in the line of duty.

7. On September 6, 2013, in the Superior Court of the District of Columbia, the Respondent plead guilty to, and was found guilty of, Driving Under the Influence of Alcohol or Drug (Case No. 2013 CTF 009307). The Respondent was sentenced to 90 days incarceration, with all but 15 days suspended, supervised probation for 12 months, and a \$1,000 fine (all suspended).

FAILURE TO REPORT CRIMINAL HISTORY TO THE BOARD

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

9. The Respondent initially applied for licensure as a radiographer in 2003, and applied for renewal of his license in 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?" The Respondent answered "No" each time he was asked.

II. CONCLUSIONS OF LAW

Based on the Findings of Fact, Panel B concludes as a matter of law that the Respondent fraudulently or deceptively obtained or attempted to obtain a license, in violation of Md. Code Ann., 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 § 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 § 14-5B-14(a)(10).

III. ORDER

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 **\$600.00**, by money order or bank certified check made payable to the Maryland State Board of Physicians, and mailed to 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'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;

(4) The Respondent 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 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;

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

(7) Upon receipt of MPRP's evaluation report and or/recommendations, Panel B may impose additional terms and conditions, including, but not limited to, probation; 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

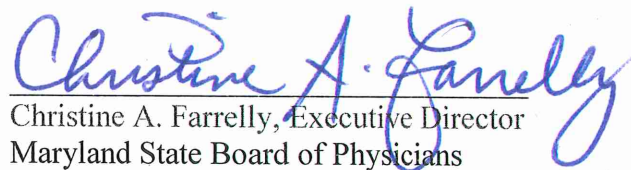
ORDERED that unless stated otherwise in the order, any time period prescribed in this order begins when the Consent Order goes into effect. The Consent Order goes into effect upon the signature of the Board's Executive Director, who signs on behalf of Panel B; and it is further

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).

09/12/2018
Date


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

CONSENT

I, Tyrone Hughley, 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

9/7/18
Date

Tyrone Hughley

District of Columbia: SS
Subscribed and Sworn to before me
this 7th day of Sept, 2018
[Signature]
Notary Public, D.C.

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Washington DC

I HEREBY CERTIFY that on this 7th day of Sept, 2018,

before me, a Notary Public of the foregoing State and City/County personally appear Tyrone Hughley 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.

Jeanette L.

Notary Public

My commission expires: 10-31-2020

