

IN THE MATTER OF	*	BEFORE THE
TRACEY D. McCORR, Radiographer	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: R08304	*	Case Number: 2220-0281A

* * * * *

FINAL ORDER OF REVOCATION OF RADIOGRAPHY LICENSE

On January 22, 2021, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) notified Tracey D. McCorr (the “Respondent”), License Number R08304, of its intent to revoke the Respondent’s license to practice radiography in the State of Maryland. The Notice informed the Respondent that unless the Respondent requested a hearing in writing within 30 days of the date of mailing of the Notice, Panel A intended to sign this Final Order, which was enclosed. More than 30 days have elapsed, and the Respondent failed to request a hearing. Therefore, Panel A hereby revokes the Respondent’s license to practice radiography.

The basis for Panel A’s action is 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 provision of the Act states:

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 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:

...

- (26) Fails to cooperate with a lawful investigation conducted by the Board or disciplinary panel[.]

The pertinent provision of the Board's regulations in Md. Code Regs. states:

10.32.02. Hearings before the Board of Physicians.

...

.14 Proposed Orders . . .

- A. Nothing in this chapter prohibits the issuance of a charging document with a proposed order which will go into effect if the respondent fails to request a hearing.

INVESTIGATIVE FINDINGS

Panel A finds:

1. At all relevant times, the Respondent was and is licensed to practice radiography in the State of Maryland. The Board first licensed the Respondent to practice radiography in Maryland on January 26, 2007, under License Number R08304. Her license is scheduled to expire on April 30, 2021.

2. On or about March 3, 2020, the Board received a complaint from a health care staffing agency (the "Agency"),¹ which stated that the Respondent had completed two pre-employment drug screens that each resulted in "dilutes." The Agency also stated in its complaint that the Respondent refused to complete a subsequent blood test.

3. The Board opened an investigation into the Respondent based on the Agency's complaint.

¹ To maintain confidentiality, the names of any witnesses, facilities, employees, and patients will not be used in this document but were made available to the Respondent.

4. As part of its investigation, the Board obtained certain employment records for the Respondent from the Agency. Included in the Respondent's records was a "Drug Consent" form that she signed on or about October 1, 2019, which stated in relevant part:

I understand that if any urine drug test results are dilute or dilute negative, I will be required to take a second urine drug test within 24 hours of [the Agency's] receipt of the result. I understand that if the second urine drug test is also dilute or dilute negative, I will be required to undergo blood drug testing. Blood drug testing must be completed within 24 hours of [the Agency's] receipt of the result.

5. Also included in the Respondent's records that the Board obtained from the Agency were a "Review Board Decision" and "Review Board Checklist," both dated February 6, 2020, and which noted that the Respondent "had 2 dilutes & refused a blood draw." The checklist form noted the Respondent was "non-rehirable."

6. Also included in the Respondent's records that the Board obtained from the Agency were the results of two urine drug screens. The first result, dated February 4, 2020, had a certified result of "dilute." The second result, dated February 6, 2020, also had a certified result of "dilute."

7. On or about July 14, 2020, the Board sent a letter to the Respondent at her address on file with the Board as well as to a second address found through a records search. The Board's letter notified the Respondent of the nature of the complaint filed against her and directed her to file a written response within ten business days from the date of the letter. The Board did not receive a written response from the Respondent.

8. On or about August 5, 2020, Board staff sent an email to the Respondent² and attached a copy of the July 14, 2020 letter. The Board did not receive a response from the Respondent.

9. On or about August 13, 2020, Board staff spoke to the Respondent by phone. The Respondent told Board staff that she did not care what the Board did with her license because she is retired and does not plan to work in the medical field. When Board staff attempted to advise the Respondent that she was under investigation and still had an active license, she stated that she was on her way out and hung up the phone.

10. On or about August 13, 2020, Board staff sent an email to the Respondent to follow up on the phone conversation and request an updated mailing address, if any. The Board did not receive a response from the Respondent.

11. On or about October 15, 2020, the Board issued a subpoena ad testificandum (“SAT”) to the Respondent for her to appear by videoconference on October 23, 2020 for an interview. The Board served the SAT by mail to the Respondent’s address on file with the Board, two additional addresses obtained through a records search, and by email.

12. On or about October 22, 2020, the Board sent an email to the Respondent with information about the videoconference interview.

13. The Respondent did not appear for the videoconference interview scheduled for October 23, 2020.

14. On or about October 28, 2020, the Board issued an SAT to the Respondent for her to appear by videoconference on November 10, 2020 for an interview. The Board

² Board staff used the email address that the Respondent provided on her most recent license renewal application that she submitted to the Board electronically on or about March 22, 2019.

served the SAT by mail to the Respondent's address on file with the Board, two additional addresses obtained through a records search, and by email.

15. On or about November 5, 2020, the Board sent an email to the Respondent with information about the videoconference interview.

16. The Respondent did not appear for the videoconference interview scheduled for November 10, 2020.

CONCLUSIONS OF LAW

Based on the foregoing Investigative Findings, Panel A concludes as a matter of law that the Respondent violated Health Occ. § 14-5B-14(a)(26) by failing to cooperate with a lawful investigation conducted by the Board or disciplinary panel.

ORDER

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

ORDERED that the license of the Respondent, Tracey D. McCorr, to practice radiography in the State of Maryland is **REVOKED**; and it is further

ORDERED that this Final Order is a **PUBLIC DOCUMENT**. See Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

Signature on File

02/26/2021
Date

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Health Occ. § 14-408, the Respondent has the right to seek judicial review of this Final Order. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Final Order. The cover letter accompanying this final decision and order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Respondent files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, Maryland 21215

Notice of any petition should also be sent to the Board's counsel at the following address:

Noreen M. Rubin, Assistant Attorney General
Maryland Office of the Attorney General
Maryland Department of Health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201