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| IN THE MATTER OF | * | BEFORE THE |
| KRISTA CHASTAIN, Radiographer | * | MARYLAND STATE |
| Respondent | * | BOARD OF PHYSICIANS |
| License Number: R09509 | * | Case Number: 7722-0094 |
| * * * * * | * | * * * * * |

ORDER AFTER SHOW CAUSE HEARING

On June 13, 2022, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (“Board”) and Krista Chastain, Radiographer, entered into a consent order that, among other things, required Ms. Chastain to enroll in the Maryland Professional Rehabilitation Program (“MPRP”) and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP. On November 23, 2022, Panel B issued a Violation of Consent Order and Notice to Show Cause because Ms. Chastain was discharged from MPRP for cause due to non-adherence with the rehabilitation agreement. On January 25, 2023, Panel B held a show cause hearing where Ms. Chastain had the opportunity to argue why her license should not be subject to further discipline. Ms. Chastain appeared on her own behalf and the State was represented by the Administrative Prosecutor.

FINDINGS OF FACT

Background

On November 12, 2021, the Board received a Mandated 10-Day Report¹ (the “Report”) that Health Care Facility A² terminated Ms. Chastain from her job as a radiographer “due to

¹ Md. Code Ann. Health Occ. §14-5B-15(a) requires that a hospital, related institution, an alternative health care system or an employer report any limitation, reduction or other change of the terms of employment of the radiographer that might be grounds for disciplinary action under § 14-5B-14 within 10 days.

² For confidentiality and privacy purposes, the names of the facilities involved in this case are not disclosed in this Order.

unprofessional conduct.” After receiving this Report, the Board opened an investigation, which included issuing a subpoena for Ms. Chastain’s human resources file and interviewing employees at Health Care Facility A. Based on the Board’s investigation, Panel B determined, as a matter of law, that the public health, safety, or welfare imperatively required emergency action, and summarily suspended Ms. Chastain’s license to practice radiography.

On March 9, 2022, Panel B charged Ms. Chastain with unprofessional or immoral conduct in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance, *see* Health Occ. § 14-5B-14(a)(3), and being professionally, physically, or mentally incompetent, *see* Health Occ. § 14-5B-14(a)(4).

June 13, 2022 Consent Order

As a resolution to the charges, Ms. Chastain entered into a Consent Order with Panel B, on June 13, 2022, wherein the Panel found that Ms. Chastain violated the disciplinary grounds, as alleged in the charges. Pursuant to the Consent Order, the summary suspension was terminated, Ms. Chastain was reprimanded, and her license to practice radiography was suspended for a minimum of six months, with the requirement that she enroll in MPRP.

The Consent Order stated:

- 1) The Respondent shall enroll in the Maryland Professional Rehabilitation Program (MPRP) as follows:
 - (a) Within 5 business days, the Respondent shall contact MPRP to schedule an initial consultation for enrollment;
 - (b) Within 15 business days, the Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;
 - (c) the Respondent 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;

- (d) 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. The Respondent shall not withdraw her release/consent;
- (e) the Respondent 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 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 evaluation and treatment records. The Respondent shall not withdraw her release/consent;
- (f) the Respondent's failure to comply with any of the above terms or conditions including terms or conditions of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) constitutes a violation of this Consent Order[.]

The Consent Order further stated:

ORDERED that if the Respondent allegedly fails to comply with any term or condition imposed by 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 followed by an exceptions process before a disciplinary panel; and if there is no genuine dispute as to a material fact, the Respondent 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 the Respondent has failed to comply with any term or condition imposed by this Consent Order, the 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 radiography in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine on the Respondent[.]

Violation of June 13, 2022 Consent Order

Ms. Chastain was required to enroll in MPRP by July 6, 2022, but she did not enroll in MPRP until August 10, 2022. As part of her enrollment in MPRP, Ms. Chastain agreed to completely abstain from all mood-altering substances, including alcohol.

On October 5, 2022, November 2, 2022, November 15, 2022, and December 2, 2022, MPRP notified the Board that Ms. Chastain was in violation of her MPRP Participant Rehabilitation Agreement.

On December 15, 2022, MPRP notified the Board that Ms. Chastain's case was closed for cause due to non-adherence. MPRP advised Ms. Chastain agreed to treatment on December 8, 2022 and agreed to admit within seven (7) days. Ms. Chastain was offered an assessment date for inpatient admission on December 12, 2022, but Ms. Chastain declined the admission/assessment date stating that she wanted to admit on December 29, 2022.

On December 28, 2022, MPRP again notified the Board that Ms. Chastain violated her Participant Rehabilitation Agreement on December 12, 2022, three days prior to MPRP closing Ms. Chastain's case for cause.

Show Cause Hearing

On November 23, 2022, Panel B issued a Violation of Consent Order and Notice to Show Cause, alleging that Ms. Chastain violated the terms and conditions of her June 13, 2022 Consent Order for failing to comply with the Participant Rehabilitation Agreement she entered into with MPRP.

Ms. Chastain appeared before Panel B on January 25, 2023, and argued that the Panel should not impose any further sanctions because she was currently addressing the concerns that led to her violation. She admitted that she violated her Participant Rehabilitation Agreement and that she did not enter into treatment when she was directed to do so. Ms. Chastain claimed that

she could not enter inpatient treatment due to issues pertaining to childcare. The Administrative Prosecutor argued that Ms. Chastain's license should be revoked due to her repeated violations of the Rehabilitation Agreement she entered into with MPRP.

CONCLUSION OF LAW

Panel B concludes that Ms. Chastain failed to comply with suspension condition 1(c) of the June 13, 2022 Consent Order by failing to comply with the Participant Rehabilitation Plan entered into with MPRP.

SANCTION

Pursuant to the June 13, 2022 Consent Order, upon a finding of a violation, the Panel may reprimand Ms. Chastain, place Ms. Chastain on probation with appropriate terms and conditions, suspend, or revoke Ms. Chastain's license to practice medicine in Maryland. Ms. Chastain was given many opportunities to comply with MPRP as required by the Consent Order and she violated the terms of her Participant Rehabilitation Agreement on numerous occasions. Ms. Chastain also declined to follow MPRP's treatment recommendations following her violations. Ms. Chastain repeatedly failed to demonstrate that she is capable of complying with the requirements of MPRP. The Panel finds that revocation is the appropriate sanction in this case.

ORDER

It is, thus, by Board Disciplinary Panel B, hereby

ORDERED that the license of Krista Chastain, license number R09509, to practice as a radiographer in Maryland, is **REVOKED**; and it is further

ORDERED that this 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).

03/06/2023
Date

Signature On File

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