

IN THE MATTER OF

KRISTA CHASTAIN, Radiographer

Respondent

License Number: R09509

\* BEFORE THE

\* MARYLAND STATE

\* BOARD OF PHYSICIANS

\* Case Number: 2222-0081 B

\* \* \* \* \*

**CONSENT ORDER**

On March 9, 2022, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") charged **Krista Chastain, Radiographer** (the "Respondent"), **License Number R09509**, under the Maryland Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Act (the "Act"), Md. Code Ann., Health Occ. §§ 14-5B-01 *et seq.* (2021 Repl. Vol.). The pertinent provisions of the Act provide:

**§ 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:

. . .

(3) Is guilty of unprofessional or immoral conduct in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance;

(4) Is professionally, physically, or mentally incompetent[.]

On May 25, 2022, Panel B was convened as a Disciplinary Committee for Case Resolution ("DCCR") in this matter. Based on negotiations occurring as a result of the

DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

### **FINDINGS OF FACT**

Panel B finds:

1. At all times relevant hereto, the Respondent was and is licensed to practice radiography in the State of Maryland. The Respondent originally was licensed to practice radiography in Maryland on November 20, 2009, under License Number R09509. The Respondent's license is current through April 30, 2023.

2. On January 12, 2021, in Case No. 2221-0002 B, the Respondent entered into a public Consent Order with Panel B, concluding that the Respondent failed to disclose a 2017 driving under the influence arrest and subsequent probation before judgment disposition on her 2017 and 2019 radiography license renewals. Panel B concluded 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)." Pursuant to the Consent Order, Panel B placed the Respondent on probation for a minimum of one year, required her to take a course in professional ethics, and pay a \$1,000.00 fine.

3. From November 22, 2016 until November 10, 2021, the Respondent was employed as a radiographer by a health care facility located in Prince George's County, Maryland ("Health Care Facility A"). From December 16, 2021 until January 23, 2022, the Respondent was employed as a radiographer by a health care facility located in Anne Arundel County, Maryland ("Health Care Facility B"). The Respondent was terminated by Health Care Facility B for "excessive tardiness and inconsistent performance issues."

4. On November 12, 2021, the Board received a Mandated 10-Day Report (the "Report") that Health Care Facility A terminated the Respondent from her job as a radiographer "due to unprofessional conduct." After receiving this Report, the Board opened an investigation of the Respondent.

## **II. THE BOARD INVESTIGATION**

5. As part of its investigation, the Board subpoenaed the Respondent's human resources file from Health Care Facility A and Health Care Facility B, obtained medical records of the Respondent from three of her health care providers, interviewed seven (7) staff members of the Respondent from Health Care Facility A, interviewed the Managing Director of Health Care Facility B, and obtained probation records from the Maryland Department of Public Safety and Correctional Services.<sup>1</sup>

### **a. Human Resources File of Health Care Facility A**

6. On February 10, 2021, the Respondent received a written verbal warning from Health Care Facility A. This warning found: "Since February 2021, you have

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<sup>1</sup> Probation records document that the Respondent submitted "fraudulent" paperwork that she was attending treatment on certain dates when in fact she had not "by whiting out dates from a previous letter (march) and added august and September [2021] to dates to show as if she has been compliant."

struggled with your attendance resulting in 14.0 hours of unplanned time.” The warning noted that on “August 16, 2020, we had a conversation in reference to your attendance.”

7. On March 26, 2021, the Respondent received a written warning concerning her attendance. The warning found: “Since then, you have continued to struggle with your attendance resulting in 56.25 hours of unplanned time and leave without pay.” In the employee comment section of the warning, it is written: “3/22/21 – 3/25/21 – Incarcerated for dispute with boyfriend.”

8. On May 1, 2021, the Respondent was certified for the use of medical cannabis and obtained a medical marijuana card from the State of Maryland. In May, 2021, it was reported that the Respondent appeared impaired during the work day at Health Care Facility A. The Respondent was counseled that Health Care Facility A has a “very strict drug and alcohol policy,” and “reporting to work impaired or under the influence of drugs or alcohol is a violation of company policy.”

9. On October 5, 2021, it was reported to management at Health Care Facility A that the Respondent “is coming to work high on Fentanyl.”

10. On October 11, 2021, the Respondent received another written warning. The warning found: “Over the course of your employment, we have had several discussions and you have received multiple verbal and written disciplinary actions regarding your attendance. Since September 2021, you have again continued to struggle with your attendance resulting in a total of 3.3 hours of unplanned time.” The warning states: “10-6/2021. We met to discuss your smoke breaks, disappearing [from] the site during your scheduled shift and allegations of drug use.”

11. On October 8, 2021, an anonymous complaint was filed against the Respondent on Health Care Facility A's tip line. The complaint alleged in part:

- The Respondent "has openly admitted to 'snorting' the medication she is prescribed" for a medical condition;
- The Respondent "has also admitted to being on probation for assault, smoking marijuana, and consuming 'something laced with Fentanyl'";
- The Respondent "regularly 'nods off' during work hours";
- The Respondent "every day...will go to her vehicle, and fall asleep for most of the work day";
- The Respondent "regularly leaves the building for a 'smoke break,' and returns hours later, with red eyes";
- The Respondent is "typically dazed when she returns from smoke breaks"; and
- The Respondent's "behavior presents a risk to patient safety ...[and] can easily result in patients receiving improper care."

12. Thereafter, management of Health Care Facility A conducted an internal investigation of the Respondent. The investigation included interviewing seven (7) employees of Health Care Facility A. The interviewees stated in part:

- The Respondent stated she is using fentanyl, "openly admitted to the use of drugs," and is "clearly under the influence when coming to work";
- The Respondent's speech is "mumbled" and she is "slurring her words";

- The Respondent is late for work and “disappears” for significant periods of time during the day;
- The Respondent falls asleep during the workday at Health Care Facility A and in her car;
- The Respondent exhibits “erratic” and “unstable behavior” at Health Care Facility A;
- The Respondent talks openly at Health Care Facility A about her medical conditions;<sup>2</sup>
- The Respondent’s face is observed to be “profusely sweating” in the afternoon while at work;
- The Respondent uses profanity and racist language at Health Care Facility A;
- The Respondent was observed lighting a can of hairspray to create a flame at Health Care Facility A; and
- They are “very concerned about patient safety and professionalism.”

13. On October 20, 2021, Health Care Facility A placed the Respondent on administrative leave.

14. On November 10, 2021, Health Care Facility A terminated the Respondent from her employment.

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<sup>2</sup> Records from the Respondent’s health care providers confirm she is being treated for various medical conditions. For confidentiality and privacy purposes, these conditions are not disclosed in this document.

**b. Board Interviews with Employees of Health Care Facility A**

15. Board staff interviewed seven (7) employees of Health Care Facility A as part of its investigation. The interviewees stated in part:

- The Respondent disclosed that she would “smoke marijuana” at Health Care Facility A during lunch breaks, and came to work “reeking of weed”;
- The Respondent reported to her co-workers that she used illegal drugs, including cocaine and fentanyl;
- The Respondent spoke freely about her medical conditions at Health Care Facility A: “[S]he openly told me that she had some mental health issues and was using drugs while at work and...she would tell me about her personal life as well while not a work”;
- The Respondent “would come into work and she would visibly be under the influence”;
- In June, 2021, there was a “drastic change” in the Respondent’s behavior, in that “she would come to work and she would just be sweating...she would disappear. She would talk a lot to herself and then she would walk around and just like be cursing, like the ‘B’ word, the ‘F’ word”;
- The Respondent “literally...would walk sideways, like her – like she couldn’t even stand or like her balance was off, I mean, or she was just stumbling”;

- In Fall, 2021, the Respondent was observed to “fall asleep sitting up,” “sometimes she would slur,” and “she would just stare at the wall and just have like a blank stare, like looking right through you”;
- The Respondent exhibited a “change in behavior...over the last year that she was employed with the company, she would be dozing off, like sitting there waiting for patients looking at her phone and bobbing her head dozing off. A lot of her behaviors are very erratic, falling asleep at work and sweating and kind of just like very like confused and it was, just very clear that this wasn’t typical behavior”;
- The Respondent “would disappear for hours at a time. We’d be looking for her. She wouldn’t answer her phone. She would leave for lunch – we get 30 minutes for lunch, we’d be looking for her an hour later. When she came back from lunch, she’d be kind of dazed and then sometimes start dozing off in a chair”;
- The Respondent used profanity and racist language at Health Care Facility A;
- The Respondent sent threatening text messages to co-workers;
- The Respondent lit hairspray on fire at Health Care Facility A;
- Co-workers were concerned for their own safety and the safety of the patients because of the Respondent’s erratic behavior; and



- In September, 2021, the Respondent was described as being spacey, losing paperwork, having memory issues, and performing incorrect exams on patients.

**c. Board Interview with Managing Director of Health Care Facility B**

16. Board staff interviewed the Managing Director of Health Care Facility B at which the Respondent was employed. The Managing Director in part stated:

- The Respondent was often tardy, did not come to work when scheduled, or would leave early;
- The Respondent broke a part on the radiography machine with an approximate damage value of \$2,500.00; and
- The Respondent used profanity towards employees of Health Care Facility B.

**CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Respondent is guilty of unprofessional or immoral conduct in the practice of radiography in violation of Health Occ. § 14-5B-14(a)(3), and is professionally, physically, or mentally incompetent in the practice of radiography in violation of Health Occ. § 14-5B-14(a)(4).

**ORDER**

It is thus by Disciplinary Panel B of the Board, hereby:

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

**ORDERED** that the March 8, 2022 Order for Summary Suspension, which was affirmed on March 24, 2022, is terminated as moot; and it is further

**ORDERED** that the Respondent's license to practice radiography is **SUSPENDED** for a minimum period of **SIX (6) MONTHS**; and it is further

**ORDERED** that during the suspension, the Respondent shall comply with the following terms and conditions of the suspension:

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; and it is further

**ORDERED** that during the suspension period, the Respondent shall not:

- i. Practice radiography;
- ii. Take any actions after the effective date of this Order to hold herself out to the public as a current provider of medical services;
- iii. Authorize, allow or condone the use of the Respondent's name or provider number by any health care practice or any other licensee or health care provider;
- iv. Function as a peer reviewer for the Board or for any hospital or other medical care facility in the State; or
- v. Perform any other act that requires an active radiography license; and it is further

**ORDERED** that if MPRP finds and notifies the Board that the Respondent is safe to return to the practice of radiography and the minimum six (6) months suspension has concluded, the Respondent may submit a written petition to the disciplinary panel to terminate the suspension of the Respondent's license. The Respondent may be required to appear before the disciplinary panel to discuss her petition for termination. If the disciplinary panel determines that it is safe for the Respondent to return to the practice of radiography, the suspension will be terminated through an order of the disciplinary panel, and the disciplinary panel may impose any terms and conditions it deems appropriate on the Respondent's return to practice, including, but not limited to, probation and/or continuation of the Respondent's enrollment in MPRP. If the disciplinary panel determines

that it is not safe for the Respondent to return to the practice of radiography, the suspension shall be continued through an order of the disciplinary panel for a length of time determined by the disciplinary panel, and the disciplinary panel may impose any additional terms and conditions it deems appropriate; and it is further

**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; 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 effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board or her designee. The Executive Director signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order; and it is further

**ORDERED** that this Consent 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).

06/13/2022  
Date

***Signature On File***

Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians

**CONSENT**

I, Krista Chastain, Radiographer, acknowledge that I have consulted with counsel before signing this document.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 et seq. concerning the pending charges. I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered 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 behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand the language and meaning of its terms.

***Signature On File***

6/1/22  
Date

Krista Chastain, Radiographer  
Respondent

**NOTARY**

STATE OF Maryland  
CITY/COUNTY OF Calvert

I HEREBY CERTIFY that on this 7<sup>th</sup> day of June 2022, before me,  
a Notary Public of the foregoing State and City/County, personally appeared Krista  
Chastain, Radiographer and made oath in due form of law that signing the foregoing  
Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Joseph E. Carey  
Notary Public

My Commission expires: 8/9/2024

