

IN THE MATTER OF	*	BEFORE THE
DANIEL SZUBA, Radiographer	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: R09840	*	Case Number: 2221-0063 A
* * * * *	*	* * * * *

ORDER FOR SUMMARY SUSPENSION OF RADIOGRAPHER’S LICENSE

Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) hereby **SUMMARILY SUSPENDS** the license of **DANIEL SZUBA, Radiographer** (the “Respondent”), License Number R09840, to practice radiography in the State of Maryland.

Panel A takes such action pursuant to its authority under Md. Code Ann., State Gov’t (“State Gov’t”) § 10-226(c)(2) (2014 Repl. Vol. and 2020 Supp.) and Md. Code Regs. (“COMAR”) 10.32.02.08B(7), concluding that the public health, safety or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS

Based on information received by, and made known to Panel A, and the investigatory information obtained by, received by and made known to and available to Panel A, including the instances described below, Panel A has reason to believe that the following facts are true:¹

¹ The statements regarding the Respondent’s conduct are intended to provide the Respondent with reasonable notice of the asserted facts. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

I. BACKGROUND

1. The Respondent was originally issued a license to practice radiography in Maryland on September 9, 2010, under License Number R09840. The Respondent's license is scheduled to expire on April 30, 2021.

2. From 2013 until September 3, 2020, the Respondent was employed as a radiographer at a health care facility (the "Facility")² that operates several locations in Maryland.

3. The Respondent is not currently employed.

II. THE COMPLAINT

4. On September 24, 2020, the Board received an anonymous complaint regarding the Respondent (the "Complaint"), dated September 20, 2020, from an individual (the "Complainant") who worked at the Facility. The Complainant stated that he/she witnessed the Respondent "under the influence" at work several weeks prior and called security due to his erratic and concerning behavior. The Complainant stated that he/she believed the Respondent was terminated from the Facility and the Complainant had "significant concerns that he will seek employment elsewhere and exhibit the same behavior, possibly endangering patients and staff."

² To maintain confidentiality, the names of individuals and health care facilities will not be identified in this document. The Respondent may obtain the identity of the individuals and health care facilities referenced herein by contacting the administrative prosecutor.

III. BOARD INVESTIGATION

5. As part of the Board's investigation, Board investigators subpoenaed the Respondent's records from the Facility, conducted under-oath interviews of Facility employees, reviewed surveillance footage of the Respondent and obtained the Respondent's medical records. Board investigators also notified the Respondent of its investigation of his termination from the Facility, requested a written response and conducted an under-oath interview of the Respondent.

The Respondent's Personnel File

6. On or around November 25, 2020, Board investigators subpoenaed and subsequently received the Respondent's human resources/personnel file from the Facility (the "Personnel File"). The Personnel File revealed the following:

- a. On August 18, 2020, employees at the Facility found the Respondent to "not appear to be himself" and observed that the Respondent had "glassy eyes," "slurred speech" and a "lack of concentration."
- b. The Respondent was also captured on the Facility security camera falling over, stumbling and bumping into a wall (the "Facility Surveillance Video") on the Mother Baby Unit.
- c. On August 18, 2020, the Respondent was sent for a Fitness for Duty Evaluation and underwent testing.³

7. On or around December 9, 2020, Board investigators received additional information from the Facility that the Respondent's employment at the Facility was terminated on or around September 3, 2020, based on the results of the testing.

³ The Board reviewed the testing results when evaluating this case and the results were known to the Panel at the time the Panel voted to summarily suspend the Respondent's radiography license.

8. On or about December 14, 2020, Board investigators subpoenaed and subsequently reviewed the Facility Surveillance Video, which confirmed that the Respondent stumbled and bumped into a wall while on duty.

Interviews

9. Board investigators conducted under-oath interviews of three Facility employees who interacted with the Respondent on August 18, 2020.

10. On January 7, 2021, Board investigators conducted an under-oath interview of a nurse at the Facility (the "Nurse") who worked closely with the Respondent since 2008.

11. The Nurse stated that on the morning of August 18, 2020, the Respondent was treating a patient and another physician observed that the Respondent was not paying attention. The Nurse stated that she observed the Respondent as the day progressed and began to have concerns about the Respondent's sobriety.

12. The Nurse told Board investigators that around 1:00 p.m., the Respondent entered the break room and asked to speak to a technician at the Facility (the "Technician"). Shortly thereafter, the Technician⁴ came to get her and upon seeing the Respondent the Nurse thought the Respondent "didn't quite look right."

⁴ The Board conducted an under-oath interview with the Technician who stated that when she met with the Respondent outside the break room, the Respondent looked "exhausted" and stated to her that he "felt funny."

13. The Nurse and the Technician took the Respondent to an area for him to lie down and talked to him to determine the cause of his condition. The Respondent stated he had taken allergy/cold medications.

14. While speaking with the Respondent, the Nurse observed that the Respondent had pale skin, a slumped posture, difficulty keeping his eyes open and speech that drifted off. The Respondent also “drifted off” while drinking a soda, called the Nurse by his girlfriend’s name and referred to his supervisor at the Facility (the “Supervisor”) as “Babe.”

15. On January 6, 2021, Board investigators conducted an under-oath interview with the Respondent’s Supervisor.

16. The Supervisor stated that when she interacted with the Respondent, the Respondent nodded off while she was talking with him, had difficulty conversing with her and was unsteady on his feet. The Supervisor also stated that the Respondent referred to her as “Babe” and called the Nurse by his girlfriend’s name.

17. Based on these observations, the Respondent was referred for the Fitness for Duty Evaluation that led to his termination from the Facility based on the testing results.

Respondent’s Statements to the Board

18. The Respondent provided a written response to the Board, dated December 10, 2020, in which he stated, “I can assure you this is an isolated incident.”

19. On January 29, 2021, Board investigators conducted an under-oath interview of the Respondent.

20. In this interview, the Respondent made admissions that were contrary to statements he provided in his written response. For example, the Respondent stated that he ingested a CDS pill from his neighbor “maybe two times” prior to August, in March or April.⁵ The Respondent further stated that he sought medical treatment in December of 2020 to address his medical condition.⁶

21. Shortly after the interview concluded, the Respondent sent Board investigators an email which caused Board investigators to conduct a follow-up interview of the Respondent. In the Respondent’s follow-up interview, the Respondent further disclosed that after the Facility terminated his employment, he bought and took CDS “five to six times” in November and December of 2020, prior to seeking medical treatment.

CONCLUSIONS OF LAW

Based upon the foregoing Investigative Findings, Panel A of the Board concludes that the public health, safety, or welfare imperatively requires emergency action pursuant to State Gov’t § 10-226(c)(2) and COMAR 10.32.02.08B(7).

ORDER

IT IS thus, by Panel A of the Board, hereby:

ORDERED that pursuant to the authority vested in Panel A by State Gov’t § 10-226(c)(2)(2014 Repl. Vol. and 2020 Supp.) and COMAR 10.32.02.08B(7), the

⁵ To maintain confidentiality, the CDS will not be disclosed in this document however the specific CDS was known to the Panel at the time the Panel voted to summarily suspend the Respondent’s radiography license.

⁶ To maintain confidentiality, the medical condition will not be disclosed in this document however the Respondent’s medical condition was known to the Panel at the time the Panel voted to summarily suspend the Respondent’s radiography license.

Respondent's license to practice radiography in the State of Maryland is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that in accordance with Md. Code Regs. 10.32.02.08B(7) and E, a post-deprivation initial hearing on the summary suspension will be held on **Wednesday, March 10, 2021, at 11:15 a.m.** at the Board's offices, located at 4201 Patterson Avenue, Baltimore, Maryland, 21215; and it is further

ORDERED that after the **SUMMARY SUSPENSION** hearing before Panel A, the Respondent, if dissatisfied with the result of the hearing, may request, within ten (10) days, an evidentiary hearing, such hearing to be set within thirty (30) days of the request, before an Administrative Law Judge at the Office of Administrative Hearings, Administrative Law Building, 11101 Gilroy Road, Hunt Valley, Maryland 21031; and it is further

ORDERED that this is an Order of Panel A, and as such, is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Md. Code Ann., Gen. Prov. § 4-333(b)(6).

02/24/2021
Date

Signature on File

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