

IN THE MATTER OF	*	BEFORE THE
DONTA R. MATTHEWS, Radiographer	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: R09976	*	Case Number: 2222-0112A

* * * * *

CONSENT ORDER

On November 16, 2022, Disciplinary Panel A ("Panel A") of the Maryland State Board of Physicians (the "Board") charged **DONTA R. MATTHEWS, Radiographer** (the "Respondent"), License Number R09976, with violating the Maryland Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-5B-01 *et seq.* (2021 Repl. Vol.). Panel A charged the Respondent with violating the following provisions of the Act:

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:

...

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

...

(5) Abandons a patient[.]

On April 12, 2023, Panel A was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on the 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, Order, and Consent.

FINDINGS OF FACT

Panel A finds the following:

Background/Licensing Information

1. At all relevant times, the Respondent was and is licensed to practice as a radiographer in the State of Maryland. The Respondent was initially issued a radiography license in Maryland on May 3, 2011, under License Number R09976, and has retained continuous licensure since that time. The Respondent’s Maryland license expires on April 30, 2023, subject to renewal.

The Complaint

2. The Board initiated an investigation of the Respondent after reviewing a Mandated 10-Day Report from a diagnostic imaging services company (the “Complainant”)¹ that operates several imaging facilities in Maryland. The Complainant, which formerly employed the Respondent, reported that the Respondent engaged in ethics violations in March 2022 that caused it to report him to the American Registry of Radiologic Technologists.

¹ For confidentiality reasons, the identity of the Complainant or any individuals referenced will not be disclosed in this Consent Order.

3. The Complainant reported that the first incident occurred on March 1, 2022, when the Respondent, who was scheduled to perform an MRI on a non-English speaking patient, failed to use an interpreter line, causing the patient not to receive his scan.

4. The second incident occurred on March 3, 2022, when the Respondent's supervisor (the "Supervisor")² contacted him by telephone to address the incident that occurred on March 1, 2022. The Complainant reported that during the course of this discussion, the Respondent, who was in the midst of scanning his last patient of the day, became upset, raised his voice and began yelling profanity at the Supervisor. The Complainant stated that the Respondent then quit and left the office, without completing the scan of the patient. The Complainant stated that the "patient was still on the scanner and his exams were not completed" and that another staff person "had to assist the patient in getting off the table."

Board Investigation

5. The Board's investigation determined that the Respondent, while on duty as a radiographer on March 1, 2022, was assigned to perform an MRI on a non-English speaking patient. The Respondent failed to use the office's interpreter line to communicate with the patient, which caused the Respondent's office to have to reschedule the patient's MRI for another date.

6. On March 3, 2022, the Respondent's Supervisor contacted the Respondent by telephone to discuss the incident that occurred on March 1, 2022. At the time, the

² For confidentiality reasons, the Supervisor's name will not be disclosed in this Consent Order.

Respondent was performing an MRI on his last scheduled patient of his work shift. During the course of the Supervisor's inquiry, the Respondent became angry and began yelling profanity at his Supervisor. The Respondent then informed the Supervisor that he quit and left the office prior to completing the MRI of the patient. The Respondent's failure to complete the patient's MRI required the office to bring the patient back on another date for completion of the MRI. In an under-oath interview with a Board investigator, the Respondent admitted that he left the office before completing the patient's MRI scan, stating that he left the patient although he had "one more scan to do." The Respondent further acknowledged that he used profanity when addressing his Supervisor, stating to her at one point, "F this job." When questioned about why he did not finish the MRI before leaving, the Respondent stated, "at this time I was just frustrated and I was pissed."

CONCLUSIONS OF LAW

Based on the Findings of Fact, Disciplinary Panel A of the Board concludes as a matter of law that the Respondent: Is guilty of unprofessional or immoral 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 abandoning a patient, in violation of Health Occ. § 14-5B-14(a)(5).

ORDER

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

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

ORDERED that the Respondent is placed on **PROBATION** for a minimum period of **SIX (6) MONTHS**³ from the effective date of this Consent Order. During probation, the Respondent shall comply with the following terms and conditions of probation:

- (1) Within **six (6) months** from the effective date of this Consent Order, the Respondent is required to take and successfully complete a Board-approved course in professional ethics.
 - (a) it is the Respondent's responsibility to locate, enroll in and obtain the disciplinary panel's approval of the course before the course is begun;
 - (b) the Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the course;
 - (c) the course may not be used to fulfill the continuing medical education credits required for license renewal;
 - (d) the Respondent is responsible for the cost of the course.

(2) Within **SIX (6) MONTHS** from the effective date of this Consent Order, the Respondent shall pay a civil fine of **FIVE HUNDRED DOLLARS (\$500.00)**. The Payment shall be by money order or bank certified check made payable to the Maryland Board of Physicians and mailed to P.O. Box 37217, Baltimore, Maryland 21297. The Board will not renew or reinstate the Respondent's license if the Respondent fails to timely pay the fine to the Board; and it is further

ORDERED that a violation of probation constitutes a violation of the Consent Order; and it is further

ORDERED that after the Respondent has complied with all terms and conditions of probation and the minimum period of probation imposed by the Consent Order has passed, the Respondent may submit a written petition for termination of probation. After consideration of the petition, the Respondent's probation may be administratively terminated through an order of the disciplinary panel. The Respondent may be required to appear before the disciplinary panel to discuss his petition for termination. The disciplinary panel may grant the petition to administratively terminate the probation through an order of the disciplinary panel, if the Respondent has complied with all probationary terms and conditions and there are no pending complaints relating to the charges; and it is further

ORDERED that the effective date of the Consent Order is the date the Consent

³ If the Respondent's license expires while the Respondent is on probation, the probationary period, and any probationary conditions, will be tolled.

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 the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; 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 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).

05/08/2023
Date

Signature On File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Donta R. Matthews, Radiographer, acknowledge that I am aware of my right to consult with and be represented by counsel in considering this Consent Order. I have chosen to proceed without counsel and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

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

3 May 2023

Date

Donta R. Matthews, Radiographer
Respondent

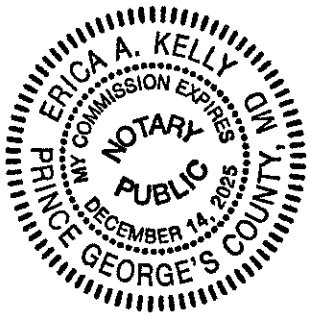
NOTARY

STATE OF Maryland

CITY/COUNTY OF Prince George's

I HEREBY CERTIFY that on this 03 day of May 2023, before me, a Notary Public of the foregoing State and City/County, Donta R. Matthews, Radiographer, personally appeared 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 notarial seal.



Erica Kelly
Notary Public

My commission expires: 12/14/2025