

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE MARYLAND</b>
<b>WAYNE F. RIDPATH,</b>	*	<b>STATE BOARD OF</b>
<b>Respondent</b>	*	<b>PHYSICIANS</b>
<b>License No.: R12124</b>	*	<b>Case Number: 2218-0008A</b>
* * * * *		

**CONSENT ORDER**

Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the "Board") charged **WAYNE F. RIDPATH** (the "Respondent") with violations of the Maryland Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-5B-01 *et seq.* (LexisNexis 2014 Repl. Vol. and Supp. 2017).

The pertinent provisions of the Act provide the following:

**Health Occ. § 14-5B-17. Unauthorized practice prohibited.**

(c) **Radiography.** --- Except as otherwise provided in this subtitle, a person may not practice, attempt to practice, or offer to practice radiography in this state unless licensed to practice radiography by the Board.

On November 14, 2018, a Disciplinary Committee for Case Resolution (“DCCR”) conference with regard to this matter was held before Panel A. The Respondent appeared and engaged in negotiations with the Administrative Prosecutor, and as a result of the negotiations at the DCCR the parties reached the following agreement consisting of Findings of Facts, Conclusions of Law, and Order.

## FINDINGS OF FACT

Disciplinary Panel A makes the following Findings of Fact:

1. The Respondent was originally licensed as a Radiation Technologist in Maryland on January 23, 2004, (License No.: O00433).
2. The Respondent's Radiation Technologist license expired on April 30, 2007.
3. The Respondent practiced radiography in the State of Maryland without a valid license from 2007 until April 2017.
4. The Respondent applied for his initial radiographer license on May 31, 2017, and his license was issued on September 22, 2017.
5. The Board initiated an investigation after receiving an anonymous report on or about May 12, 2017, that the Respondent practiced radiography for many years without a license while working for a contractor providing services at a Maryland Correctional Institution ("Facility A")<sup>1</sup>.
6. In furtherance of its investigation the Board issued a subpoena for Respondent's personnel and patient records.
7. According to the information obtained, the Respondent was employed as an x-ray technician with a Contractor ("Contractor A") from on or about January 2, 2008 until 2012.

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<sup>1</sup> To ensure confidentiality, the names of individuals, hospitals and health care facilities are not disclosed in this Order. The Respondent may obtain the identity of the referenced individuals and entities by contacting the assigned administrative prosecutor.

8. The Respondent's 2008 employment application with Contractor A states that he was applying for a position as an X-ray technician.

9. During his employment with Contractor A, the Respondent received performance reviews in his position as an X-ray technician.

10. In 2012, Contractor A was acquired by another company, hereinafter ("Contractor B"), and the Respondent started working as an X-ray technician for Contractor B.

11. During his employment with Contractor B, the Respondent signed a position description in 2013 that identified him as an X-ray technician.

12. In 2016, a licensed physician (the "Subcontractor") entered into a Contract with Contractor B to provide X-ray services at Facility A.

13. The Respondent signed an employment contract on February 28, 2016, with the Sub-Contractor and agreed to provide X-ray tech services to inmates at Facility A.

14. Patient records and patient logs from the Subcontractor indicated that the Respondent provided X-rays to patients.

15. On or about August 8, 2017, Board staff sent an initial contact letter to the Respondent and requested he respond to allegations that he was providing X-ray services without a license.

16. On or about August 24, 2017, the Respondent stated in writing that the companies he worked for did not require a Maryland license.

17. On September 20, 2017, Board staff interviewed the Respondent under oath regarding the allegations in the Complaint.

18. During the interview, the Respondent admitted that he performed the following job tasks during the years 2007-2017, when he was not licensed as an X-ray technician:

- (a) he worked as an X-ray technician for several contractors in Maryland without a license;
- (b) he represented himself as an X-ray technician and wore name tags that identified him as an X-ray technician;
- (c) he operated X-ray equipment and positioned patients;
- (d) he evaluated the physical and emotional status of the patient;
- (e) he selected, prepared, operated radiography equipment and accessories for procedures;
- (f) he determined exposure factors, set factors on the control panel;
- (g) he applied radiation protection principals; and
- (h) he evaluated technical quality.

19. During the interview the Respondent claimed that none of his employers asked him for his license and when he asked if he needed a license his employers said “No.” He also stated that his employers only asked him for an ARRT<sup>2</sup> card and proof of CPR certification.

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact Disciplinary Panel A concludes as a matter of law that the Respondent practiced radiography without a license, in violation of Health

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<sup>2</sup> ARRT (American Registry of Radiologic Technologists), is a professional organization that offers certification and registration for radiographers and technicians.

Occ. § 14-5B-17(c).

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law it is hereby

**ORDERED** that within One (1) year, the Respondent shall pay a civil fine of \$5,000.00. 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 if the Respondent allegedly fails to comply with any term of this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a 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 Disciplinary Panel A; and if there is no dispute as to a material fact, the Respondent shall be given a show cause hearing before Disciplinary Panel A; and it is further

**ORDERED** that after the appropriate hearing, if Disciplinary Panel A determines that the Respondent has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may enforce collection of above civil monetary fine against the Respondent; 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 Disciplinary Panel A 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 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).

01/02/2019  
Date

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

## CONSENT

I, Wayne F. Ridpath, acknowledge that I have agreed to represent myself in this disciplinary action before the Board. I acknowledge that I have been informed that I have the right to be represented by counsel, and that I have voluntarily agreed to waive my right to counsel.

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 these rights 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 their 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*

12/27/18  
Date

Wayne F. Ridpath  
Respondent ✓

**NOTARY**

STATE OF Maryland

COUNTY OF Wicomico

I HEREBY CERTIFY that on this 27<sup>th</sup> day of December, 2018, before me, a Notary Public of the State and County aforesaid, personally Wayne F. Ridpath, License Number: R12124, and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal:

Cynthia Fisher  
Notary Public

My Commission expires: August 27, 2021

