

IN THE MATTER OF	*	BEFORE THE MARYLAND
TERRANCE A. McSWEEN	*	STATE BOARD OF
Applicant for Licensure	*	PHYSICIANS
	*	Case Number: 2218-0048B

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On December 1, 2017, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") notified **TERRANCE A. McSWEEN** (the "Applicant") of its intent to deny his *Application for Licensure: Radiographer* (the "Application"), dated July 11, 2017, pursuant to the Maryland Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") §§ 14-5B-01 *et seq.* (2014 Repl. Vol. and 2017 Supp.).

Panel B notified the Applicant that it intended to deny his Application under the following grounds 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 . . . , if the applicant . . . :
 - (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant . . . ;
 - (3) Is guilty of unprofessional or immoral conduct in the practice of . . . radiography . . . ; [and/or]

- (10) Willfully makes or files a false report or record in the practice of . . . radiography[.]

Health Occ. § 14-5B-09. Qualification for license.

- (b) *Requirements.* – Except as provided in subsection (c) of this section, the applicant shall:

- (1) Be of good moral character[.]

On April 25, 2018, a hearing was held before Panel B, sitting as a Disciplinary Committee for Case Resolution. As a result of negotiations occurring before Panel B, the Respondent agreed to enter into the following Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order, Consent and Notary.

FINDINGS OF FACT

Panel B makes the following Findings of Fact:

1. The Applicant submitted his Application to the Board (dated July 11, 2017), which the Board received on or about July 14, 2017. In the section of the Application entitled, *Character and Fitness*, the Applicant was instructed to respond "YES" or "NO" to a series of questions. The Application instructed the Applicant to provide a detailed explanation on a separate sheet for every "YES" response.

2. The Applicant answered "YES" to QUESTION G, which states:

Have you ever pleaded guilty or nolo contendere to any criminal charge, been convicted of a crime, or received probation before judgment because of a criminal charge?

3. The Applicant provided an undated written attachment to his Application in which he addressed the "YES" response he noted in his Application. The Applicant reported that in March 1998, he was convicted of robbery in the Commonwealth of

Virginia and served a six-year sentence in the Virginia Department of Corrections. The Applicant claimed that he was called to pick up a friend who, unbeknownst to him, had committed a robbery, and was charged on this basis. The Applicant stated, "Despite my past record I do proclaim my innocents (sic) in the above mentioned offense but I was no Angel and humbled myself to except (sic) the punishment handed down by the Virginia Judicial system." (capitalization in original)

4. At the conclusion of the Application, the Applicant certified that he personally reviewed all of the responses he made in the Application and that all of the information he provided therein was true and correct. The Application notified the Applicant that any false information he provided may be cause for the denial of his Application.

5. The Board initiated an investigation of the Applicant based on the affirmative response and disclosures he provided in his Application.

6. The Board's investigation determined that on or about August 20, 1998, the Applicant was convicted of robbery, a felony, in the Circuit Court of the County of Chesterfield, in the Commonwealth of Virginia, under Case Number CR98F00820-01. On or about December 1, 1998, the Applicant was sentenced to a term of incarceration of six years in the Virginia Department of Corrections.

7. The Board's investigation also determined that the Applicant failed to disclose other criminal convictions in his Application.

8. The Applicant failed to disclose in his Application that: (a) on July 8, 1997, he was convicted of concealed weapon and possession of marijuana charges (arrest date, January 27, 1997) in Virginia; (b) on June 4, 1997, he was found guilty of forging

public documents charges (false report to police, arrest date March 11, 1997) in Virginia; (c) on February 13, 2007, he entered a guilty plea to possession of marijuana (arrest date, June 6, 2006) in New York; (d) on March 17, 2007, he entered a guilty plea to possession of marijuana (arrest date March 15, 2007) in New York; and (e) on May 28, 2008, he entered a guilty plea to possession of marijuana (arrest date, April 9, 2008) in New York.

9. As part of the Board's investigation, Board staff contacted the Applicant about the convictions he failed to disclose in his Application. The Applicant initially disputed these convictions but then informed Board staff that he would accept those findings.

10. By letter to the Board dated October 31, 2017, the Applicant confirmed the arrests and convictions listed in ¶ eight (8), *supra*.

11. A disciplinary panel of the Board may deny an applicant's application for licensure based on grounds under Health Occ. § 14-5B-14. As referenced above, the Applicant was convicted of committing crimes in Virginia and New York and failed to disclose those criminal convictions when applying for licensure to the Board.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B finds as a matter of law that the Applicant fraudulently or deceptively attempted to obtain a license for the applicant, Health Occ. § 14-5B-14(a)(1); is guilty of unprofessional or immoral conduct in the practice of radiography, Health Occ. § 14-5B-14(a)(3); and willfully made or filed a false report or record in the practice of radiography, Health Occ. § 14-5B-14(a)(10).

ORDER

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

ORDERED that the Applicant's application for a license to practice radiography is **GRANTED**; and it is further

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

ORDERED that grounds for denial of licensure under Health Occ. § 14-5B-09 are **DISMISSED**; and it is further

ORDERED that this Consent Order is a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 Vol. & 2017 Supp.)

May 8, 2018
Date

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

CONSENT

I, Terrance A. McSween, acknowledge that I was represented by counsel before entering this Consent Order. By this Consent, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into 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 own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of Panel B to initiate these proceedings and to issue and enforce this

Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of a disciplinary panel of the Board that I might have filed after any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of the Consent Order.

Signature on File

5/4/2018
Date

Terrance A. McSween
Respondent

NOTARY

STATE OF Virginia
CITY/COUNTY OF Fairfax

I HEREBY CERTIFY that on this 4th day of May 2018, before me, a Notary Public of the foregoing State and City/County, personally appeared Terrance A. McSween, 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.



Notary Public

My Commission expires: Nov 30, 2020

