

IN THE MATTER OF

\*

BEFORE THE

KAYLA NICOLE WILSON

\*

MARYLAND STATE

Respondent

\*

BOARD OF PHYSICIANS

License Number: R12427

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Case Number: 2219-0073A

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### CONSENT ORDER

Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) voted to charge **KAYLA NICOLE WILSON** (the “Respondent”), **License Number R12427**, under 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.* (2014 Repl. Vol., 2018 Supp.). Panel A voted to charge the Respondent under the following provisions of the Act:

#### **§ 14-5B-01. Definitions.**

...

(o) *Practice radiography.* – “Practice radiography” means to use ionizing radiation to:

(1) Demonstrate portions of the human body to assist in the diagnosis or localization of disease or injury; or

(2) Perform tumor localization radiography . . . .

#### **§ 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[.]

Prior to the issuance of charges, the Respondent agreed to enter into the following Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

### **FINDINGS OF FACT**

Panel A finds:

1. On or about September 18, 2018, the Respondent submitted to the Board her initial application (the “Application”) for licensure to practice radiography in the State of Maryland.

2. On or about October 18, 2018, the Board determined that the Respondent met the requirements for licensure in the State of Maryland and issued the Respondent a license to practice radiography in Maryland, under License Number R12427. Her license is active through April 30, 2021.

3. In her Application, the Respondent indicated that she had graduated from an accredited radiologic program and had obtained national certification in May 2017. The Respondent also indicated that she previously worked as radiologic technologist through a staffing agency from July 2017 through August 2017 and was assigned to a hospital in Baltimore, Maryland (the “Hospital”)<sup>1</sup> during that time. The Respondent additionally listed that she was currently employed as a radiologic technologist at an orthopedic and sports medicine practice (the “Practice”) in Laurel, Maryland. She listed her start date at the Practice as June 2018.

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<sup>1</sup> To maintain confidentiality, specific names of patients, the complainant, employees, and facilities will not be used in this document but are known to the Respondent.

4. The Board initiated an investigation into the Respondent based on the statements she made in her Application that she had worked in Maryland as a radiologic technologist before the Board issued her a license to do so.

5. By letter dated November 21, 2018, the Board notified the Respondent of its investigation and requested that the Respondent provide a written response.

6. On or about November 30, 2018, the Respondent provided a written response to the Board. The Respondent stated, among other things, that from July 2017 through August 2017, she “was hired through a staffing agency in Maryland for a temporary position which did not require me to have a state license.” She further stated that the Practice hired her in June 2018, where she “shadowed behind other radiographers, medical staff and my supervising physician, [Physician A].<sup>[2]</sup> After training for several months, I was notified that I need to obtain a Maryland state license to practice as a radiographer independently.”

7. As part of its investigation, the Board subpoenaed records from the Practice to include x-ray logs, patient logs, and any x-ray sign in logs for services provided by the Respondent since June 2018.

8. The Practice provided records to the Board, which showed that from September 4, 2018, through October 27, 2018, the Respondent took x-rays at the Practice on 24 separate days, with between 5 and 38 x-rays taken each of those days. Physician A explained that the records showed “the list of x-rays that were taken by [the Respondent] alone between June and October.”

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<sup>2</sup> A disciplinary panel separately charged Physician A with violations of the Maryland Medical Practice Act for employing the Respondent as a radiographer before she was licensed in Maryland and for supervising her practicing radiography without a license.

9. In an email to the Board dated January 10, 2019, Physician A clarified that the records he submitted listing x-rays from September 4, 2018 through October 27, 2018, represented the times when the Respondent was “alone in clinics and taking all the x-rays those days.” Physician A also explained in his email that “the person in charge of hiring x-ray techs . . . assumed [the Respondent] was licensed with [*sic*] Maryland,” and that the Respondent believed that “since she was licensed in Virginia that [there] would be some reciprocity between the states.”

10. On February 14, 2019, Board staff interviewed the Respondent under oath. The Respondent stated, among other things, that beginning in or around August 2018, she shadowed other staff members at the Practice and “they would let me do my own thing.” The Respondent clarified that the Practice’s staff “would just let me do it myself.” The Respondent acknowledged that beginning in August 2018, she prepared radiography equipment, positioned patients, determined radiographic exposure factors, applied radiation protection principles, and evaluated images for technical quality. She further stated that she was performing these tasks with no other staff members in the room beginning sometime in September 2018. The Respondent also explained that she submitted her Application in September 2018 only after another radiographer at the Practice told her to hang her Maryland license on the wall.

11. In an email to Board staff dated February 18, 2019, the Hospital confirmed that the Respondent “worked as a radiographer” at the Hospital through a temporary staffing agency beginning on or about July 17, 2017.

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, Panel A concludes that the Respondent practiced radiography without a license, in a violation of Health Occ. § 14-5B-17(c).

### **ORDER**

It is thus, by Panel A of the Board, hereby:

**ORDERED** that 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 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 or her designee 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 the Panel determines 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 the Panel determines 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 with appropriate terms and conditions, 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* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6)

06/27/2019  
Date

***Signature on File***

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Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians

## CONSENT

I, Kayla Nicole Wilson, acknowledge that I have had the opportunity to consult 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 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 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.

6-18-19

Date

***Signature on File***

Kayla Nicole Wilson

NOTARY

STATE OF Maryland

CITY / COUNTY OF Columbia - Howard

I HEREBY CERTIFY that on this 18th day of June, 2019,  
before me, a Notary Public of the foregoing State and City/County, personally appeared  
Kayla Nicole Wilson, 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.

E. Monroy  
Notary Public

My Commission expires: April 28, 2021

