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| <b>IN THE MATTER OF</b>                   | * | <b>BEFORE THE</b>              |
| <b>RENEE ATZENI-DANDREA, Radiographer</b> | * | <b>MARYLAND STATE</b>          |
| <b>Respondent</b>                         | * | <b>BOARD OF PHYSICIANS</b>     |
| <b>License Number: R12954</b>             | * | <b>Case Number: 2222-0087B</b> |
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**ORDER OF DEFAULT**

On October 25, 2022, Disciplinary Panel B of the Maryland State Board of Physicians (“Board”) charged Renee Atzeni-Dandrea, Radiographer, with being professionally, physically or mentally incompetent, in violation of Md. Code Ann., Health Occ. § 14-5B-14(a)(4). On December 28, 2022, the case was referred to the Office of Administrative Hearings (“OAH”) for an evidentiary hearing.

On December 30, 2022, OAH sent a notice to the parties that a remote video scheduling conference would be held on January 24, 2023, at 9:30 a.m. The scheduling notice was sent to Ms. Atzeni-Dandrea at her address of record.<sup>1</sup> On January 24, 2023, at 9:50 a.m., the Administrative Law Judge (“ALJ”) commenced the video scheduling conference. The administrative prosecutor appeared on behalf of the State. Ms. Atzeni-Dandrea did not appear. The ALJ noted that the notice was sent to Ms. Atzeni-Dandrea at her address of record, that the notice was not returned as undeliverable, and that there was no request for postponement or communication from Ms. Atzeni-Dandrea expressing any difficulty accessing the hearing.

Following the scheduling conference, on January 27, 2023, OAH sent a scheduling order to the parties that notified the parties that a prehearing video conference would be held on March 9, 2023, at 9:30 a.m. None of the hearing notices or correspondence were returned to OAH as

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<sup>1</sup> Ms. Atzeni-Dandrea confirmed her address of record on at least two occasions during the Board’s investigation.

undeliverable. The scheduling order informed Ms. Atzeni-Dandrea that the failure to appear at the prehearing conference could result in a decision against the party that fails to appear.

On March 9, 2023, the ALJ held the video prehearing conference. The administrative prosecutor appeared on behalf of the State. Ms. Atzeni-Dandrea did not appear. After waiting until 9:53 a.m., the ALJ commenced the prehearing conference. The ALJ noted that the scheduling order was sent to Ms. Atzeni-Dandrea's address of record and emailed to her, and neither correspondence was returned as undeliverable. There was no request for postponement filed or any other communication from Ms. Atzeni-Dandrea as to why she was unable to attend the hearing or that she had any problems joining the video conference. The ALJ, thus, concluded that Ms. Atzeni-Dandrea received proper notice of the prehearing conference, and the State made a motion for a proposed default order pursuant to OAH's regulations.

Under OAH's rules of procedure, "[i]f, after receiving proper notice as provided in Regulation .05C of this chapter, a party fails to attend or participate, either personally or through a representative, in a prehearing conference, hearing, or other stage of a proceeding, the ALJ may proceed in that party's absence or may, in accordance with the hearing authority delegated by the agency, issue a final or proposed default order against the defaulting party." COMAR 28.02.01.23A.

On March 14, 2023, the ALJ issued a Proposed Default Order. The ALJ found that Ms. Atzeni-Dandrea had proper notice of the March 9, 2023 video prehearing conference and that she failed to appear or participate. The ALJ proposed that the Panel find Ms. Atzeni-Dandrea in default, adopt as findings of fact the averments set out in the allegations of fact section of the charges, and conclude as a matter of law that Ms. Atzeni-Dandrea violated Health Occ. § 14-5B-

14(a)(4) in the manner set forth in the charges. As a sanction, the ALJ proposed that Ms. Atzeni-Dandrea's license be revoked.

The ALJ mailed copies of the Proposed Default Order to Ms. Atzeni-Dandrea, the administrative prosecutor, and the Board at the parties' respective addresses of record. The Proposed Default Order notified the parties that they may file written exceptions to the proposed order but must do so within 15 days of the date of the Proposed Default Order. The Proposed Default Order stated that any exceptions and requests for a hearing must be sent to the Board with a copy provided to the opposing party. Neither party filed exceptions. On May 10, 2023, this case came before Disciplinary Panel A ("Panel A") of the Board for final disposition.

#### **FINDINGS OF FACT**

Because Panel A concludes that Ms. Atzeni-Dandrea has defaulted and has not filed exceptions to the ALJ's Proposed Default Order, the following findings of fact are adopted from the allegations of fact in the October 25, 2022 charges and are deemed proven by the preponderance of the evidence:

1. At all times relevant, the Respondent was licensed to practice radiography in the State of Maryland. The Respondent was originally licensed to practice radiography in Maryland on November 4, 2020, under License Number R12954.
2. The Respondent practiced radiography at a health care facility (the "Facility A")<sup>2</sup> located in Baltimore, Maryland from on or about November 11, 2020, until her termination on or about October 25, 2021.
3. The Board initiated an investigation of the Respondent after receiving a Mandated 10-Day Report, on or about November 2, 2021, from Facility A stating that it had terminated the Respondent's employment due to unsatisfactory performance.
4. The Board's investigation revealed that the Respondent began her employment as a radiographer at Facility A on or about November 11, 2020.

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<sup>2</sup> To ensure confidentiality, the names of individuals, hospitals and healthcare facilities involved in this case are not disclosed in this document.

Throughout her employment at Facility A, the Respondent received numerous trainings and mentorship in various areas of radiography such as radiation safety, patient positioning and customer service.

5. On or about February 15, 2021, the Respondent received a verbal and written warning after a patient complained that the Respondent had been rough in positioning her for an imaging study.

6. On or about March 25, 2021, the Respondent received a written warning for failing to review a patient's prescription and prior reports before starting an examination.

7. On or about September 2, 2021, the Respondent received a final written warning for advising a patient that the patient had a lump and was going to make it, when the patient did not feel a lump and the radiologist advised that there was no new lump.

8. On or about September 6, 2021, the Respondent performed an imaging study of a patient but failed to document that the patient had suffered a stroke recently. The Respondent's failure to document that the patient had had a recent stroke caused the patient to be recalled for a second imaging study.

9. On or about September 27, 2021, an imaging specialist at Facility A performed an imaging audit of the Respondent and determined that the Respondent still struggled with obtaining optimal images on patients.

10. On or about September 29, 2021, the Respondent performed both a 2D and 3D imaging on a patient resulting in excessive radiation to the patient.

11. On or about October 1, 2021, the Respondent performed 21 imaging studies on an implant patient with many repeat images that were suboptimal for technique and positioning. The Respondent also performed 2D and 3D imaging resulting in excessive radiation to the patient. A typical implant patient imaging was eight images.

12. On or about October 11, 2021, the Respondent signed a Last Chance Agreement with Facility A. Facility A gave the Respondent one last chance to improve her performance.

13. On or about October 25, 2021, the Respondent's trainers at Facility A reported that the Respondent was not receptive to following protocols for positioning and documentation. The trainers advised that the Respondent continued to make the same errors for which she was previously provided with written warnings.

14. On or about October 25, 2021, Facility A issued a written termination of the Respondent's employment to be effective immediately.

### CONCLUSIONS OF LAW

Panel A finds Ms. Atzeni-Dandrea in default based upon her failure to appear at the OAH for the video prehearing conference scheduled for March 9, 2023. *See* State Gov't § 10-210(4). Based upon the foregoing findings of fact, Panel A concludes that Ms. Atzeni-Dandrea is professionally, physically or mentally incompetent, in violation of Health Occ. § 14-5B-14(a)(4).

### SANCTION

Panel A adopts the sanction recommended by the ALJ to revoke Ms. Atzeni-Dandrea's license to practice radiography.

### ORDER

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

**ORDERED** that the license of Renee Atzeni-Dandrea to practice radiography in Maryland is **REVOKED**; and it is further

**ORDERED** that this is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

*Signature On File*

6/30/2023  
Date

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Ellen Douglas Smith, Deputy Director  
Maryland Board of Physicians

### NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Md. Code Ann., Health Occ. § 14-5B-14.1, Ms. Atzeni-Dandrea has the right to seek judicial review of this Order of Default. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Order of Default. The cover letter

accompanying this Order indicates the date the decision was mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If Ms. Atzeni-Dandrea files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

**Maryland State Board of Physicians  
Christine A. Farrelly, Executive Director  
4201 Patterson Avenue  
Baltimore, Maryland 21215**

Notice of any petition should also be sent to the Board's counsel at the following address:

**Stacey Darin  
Assistant Attorney General  
Maryland Department of Health  
300 West Preston Street, Suite 302  
Baltimore, Maryland 21201**