

IN THE MATTER OF * **BEFORE THE MARYLAND**
JONTIER A. ROBINSON * **STATE BOARD**
Radiographer * **OF PHYSICIANS**
Applicant * **CASE NUMBER: 2222-0108 A**
* * * * * * * * * * * * * * *

CONSENT ORDER

On May 25, 2022, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) notified **Jontier A. Robinson** (the “Applicant”), of its intent to deny his *Application for Radiographer Licensure* (the “Application”), dated October 28, 2021 for 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.).

The pertinent provisions of the Act provide:

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...:
 - ...
 - (6) Is habitually intoxicated[.]

The Applicant agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

Panel A finds:

I. BASIS OF BOARD INVESTIGATION

1. On or around November 22, 2021, the Board received the Applicant's Application which was dated October 28, 2021.

2. On the Application, the Applicant answered "YES" to the following Character and Fitness Questions:

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

15 h: Have you ever committed an offense involving alcohol or controlled dangerous substances to which you pled guilty or nolo contendere, or for which you were convicted or received probation before judgment? Such offenses include, but are not limited to, driving under the influence of alcohol or controlled dangerous substances.

3. With regard to Question 15 g and h, the Applicant explained in the Application that since 2013 he had two Driving Under the Influence of Alcohol offenses and one Negligent Driving offense.

4. The Applicant submitted with the Application court records and probation documents related to his prior offenses.

II. BOARD INVESTIGATIVE FINDINGS

5. The Board opened an investigation of the Applicant based on the disclosures he made in the Application. As part of its investigation, the Board reviewed the Application and the materials submitted by the Applicant.

6. On or around, April 13, 2013, the Applicant was charged with traffic offenses, including but not limited to, Driving While Impaired by Alcohol.

7. On or around January 3, 2014, the Applicant entered into a Guilty Plea Agreement in the Circuit Court of Maryland in Kent County (Criminal Case Number: 14-K-13-008350) to one count of Driving While Impaired by Alcohol. The Applicant was sentenced to one year of supervised probation which the Applicant successfully completed.

8. On or around, April 16, 2017, the Applicant was charged with traffic offenses, including but not limited to, Driving Under the Influence of Alcohol.

9. On or around September 7, 2017, the Applicant enrolled in a program (the “Program”)¹ for evaluation and treatment.

10. On or around December 19, 2017, the Applicant entered into a Guilty Plea Agreement in the Circuit Court of Maryland in Kent County (Criminal Case Number: C-14-CR-17-000130) to one count of Driving Under the Influence of Alcohol. The Applicant was sentenced to one year of incarceration, all suspended, and three years of supervised probation which the Applicant successfully completed.

11. The Board subpoenaed and received the Applicant’s treatment records from the Program (the “Treatment Records”).

12. The Treatment Records stated that the Applicant was evaluated, tested and, on or around October 22, 2018, discharged with diagnosed medical conditions.²

¹ To maintain confidentiality, the names of health care facilities will not be identified in this document.

² To maintain confidentiality, the Applicant’s evaluations, test results and medical conditions will not be disclosed in this document.

13. On or around November 28, 2020, the Applicant was charged with Negligent Driving after he was found to have driven a vehicle which was involved in a single car accident which caused property damage (the "Accident").

14. The Board requested and received the Motor Vehicle Crash Report regarding the Accident.

15. According to the Motor Vehicle Crash Report, the Applicant stated that he swerved to miss a deer however when the Accident was investigated, video footage of the Accident was reviewed and deer were not observed.

16. On or around December 16, 2020, the Applicant entered into a Guilty Plea Agreement in the District Court of Maryland in Kent County to Negligent Driving.

CONCLUSIONS OF LAW

Based on the foregoing Investigative Findings, Panel A concludes as a matter of law that the Applicant was habitually intoxicated under Health Occ. § 14-5B-14(a)(6).

ORDER

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

ORDERED that the Applicant's application for initial medical licensure in the State of Maryland is **GRANTED**; and it is further

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

ORDERED that the Applicant is placed on **PROBATION** for a minimum period of **ONE YEAR**. The Applicant shall comply with the following terms and conditions of probation:

1. The Respondent shall enroll in the **Maryland Professional Rehabilitation Program (MPRP)** as follows:
 - (a) Within 5 business days, the Respondent shall contact MPRP to schedule an initial consultation for enrollment;
 - (b) Within 15 business days, the Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;
 - (c) the Respondent shall fully and timely cooperate and comply with all MPRP's referrals, rules, and requirements, including, but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP;
 - (d) the Respondent shall sign and update the written release/consent forms requested by the Board and MPRP, including release/consent forms to authorize MPRP to make verbal and written disclosures to the Board and to authorize the Board to disclose relevant information from MPRP records and files in a public order. The Respondent shall not withdraw his release/consent;
 - (e) the Respondent shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of the Respondent's current therapists and treatment providers) verbal and written information concerning the Respondent and to ensure that MPRP is authorized to receive the medical records of the Respondent, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. The Respondent shall not withdraw his/her release/consent;
 - (f) the Respondent's failure to comply with any of the above terms or conditions including terms or conditions of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) constitutes a violation of this Consent Order;

ORDERED that the Applicant shall not apply for early termination of probation;
and it is further

ORDERED that, after the Applicant has complied with all terms and conditions of probation and the minimum period of probation imposed by the Consent Order has passed, and MPRP finds, and notifies the Board that the Applicant is safe to return to the practice

of radiography without further monitoring, the Applicant may submit a written petition for termination of probation. The Applicant may be required to appear before the disciplinary panel to discuss his petition for termination. After consideration of the petition, the Applicant's probation may be administratively terminated through an order of the disciplinary panel if the Applicant has complied with all probationary terms and conditions and there are no pending complaints relating to the charges and the panel finds his is safe to practice, or if the disciplinary panel determines that it is not safe for the Respondent to return to the practice of radiography without monitoring, the probation will be continued through an order of the disciplinary panel for a length of time determined by the disciplinary panel; 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. 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 Applicant is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that, if the Applicant allegedly fails to comply with any term or condition imposed by this Consent Order, the Applicant shall be given notice and an opportunity for a hearing. If the disciplinary 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 disciplinary panel determines there is no genuine dispute as to a material fact,

the Applicant 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 Applicant has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may reprimand the Applicant, place the Applicant on probation with appropriate terms and conditions, or suspend with appropriate terms and conditions, or revoke the Applicant's license to practice medicine 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 Applicant; and it is further

ORDERED that this Consent Order is a public document. See Health Occ. §§ 1-607, 14-5B-15.1(b) and Gen. Prov. § 4-333(b)(6) (2021 Repl. Vol.).

11/17/2022
Date

Signature On File

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

CONSENT

I, Jontier Robinson, assert that I am aware of my right to consult with and be represented by counsel in considering this Consent Order and in any proceedings that would otherwise result from the charges currently pending. 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. § 14-5B-14 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.

11/15/2022
Date

Signature On File

Jontier Robinson
Applicant

NOTARY

STATE OF Delaware

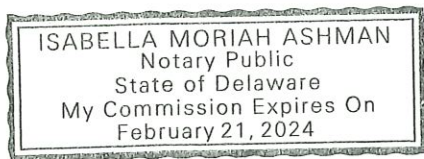
CITY/COUNTY OF Kent

I **HEREBY CERTIFY** that on this 15 day of November 2022, before me, a Notary Public of the foregoing State and City/County, Jontier Robinson, personally appeared and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSTH my hand and notarial seal.



Notary Public



My commission expires: 2/21/24