

**IN THE MATTER OF
ROCKVILLE INTERNAL
MEDICINE GROUP**

Respondent

* **BEFORE THE MARYLAND
* STATE BOARD
* OF PHYSICIANS
* Case Number: 2222-0060 A**

CONSENT ORDER

On January 21, 2022, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) notified Rockville Internal Medicine Group (the “Respondent”) of its failure to comply with the following provisions of the Maryland Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Act (the “Act”), Md. Code Ann., Health Occ. § 14-5B-18.1(b) (2021 Repl. Vol.):

§ 14-5B-18.1. Employment of individuals without license prohibited.

(b) *Hospitals, institutions, alternative health systems, or other employers.* - Except as otherwise provided in this subtitle, a hospital, related institution, alternative health system, or employer may not employ an individual practicing radiation therapy, radiography, nuclear medicine technology, or radiology assistance without a license.

(c) *Penalty.* - A disciplinary panel may impose a civil penalty of up to \$1,000 for employing an individual without a license under this section.

On April 13, 2022, Panel A was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring as a result of this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

Panel A finds:

BACKGROUND

1. Rockville Internal Medicine Group is a medical practice group located at 1201 Seven Locks Road, Suite 111, Rockville, Maryland 20854. From on or about September 12, 2005 until on or about June, 2021, Rockville Internal Medicine Group employed a Radiographer (the "Radiographer") who was not licensed to practice radiography in the State of Maryland. The Radiographer originally was licensed to practice radiography in the State of Maryland on October 28, 2004. The Radiographer's license expired on April 30, 2005. On May 11, 2021, the Radiographer's license to practice radiography was reinstated.

The Complaint

2. On or about May 11, 2021, the Board received a referral from the Board's Allied Health Unit that the Radiographer submitted a reinstatement application on April 20, 2021. The referral stated that the Radiographer's "license expired on April 30, 2005. She has been practicing in Maryland from September 2004 to present." After reviewing this referral, the Board opened an investigation of the Radiographer.

The Board Investigation

3. In furtherance of its investigation, Board staff subpoenaed personnel files and timekeeping records from the Respondent, and reviewed documents and records pertaining to the Radiographer's application for reinstatement. On August 31, 2021, the Board notified the Respondent by letter that it also was opening an investigation against

Rockville Internal Medicine Group. On September 9, 2021, the Respondent also submitted a written response to the Board.

4. A review of records from Rockville Internal Medicine Group revealed that the Radiographer was hired as “an X-ray/Dexa technologist” on September 12, 2005 and continued to work for the Respondent through at least June, 2021. In the application for reinstatement, the Radiographer stated the reason she allowed her license to lapse on April 30, 2005 was because her license “was not needed by my employer.” She also stated in her application for reinstatement that her “new job is requiring MD licensure.”

5. On or about July 9, 2021, the Radiographer provided a written description of her job duties to the Board from September, 2004 to the present. The Radiographer stated her duties as a “Radiology Tech” included: producing “high-quality radiographs while providing professional and quality care to the patients” and operating “all equipment.”

6. In a 2020 resume, the Radiographer described herself as a “skilled and technical-savvy senior radiology technologist” with “over 15 years of [well] rounded medical imaging experience.” The Radiographer also listed some of her employment responsibilities at Rockville Internal Medicine Group as follows: “Operated radiology machine and equipment to perform exposure according to physician instruction....”

7. In its September 9, 2021 written response to the Board, the President of Rockville Internal Medicine Group admitted that from “the time of her hire in September 2005 until May 11, 2021 [the Radiographer] worked at Rockville Internal Medicine Group as a radiographer and did not have a current Maryland license during that time.” The President also stated that upon receiving notice of the investigation, Rockville Internal Medicine Group learned “that a former Operations Manager had a misunderstanding of the

radiographer licensing requirements. This was an administrative error and we are truly sorry this happened.”

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, Disciplinary Panel A concludes as a matter of law that the Respondent employed an individual to practice radiography without a license, in violation of Md. Code Ann., Health Occ. § 14-5B-18.1(b).

ORDER

It is, thus, on the affirmative vote of a majority of the quorum of Disciplinary Panel A of the Board, hereby:

ORDERED that within **60 DAYS** from the effective date of this Consent Order, the Respondent shall pay a civil fine of **ONE (1) THOUSAND DOLLARS (\$1,000)**. 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; 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 this Consent Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6) (2021 Repl. Vol.).

Signature On File

05/05/2022
~~03 May 2022 SC~~
Date

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

CONSENT

I, Alan Pollack, Agent for the Respondent, acknowledge that I have consulted 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 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.

03 May 2022
Date

Alan Pollack
Agent for the Respondent (Printed Name)

Signature On File

Agent for the Respondent (Signature)

NOTARY

STATE OF Maryland

CITY / COUNTY OF Rockville, Montgomery

I HEREBY CERTIFY that on this 3 day of May 2022,
before me, a Notary Public of the foregoing State and City/County, personally appeared
Alan Pollack, Agent for the Respondent, 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.

Shera Crawford

Notary Public

My Commission expires: June 11, 2024

