

**IN THE MATTER OF** \* **BEFORE THE MARYLAND**  
**UNIVERSITY OF MARYLAND** \* **STATE BOARD**  
**MEDICAL SYSTEM** \* **OF PHYSICIANS**  
**CAPITAL REGION HEALTH** \*  
**Respondent** \* **Case Number: 2220-0253**

\* \* \* \* \*

**PRE-NOTICE CONSENT ORDER**

On February 26, 2020, the Maryland State Board of Physicians (the “Board”) voted to notify the Dimensions Health Corporation, d/b/a University of Maryland Medical System Capital Region Health (the “Respondent”) of its failure to comply with provisions of 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. & 2019 Supp.).

The pertinent provisions of the Act are as follows:

**Health Occ. § 14-5B-15 Report.**

(a) *In general.* -- Except as provided in subsections (b) and (d) of this section, hospitals, related institutions, alternative health systems as defined in § 1-401 of this article, and employers shall file with the Board a report that the hospital, related institution, alternative health system, or employer limited, reduced, otherwise changed, or terminated any licensee for any reason that might be grounds for disciplinary action under § 14-5B-14 of this subtitle.

...

(e) *Time for filing report.* -- The hospital, related institution, alternative health system, or employer shall submit the report within 10 days of any action described in this section.

...

(g) *Penalties.* –

- (1) The Board may impose a civil penalty of up to \$1,000 for failure to report under this section.

The pertinent regulations adopted by the Board under COMAR 10.32.22.01 *et seq.*

(2016) are as follows:

**COMAR 10.32.22.02 Definitions.**

B. Terms Defined.

...

- (7) "Change" means any of the following actions by a reporting entity;

...

- (c) Accepting an involuntary resignation as defined in this regulation[.]

...

- (18) "Involuntary resignation" means a health care provider's relinquishment of privileges, employment, or a contract with a reporting entity, whether the relinquishment was self-initiated, mutually agreed upon, or had been requested by the reporting entity, and however designated by the health care provider or the reporting entity, if the health care provider resigned:

- (a) After being notified that discharge or termination of privileges, employment, or a contract, or that proceedings possibly leading to discharges or termination of privileges, employment, or a contract, would occur if the health care provider would not resign[.]

**COMAR 10.32.22.03 Mandated Reports.**

- B. A reporting entity shall inform the Board of any change that has been made, in whole or in part, because the reporting entity had reason to believe that the health care provider:

- (2) Provided patient care of questionable quality;

- (3) Disrupted the workplace;
- (4) Committed unethical or unprofessional conduct; [and/or]
- ...
- (15) Committed any other act or suffered from any other condition which the reporting entity had reason to believe may constitute a violation of the Act.

**COMAR 10.32.22.06 Enforcement.**

O. If the Board finds after a hearing that a reporting entity failed to file any report required by this chapter, the Board shall issue a final disposition with findings of fact, conclusions of law, and civil penalty. In its final disposition, the Board may impose a civil penalty as follows:

- ...
- (2) With respect to reports concerning allied health providers:
  - (a) \$500 for the first occurrence in a calendar year; or
  - (b) \$1000 for any subsequent occurrence in a calendar year.

Prior to the issuance of a Notice of Failure to File a Report, the Respondent agreed to enter into the following Pre-Notice Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

**FINDINGS OF FACT**

The Board finds the following facts:

- 1. In or around May 2019, the Board initiated an investigation of a radiographer

(the “Radiographer”)<sup>1</sup> after reviewing a Mandated 10-Day Report from a health care facility (Facility A), which reported that it terminated the Radiographer’s employment after patients complained that he sexually harassed them while he was providing on-site radiographic services. Facility A recounted two such incidents, occurring in 2018 and 2019, respectively. The Board’s investigation of this matter determined that the Radiographer also sexually harassed other female patients at Facility A.

2. As part of its investigation, the Board investigated the Radiographer’s prior work and employment history, which included his employment at Facility B.<sup>2</sup> Facility B hired the Radiographer in or around 1999. In or around 2015, Facility B investigated the Radiographer for providing patient care of questionable quality, which included the following incidents occurring in 2015: x-raying the wrong body part and failing to follow physician orders; taking incorrect images and failing to report this to management; and performing the wrong examination on a patient and not following physician orders.

3. Facility B also investigated complaints from multiple staff members about the Radiographer’s unprofessional workplace conduct, including instances where he acted in a disruptive and threatening manner. One staff member reported observing the Radiographer send sexually-oriented text messages to women.

4. On August 17, 2015, Facility B placed the Radiographer on administrative

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<sup>1</sup> For confidentiality reasons, the name of the Radiographer and any health care facilities referenced herein will not be identified by name.

<sup>2</sup> In or around September 2018, the Respondent, which currently operates Facility B, entered into an official affiliation with another healthcare system.

leave pending the results of its investigation of these complaints.

5. By letter dated September 16, 2015, Facility B notified the Radiographer that it had completed its investigation and determined that he violated its policies and procedures. It further notified the Radiographer that it was immediately terminating his employment but also offered him the opportunity to resign in lieu of termination.

6. The Radiographer agreed to resign from his employment, effective September 16, 2015.

7. After reviewing the above information, Disciplinary Panel A of the Board issued an *Order for Summary Suspension* in which it summarily suspended the Radiographer's radiography license, effective January 28, 2020, which the Radiographer did not contest. Panel A also issued disciplinary charges against the Radiographer, dated January 30, 2020, which are pending.

8. By letter dated January 2, 2020, the Board requested that the Respondent respond to allegations that it took an employment action against the Radiographer but did not report it to the Board in compliance with Health Occ. § 14-5B-15.

9. By letter dated January 24, 2020, the Respondent acknowledged to the Board that it terminated the Radiographer's employment in September 2015. The Respondent "apologized" for the non-disclosure to the Board.

10. The Board's investigation determined that in 2015, the Respondent investigated an employee, the Radiographer, for reasons involving unprofessional and disruptive conduct, and questionable patient care issues. The Respondent permitted the Radiographer to resign, effective September 16, 2015, in lieu of terminating his

employment. The Respondent failed to report this action to the Board within ten (10) days.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent failed to notify the Board within ten (10) days that it limited, reduced, otherwise changed, or terminated the Radiographer's employment for reasons that might be grounds for disciplinary action under the following provisions of Health Occ. § 14-5B-14(a): (3) Is guilty of unprofessional or immoral conduct in the practice of radiation therapy, radiography, nuclear medicine technology, or radiology assistance; (4) Is professionally, physically, or mentally incompetent; and/or (18) Fails to meet appropriate standards for the delivery of quality radiation therapy, radiography, nuclear medicine technology, or radiology assistance care performed in any outpatient surgical facility, office, hospital or related institution, or any other location in this State. The Respondent's failure to report the Radiographer's involuntary resignation to the Board within ten (10) days for reasons that might be grounds for disciplinary action under Health Occ. § 14-5B-14, as described above, constitutes a violation of Health Occ. § 14-5B-15.

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by the Board, hereby:

**ORDERED** that within **THIRTY (30) DAYS** of the effective date of this Consent Order, the Respondent shall pay to the Board a civil penalty 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; and it is further

**ORDERED** that this Consent Order is a **PUBLIC DOCUMENT**. *See* Md. Code Ann., Gen. Prov. §§ 4-101 through 4-601 (2019 Repl. Vol.).

06/17/2020  
Date

## *Signature on File*

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

### CONSENT

I, Joseph Wright, M.D. [Agent for the Respondent], acknowledge that the Respondent has had the opportunity to consult with counsel before signing this document.

By this Consent, the Respondent agrees to be bound by this Consent Order and all its terms and conditions and understand that the Board will not entertain any request for amendments or modifications to any condition.

The Respondent is aware of the right to a hearing before the Board pursuant to COMAR 10.32.22.06 concerning the Notice issued against the Respondent. The Respondent waives this right and has elected to sign this Consent Order instead.

The Respondent acknowledges the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which the Respondent would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on the Respondent's behalf, and to all other substantive and procedural protections as provided by law. The Respondent waives those substantive and procedural protections. The Respondent acknowledges the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order.

The Respondent voluntarily enters into and agrees to comply with the terms and conditions set forth in this Consent Order as a resolution of the Notice issued against the Respondent in this case. The Respondent waives any right to contest the Findings of Fact and the Conclusions of Law set out in this Consent Order. The Respondent waives all rights to appeal this Consent Order.

On behalf of the Respondent, I sign this Consent Order without reservation, and I fully understand and comprehend the language and meaning of its terms.

June 9, 2020  
Date

***Signature on File***

Agent for the Respondent (printed name)

***Signature on File***

Agent for the Respondent (signature)



NOTARY

STATE OF Maryland

CITY / COUNTY OF Prince Georges

I HEREBY CERTIFY that on this 9<sup>th</sup> day of June 2020,  
before me, a Notary Public of the foregoing State and City/County, personally appeared  
Joseph Wright [Agent for the Respondent] and made oath in due  
form of law that signing the foregoing Consent Order was his/her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Lakisha Burton  
Notary Public

LAKISHA BURTON  
Notary Public-Maryland  
Prince George's County  
My Commission Expires  
April 10, 2023