

IN THE MATTER OF * BEFORE THE
TIMOTHY H. EMEIGH, MRT * STATE BOARD OF PHYSICIAN
Respondent * QUALITY ASSURANCE
Certificate Number: R0003572 * Case Number: 2002-0244

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On August 22, 2001, the State Board of Physician Quality Assurance (the "Board") charged Timothy H. Emeigh, Medical Radiation Technologist ("M.R.T."), (the "Respondent") (DOB: 12/14/63), Certificate Number R0003572, with violating provisions of the Maryland Medical Practice Act (the "Act"), Md. Health Occ. Code Ann. ("H.O."), §14-101 et seq. (2000), and related regulations.

Specifically, the Board charged the Respondent with violating the following:

H.O. § 14-606

- (e) After February 1, 1990, an individual may not practice medical radiation technology or nuclear medical technology unless certified by the Board.
- (f) Subject to the hearing provisions of § 14-405 of this title, the Board, on the affirmative vote of a majority of its full authorized membership, may reprimand or place a medical radiation technologist or a nuclear medical technologist on probation or suspend or revoke the certification of a medical radiation technologist or a nuclear medical technologist for any conduct prohibited under the provisions of this section or prohibited under any regulation adopted pursuant to the provisions of this section.

Regulations adopted pursuant to H.O. § 14-606 include the following:

COMAR 10.32.10.10

- A. Subject to the hearing provisions of Health Occupations Article, §14-405, Annotated Code of Maryland, the Board, on the affirmative vote of a majority of its full authorized membership, may deny an application, may reprimand any certified medical radiation technologist or nuclear medicine technologist, place any certified medical radiation technologist or certified nuclear medicine technologist on probation, or suspend or revoke the certification of any certified medical radiation technologist or nuclear medicine technologist for the commission of a prohibited act.
- B. The following are prohibited acts:

(3) Being guilty of unprofessional or immoral conduct in the practice of medical radiation technology or nuclear medicine technology;

(12) Practicing with an unauthorized person or aiding an unauthorized person in the practice of medical radiation technology or nuclear medicine technology;

(24) Failing to comply with these regulations.

On February 6, 2002, a conference with regard to this matter was held before the Case Resolution Conference (the "CRC"). As a result of negotiations entered into before the CRC, the Respondent agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. At all times relevant, the Respondent was and is certified to practice medical radiation technology in the State of Maryland. The Respondent was initially certified to practice medical radiation technology in Maryland on October 5, 1993, under Certificate Number R0003572.

2. On or about March 1, 2001, the Board received a complaint dated February 27, 2001 from a representative of an area radiographic company that an individual by the name of Mike Mitchell was working as an x-ray technician for another area radiographic company, Alpha Diagnostic Services (the "Company"), and that Mr. Mitchell was not certified to practice medical radiation technology by the State of Maryland.

3. Based on the above complaint, the Board initiated an investigation of this matter, which revealed the following:

a. The Respondent has been employed as the Chief Radiation Technician at the Company since its inception in November 1993.

b. The Respondent's duties in this capacity include, *inter alia*, overseeing the technical staff, processing paper work, processing and reviewing radiographic images, and interviewing new employees.

c. On or about September 25, 2000, the Respondent interviewed Michael Mitchell for employment at the Company, and hired him to be an x-ray file clerk.

d. At the time the Respondent hired Mr. Mitchell, he knew that Mr. Mitchell did not possess a license or certificate to practice as a medical radiation technologist in Maryland.

e. Mr. Mitchell represented that he was authorized to practice radiation technology in this State, based upon his education and past employment as a radiation technologist with the United States Air Force.

f. On or about December 26, 2000, the Respondent promoted Mr. Mitchell to the position of x-ray technician at the Company, based on his training and experience, but without checking Mr. Mitchell's credentials and authorization to practice with the Board.

g. During the period January 1, 2001 to March 1, 2001, Mr. Mitchell did not possess a valid certificate to practice medical radiation technology in Maryland, and provided radiological services to patients on behalf of the Company at various health care facilities in Maryland.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's actions constitute practicing with an unauthorized person, or aiding an unauthorized person in the practice of medical radiation technology, in violation of H.O. § 14-606 and COMAR 10.32.10.10 B (12).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 27¹² day of FEBRUARY, 2002, by a majority of the full authorized membership of the Board considering this case:

ORDERED that the Respondent be and is hereby **REPRIMANDED**; and be it further

ORDERED that within ninety (90) days of the date of the execution of this Consent Order by the Board, the Respondent shall pay to the Board a civil fine in the amount of One Thousand Two Hundred (\$1200.00) Dollars, made payable to the "Maryland Board of Physician Quality Assurance;" and be it further

ORDERED that if the Respondent does not pay the fine according to the terms set forth above, the Respondent's medical radiation technology certificate shall be immediately **SUSPENDED**, and that said **SUSPENSION** shall remain in full force and effect until such time as the Respondent pays the fine according to the terms set forth above, or shows cause in writing within ten (10) days of the date of the Order of Suspension as to why his certificate should not be suspended; and be it further

ORDERED that the charges under COMAR 10.32.10.10B(3) ("being guilty of unprofessional or immoral conduct in the practice of medical radiation technology or nuclear medicine technology") and 10.32.10.10B(24) ("failing to comply with these regulations") are hereby **DISMISSED**; and be it further

ORDERED that the Respondent shall be responsible for all costs incurred under this Consent Order; and be it further

ORDERED that this Consent Order is considered a public document, pursuant to Md. State Gov't Code Ann. § 10-611 et seq. (1999 Repl. Vol. & Supp. 2001).

Date

2/27/02



Samir R. Neimat, M.D.

Chair

State Board of Physician Quality Assurance

CONSENT

I, Timothy H. Emeigh, M.R.T., acknowledge that I am represented by counsel, and have consulted with counsel before entering into this Consent Order. By this consent, I hereby admit the above Findings of Fact and Conclusions of Law that I violated H.O. § 14-606(e) and (f) and COMAR 10.32.10.10 B (12); and submit to the foregoing Consent Order, consisting of seven (7) pages.

I acknowledge the validity 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 own behalf, and to all other substantive and procedural protections provided by the law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that I might have followed any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, without reservation and I fully understand and comprehend the language, meaning and terms of the Consent Order.

12-11-2019
Date

Timothy H. Emeigh, M.R.T.
Timothy H. Emeigh, M.R.T.,
Respondent

STATE OF MARYLAND

COUNTY OF Carroll

I HEREBY CERTIFY that on this 6th day of May 2002, before me, and the subscriber, a Notary Public of the State of Maryland, and in for the County aforesaid, personally appeared Timothy H. Emeigh, M.R.T., who made oath in due form of law that he is the person described herein, who executed the above instrument and acknowledged to me the act of signing and sealing thereof.

[Signature] (SEAL)

MY COMMISSION EXPIRES: 6/10/07