

IN THE MATTER OF	*	BEFORE THE MARYLAND
RAYMOND M. GOLLY, LIC. R.	*	STATE BOARD OF
Respondent	*	PHYSICIANS
License Number: R07402	*	Case Number: 7716- 0018 B

CONSENT ORDER

On February 24, 2017, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged Raymond M. Golly, Licensed Radiographer, (the “Respondent”), License Number R07402, under the Maryland Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Act (the “Act”), Md. Code Ann., Health Occ. II (“Health Occ. II”) §§ 14-5B-01 *et seq.* (2014 Repl. Vol. and 2016 Supp.) with violation of the October 7, 2015¹, Disposition Agreement between the Board and Respondent (the “Disposition Agreement”).

The Disposition Agreement states in pertinent part:

WHEREAS, the Respondent has demonstrated his desire to confront and correct and monitor his status with respect to by voluntarily entering into a Board-monitored Participant Rehabilitation Agreement with the Maryland Professional Rehabilitation Program (“MPRP”);

The Disposition Agreement further states that:

1. The Respondent shall comply with the Participant Rehabilitation Agreement into which he entered with MPRP and will fulfill all conditions of the Participant Rehabilitation Agreement;

...

¹ Respondent initially entered into a Disposition Agreement with the Board on May 30, 2103, which was revised on October 7, 2015.

5. The Respondent agrees that the terms of this Agreement do not preclude the Board or a Board panel from taking any disciplinary action as warranted by the facts or circumstances of which the Board is not presently aware; and be it further

AGREED, that if the Respondent fails to comply with any term or condition of this Agreement, a Board panel, after notice and an opportunity to be heard, may impose any sanction set forth under Section 14-5B-14 of the Medical Practice Act (sic), which includes a reprimand, probation, or the suspension or revocation of the Respondent's license.

Respondent's Participant Rehabilitation Agreement of June 10, 2014, states in pertinent part:

Any violation of the provisions below, without exception, will be reported to the Board which, at its sole discretion, may declare such events as "non-compliance."

Provision 14 states in pertinent part:

The Board has defined non-compliant actions/symptoms to be:

....

- d. Report from any hospital, facility, or employer that action has been taken against my privileges to practice medicine[;]

Provision 21 of the Rehabilitation Agreement further states:

I agree that if I violate any terms and conditions of this Agreement or my Plan, the Board may, at its discretion, issue public charges against me for violation of this Agreement and, after notice and an opportunity for a hearing, may impose disciplinary sanctions against my medical (sic) license authorized under the Medical (sic) Practice Act, including a reprimand, suspension, probation, revocation and/or monetary fine.

On May 24, 2017, Disciplinary Panel B was convened as a Disciplinary Committee for Case Resolution ("DCCR") in this matter. Based on negotiations

occurring as a result of the DCCR, Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

Panel B of the Board makes the following findings of fact:

I. Procedural Background

1. At all times relevant to these charges, Respondent was and is licensed to practice as a radiographer in the State of Maryland.

2. On February 4, 2005, Respondent was originally issued a license to practice as a radiographer in Maryland, being issued license number R07402. Respondent's license will expire on April 30, 2019.

3. In or about April 2013, Respondent submitted to the Board an Application for Renewal of Radiographers License (the "Application").

4. In regard to the "character and fitness questions" on the Application, Respondent checked "yes" to the following questions:

e. Have you ever been charged with or convicted of any criminal act for which you pled nolo contendere, could receive, or did receive probation before judgment or were sentenced to probation or confinement?

f. Have you been convicted or received probation before judgment for driving while intoxicated or impaired?

5. In his explanation which Respondent attached to the Application, Respondent stated that he was charged with driving under the influence of alcohol on March 9, 2012. On May 10, 2012, Respondent was found guilty of driving a vehicle while under the influence of alcohol per se. Respondent

received 18 months of supervised probation.²

6. From approximately 2005 to 2016, Respondent was employed as a radiographer by a hospital, ("Hospital A"³) in Maryland.

7. Since approximately June 2016, Respondent has been employed as a radiographer at a hospital in another state which does not require licensure as a radiographer.⁴

II. Disposition Agreement with Board

8. On May 30, 2013, as a condition of renewal of licensure as a radiographer, Respondent entered into a non-public disposition agreement with the Board whereby Respondent agreed to undertake certain obligations to stay further investigation by the Board by agreeing to voluntarily continue participation in a Board-monitored treatment program.

9. Thereafter, on October 7, 2015, Respondent signed a revised non-public Disposition Agreement whereby he agreed to voluntarily enter into a Board-monitored Participant Rehabilitation Agreement (the "Rehabilitation Agreement") with the Maryland Professional Rehabilitation Program ("MPRP").

III. Rehabilitation Agreement with MPRP

10. Respondent initially entered into a Rehabilitation Agreement with the MPRP on June 10, 2014. The duration of the Rehabilitation Agreement was "to be determined."

11. Respondent agreed to "comply with the Participant Rehabilitation

² On July 24, 2015, Respondent completed all of the conditions of probation.

³ The specific name of a hospital is not used in the Consent Order. Respondent is aware of the name of the hospital.

⁴ Respondent is certified by the American Registry of Radiologic Technologists (ARRT).

Agreement into which he entered with MPRP and to fulfill all conditions of the Participant Rehabilitation Agreement.”

12. The Respondent’s Rehabilitation Agreement was periodically renewed. The latest Rehabilitation Agreement, dated May 16, 2016 extends to June 10, 2017.

IV. Violation of Rehabilitation Agreement

13. On June 28, 2016, the MPRP notified the Board that Respondent had been terminated on June 27, 2016 from his employment as a radiographer at Hospital A due to his disruptive behavior involving a co-worker at Hospital A.

14. Respondent’s Rehabilitation Agreement of June 10, 2014, as modified on May 16, 2016, states in pertinent part:

Any violation of the provisions below, without exception, will be reported to the Board which, at its sole discretion, may declare such events as “non-compliance.”

Provision 14 states in pertinent part:

The Board has defined non-compliant actions/symptoms to be:

....

d. Report from any hospital, facility, or employer that action has been taken against my privileges to practice medicine[;]

15. Respondent’s termination from his employment as a radiographer at Hospital A, and his privilege to practice as a radiographer at Hospital A, constitutes noncompliance with, and a violation of, his Rehabilitation Agreement.

16. On or about June 2016, Respondent moved out-of-state but has continued to be monitored by MPRP under his Rehabilitation Agreement.

III. Violation of Disposition Agreement

17. Respondent's failure to comply with his Rehabilitation Agreement of June 10, 2014, as modified on May 16, 2016, constitutes failure to "comply with the Participant Rehabilitation Agreement into which he entered with MPRP and [will] fulfill all conditions of the Participant Rehabilitation Agreement."

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Disciplinary Panel B of the Board concludes as a matter of law that Respondent's failure to comply with his Rehabilitation Agreement and Addendum Agreements and his failure to fulfill all the conditions of the Rehabilitation Agreement and Addendum Agreements constitute a violation of the Disposition Agreement.

ORDER

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

ORDERED that the terms and conditions of the Disposition Agreement of October 7, 2015 are terminated, and it is further

ORDERED that Respondent is Reprimanded; and it is further

ORDERED that:

1. Respondent shall remain in the Maryland Professional Rehabilitation Program ("MPRP") and continue in the Board-monitored Rehabilitation Agreement, effective June 6, 2016, for the length of time recommended by the MPRP. Respondent shall fully, timely, and satisfactorily cooperate and comply with all MPRP recommendations and requirements, including but not limited to, the terms and conditions of any Rehabilitation Agreement(s) and Rehabilitation Plan(s) entered into with the MPRP;
2. Respondent shall abide by the terms of the MPRP Agreement and Plan and a violation of the MPRP Agreement and/or Plan is a

violation of this Consent Order;

3. Respondent agrees that the MPRP may submit to the Board all reports that the MPRP receives from any of Respondent's healthcare providers, workplace monitors, and/or mentors;
4. Respondent agrees that the MPRP will report to the Board as frequently as the MPRP determines is necessary;
5. Respondent agrees that the MPRP will report to the Board failure of Respondent to comply with the recommendations and requirements of the MPRP;
6. Respondent shall comply with the Maryland Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiology Assistance Act (the "Act") and all laws, statutes and regulations pertaining to practice as a radiographer;
7. Respondent shall be responsible for all costs associated with fulfilling the terms of this Consent Order; and it is further

ORDERED that any violation of any of the conditions of this Order shall constitute unprofessional conduct; and it is further

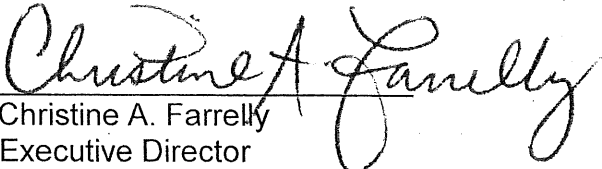
ORDERED that if the Board or Disciplinary Panel B determines, after notice and an opportunity for a hearing before an Administrative Law Judge of the Office of Administrative Hearings if there is a genuine dispute as to a material fact, or a show cause hearing before the Board or Panel B if there is no genuine dispute as to a material fact, that Respondent has failed to comply with any term or condition of probation or this Order, the Board or Panel B may reprimand Respondent, place Respondent on probation with appropriate terms and conditions, or suspend or revoke Respondent's license to practice radiography in Maryland. The Board or Panel B may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon Respondent; and it is further

ORDERED that Respondent may petition the Board for termination of the

requirement that he continue in the Board-monitored Rehabilitation Agreement after he has fully, timely, and satisfactorily complied with all MPRP recommendations and requirements; and it is further

ORDERED that the Consent Order is a public document pursuant to Md. Code Ann., Gen. Pro. §§ 4-101 *et seq.* (2014).

06/15/2017
Date


Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT


I, Raymond M. Golly, Radiographer License No. R07402, by affixing my signature hereto, acknowledge that:

1. I have knowingly and voluntarily elected not to consult with counsel prior to entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by Panel B of the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.
2. I am aware that I am entitled to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. II § 14-405 (2014 Repl. Vol.) and Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2014 Repl. Vol.).
3. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have 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 as provided by law. I am waiving those procedural and substantive protections.
4. I voluntarily enter into and agree to abide by the terms and conditions set forth herein as a resolution of the Charges against me. I waive any right to contest the Findings of Fact and Conclusions of Law and I waive my right to a full evidentiary hearing, as set forth above, and my right to appeal any adverse ruling of a Disciplinary Panel of the Board

that might have followed any such hearing, and any right to appeal this Consent Order.

- 5. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

6-7-17
Date


Raymond M. Golly, Radiographer, Respondent

NOTARY

STATE OF South Carolina

CITY/COUNTY OF Surfside Beach / Horry

I HEREBY CERTIFY that on this 7th day of JUNE, ~~2015~~ 2017 before me, a Notary Public of the State and County aforesaid, personally

appeared Raymond M. Golly, Radiographer, License number R07402, and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.


Notary Public

My commission expires MARCH 20, 2025

TONYA A. SIMMONS
Notary Public - State of South Carolina
My Commission Expires March 20, 2025