

IN THE MATTER OF * BEFORE THE
 ODIANOSEN ORIAIFO * MARYLAND STATE
 Applicant * BOARD OF PHYSICIANS
 * CASE NO. 2224-007B
 * * * * *

**NOTICE OF INTENT TO DENY APPLICATION FOR PHYSICIAN ASSISTANT
 LICENSURE UNDER THE MARYLAND PHYSICIAN ASSISTANTS ACT**

Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) hereby notifies **ODIANOSEN ORIAIFO** (the “Applicant”) of its intent to deny his *Physician Assistant Application for Licensure*, dated September 6, 2022 (the “Application”), pursuant to the Maryland Physician Assistants Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 15-101 *et seq.* (2021 Repl. Vol. and 2023 Supp.).

Panel B takes such action pursuant to the following statutory provisions, which provide:

Health Occ. § 15-303. License qualifications.

- (a) To qualify for a license, an applicant shall:
 - ...
 - (2) Be of good moral character;

Health Occ. § 15-311. Denial of Licensure.

Subject to the hearing provisions of § 15-315 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of a quorum, may deny a license to any applicant for:

- (1) Any of the reasons that are grounds for disciplinary action under § 15-314 of this subtitle;

Health Occ. § 15-314. Discipline of physician assistants.

(a) Subject to the hearing provisions of § 15-315 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum, may reprimand any physician assistant, place any physician assistant on probation, or suspend or revoke a license if the physician assistant:

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

....

(3) Is guilty of:

....

(ii) Unprofessional conduct in the practice of medicine;

....

(11) Willfully makes or files a false report or record in the practice of medicine;

....

(21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veterans' Administrative for an act that would be grounds for disciplinary action under this section;

....

(36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine[.]

Regarding § 15-314(a)(21), acts that would be grounds for disciplinary action under Health Occ. § 15-314(a) consist of the following:

(3) Is guilty of:

....

(ii) Unprofessional conduct in the practice of medicine;

....

(11) Willfully makes or files a false report or record in the practice of medicine[.]

ALLEGATIONS OF FACT¹

Panel B intends to deny the Applicant's Application based on the following facts that it has reasonable cause to believe are true:

I. Introduction

1. The Applicant included several misrepresentations about his work history and fitness to practice medicine in his Application to the Board. For example, the Applicant failed to disclose that he had a license to practice medicine in the United Kingdom ("UK") from November 11, 2010 until on or about March 1, 2022. The Applicant also failed to disclose that, in the UK, the General Medical Council ("GMC")² erased him from the

¹ The allegations set forth in this document are intended to provide the Applicant with notice of the Panel's action. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Applicant in connection with this Notice.

² The GMC is a public body that manages the official UK medical register, which is the list of all doctors registered to practice in the UK. The GMC can investigate a doctor if there is a concern about his or her fitness to practice, and it can refer a case to the Medical Practitioners Tribunal Service for hearing.

national medical register after the Medical Practitioners Tribunal Service (the “Tribunal”)³ determined that he engaged in misconduct when he falsified his timesheets in order to receive compensation for more hours than he actually worked.

II. Application for Licensure

2. On or about September 6, 2022, the Applicant submitted his Application to the Board.

3. On page four of the Application, it requests that the Applicant list “all states or other jurisdictions in which [you] ever held a license/certificate/registration to practice in ANY other health occupation. . . . If you have never been licensed in any other health occupation, write N/A here.” The Applicant wrote, “N/A.”

4. On pages five and six of the Application, the Applicant answered “No” to the following questions in the in the section entitled, “Character and Fitness Questions”:

- (a) “Has a state licensing or disciplinary board (including Maryland), a comparable body in the armed services or the Veterans Administration, ever taken action against your license? Such actions include, but are not limited to, limitations of practice, required education admonishment or reprimand, suspension, probation or revocation.”
- (b) “Has any licensing or disciplinary board in any jurisdiction (including Maryland), a comparable body in the armed services or the Veterans Administration, ever filed any complaints or charges against you or investigated you for any reason?”
- (c) “Has a hospital, related health care institution, HMO, or alternative health care system ever investigated you or ever brought charges against you?”

³ The Medical Practitioners Tribunal Service is an independent tribunal in the UK that holds hearings for doctors whose fitness to practice medicine is called into question. After a hearing, it may also impose sanctions.

- (d) “Has a hospital, related health care institution, HMO, or alternative health care system ever denied your application; failed to renew your privileges, including your privileges as a resident; or limited, restricted, suspended, or revoked your privileges in any way?”
- (e) “Have you ever voluntarily resigned or terminated a contract with any hospital, HMO, other health care facility, health care provider, institution, armed services or the Veterans Administration while under investigation by that institution for disciplinary reasons?”

5. On page seven of the Application, the Applicant signed his name underneath the following certification:

I certify that I have personally reviewed all responses to the items in this application and that the information I have given is true and correct to the best of my knowledge and that any false information provided as part of my application may be the cause for the denial of my application. I also certify that I am thoroughly familiar with the Statute (MD. Code Ann., Health Occ. 15-101 et seq.) and Code of Maryland Regulations (COMAR) 10.32.03 which governs the practice of Physician Assistants in Maryland.

6. Further, on page seven, the Applicant signed his name underneath a release in which he authorized the Board to request any information necessary to process his Application from any person or agency, including “former and current employers, government agencies, the National Practitioners Data Bank, the Federation of State Medical Boards, hospitals and other licensing bodies.”

7. In processing the Application, Board staff obtained the Applicant’s Practitioner Profile from the Federation of State Medical Boards on September 20, 2023. The Practitioner Profile stated that the Applicant obtained a medical license in the UK on November 11, 2010. Further, it stated that the GMC issued a warning to the Applicant on

April 9, 2015; a suspension on March 22, 2016; and another suspension on September 21, 2020.

III. Board Investigation

8. After reviewing this information, Board staff sent an email to the Applicant on September 20, 2023, requesting that he provide an explanation for the GMC's actions against him and "any/all supporting documentation."

9. On September 22, 2023, the Applicant replied via email to Board staff and provided information about the actions taken against him by the GMC. The Applicant stated:

In 2016, there [were] some allegations of fraud made against me by NHS Grampian to the GMC. These were in relation to alterations in my time sheet and over-payment for hours not worked. . . . I requested for a voluntary erasure because I was no longer in the country, which was denied. The case was referred to a tribunal and the outcome was a revocation of my license in the UK.

10. The Applicant attached to his email documents relating to the GMC's investigation; the investigative file, decision, and recommendation from the NHS Scotland Counter Fraud Services;⁴ and the outcome of the Tribunal hearing.

11. The investigative file from the NHS Scotland Counter Fraud Services revealed the following information:

- (a) On or about February 4, 2016, the NHS hospital where the Applicant worked referred his case to the GMC due to potential fraud in relation to his timesheets.

⁴ NHS Scotland Counter Fraud Services is part of the National Health Service in Scotland. The Counter Fraud Services investigates fraud and corruption in the NHS Scotland.

- (b) By letter dated March 11, 2016, the GMC informed the Applicant of its investigation and notified him of an interim order hearing before the Tribunal on March 22, 2016.
- (c) By letter dated March 14, 2016, the Tribunal also notified the Applicant of the interim order hearing on March 22, 2016.
- (d) By letter dated March 23, 2016, the Tribunal notified the Applicant that the Tribunal met on March 22, 2016, that it decided to proceed in the Applicant's absence, and that it suspended the Applicant's registration beginning on March 22, 2016.
- (e) By email dated June 29, 2016, NHS Counter Fraud Services staff informed GMC staff that they have been unable to locate the Applicant, but they did learn that after the Applicant "was challenged about timesheet anomalies . . . he . . . unexpectedly vacated the property which [he was] renting in [the UK] and flew from there to Baltimore, USA[.]"
- (f) The Tribunal held interim order review hearings on September 12, 2016; February 27, 2017; August 16, 2017; February 6, 2018; July 25, 2018; November 2, 2018; April 17, 2019; November 11, 2019; April 30, 2020; and October 29, 2020, all of which were held in the Applicant's absence amid ongoing attempts by the GMC, Tribunal, and the NHS Counter Fraud Services to locate him. At each hearing, the Tribunal determined that the interim order of suspension remained appropriate.

12. Through its investigation, Board staff found that a search for the Applicant on the UK's medical register through the GMC's public website returns the following result: "Not Registered – Erased after Fitness to Practise panel hearing." Additionally, the Applicant's page on the GMC's public website includes a link to the Tribunal's Record of Determinations, which is labeled, "public record."⁵

⁵ Odianoson Demudia Oriafio, GENERAL MEDICAL COUNCIL, <https://www.gmc-uk.org/doctors/7074649> (last visited Jan. 22, 2024).

The Tribunal's Record of Determinations

13. The Tribunal held a hearing on the allegations against the Applicant on or about February 22, 2022. The Tribunal's Record of Determinations regarding the Applicant is dated February 22, 2022 through March 1, 2022. The Tribunal's factual findings included but were not limited to the following:

- (a) The Applicant worked as a locum doctor at Dr. Gray's Hospital in Elgin, Scotland between May 23, 2014 and January 26, 2016;
- (b) On more than one occasion between May 27, 2014 and January 26, 2016, the Applicant falsified his timesheets so as to "claim for hours in excess of the hours [he] had worked" and "receive payment for hours which [he was] not entitled to be paid for";
- (c) The Applicant "knew the information included in the timesheets . . . was untrue in that it did not accurately reflect the hours that [he] had worked";
- (d) The Applicant's actions "were dishonest";
- (e) The Applicant submitted a timesheet dated January 4, 2016, which he completed and signed the "client" section in the name of "Dr. A" even though the Applicant "knew that Dr. A had not completed and signed the 'client' section of the [January 4] timesheet when [the Applicant] submitted it";
- (f) While working at Dr. Gray's Hospital on January 26, 2016, the Applicant left between 12:00 and 12:30 after being informed about "the irregularities in [his] timesheets" and he failed to do the following:
 - (i) notify colleagues of his intention to leave Dr. Gray's;
 - (ii) complete the allocated hours of his shift;
 - (iii) arrange suitable cover for his post;
 - (iv) deliver a presentation to colleagues at 12:30; and

- (v) respond to attempts made by another doctor to contact him by telephone.

14. The Tribunal made its determination as to whether the Applicant is impaired to practice medicine on or about March 1, 2022. The Tribunal's determinations included but were not limited to the following:

- (a) The Applicant's "actions fell seriously below the standards expected and would be considered wholly unacceptable by members of the public and profession alike. The Tribunal was satisfied that [the Applicant's] dishonesty amounted to misconduct which was serious";
- (b) The Applicant's behavior of forging his colleague's signature "would be considered deplorable by fellow practitioners" and "his actions fell seriously below the standards of conduct reasonably expected of a doctor and amounted to misconduct which was serious";
- (c) The Applicant's behavior of leaving the hospital premises "in the middle of his shift without notifying anybody or arranging suitable cover . . . potentially put patients at risk of harm." The Tribunal determined that this behavior fell "seriously below the standards expected and amounted to misconduct that was serious."

15. After determining that the facts proved "serious misconduct," the Tribunal determined that the Applicant's fitness to practice medicine was "impaired by reason of misconduct."

16. In considering a sanction, the Tribunal noted the Applicant's "dishonesty . . . was both persistent and covered up[.]" The Tribunal "determined to erase [the Applicant's] name from the Medical Register." Erasure of the Applicant's name from the Medical Register "is the only sanction sufficient to uphold the overarching objective to protect the public, maintain public confidence in the profession and uphold proper professional standards."

IV. Grounds for Denial of the Application

17. Pursuant to Health Occ. § 15-311(1), a disciplinary panel of the Board may deny a physician assistant license to any applicant for any of the reasons that are grounds for action under Health Occ. § 15-314.

18. As stated above, the GMC and the Tribunal in the UK disciplined the Applicant for professional misconduct based on his actions that included altering his timesheets to receive compensation for hours that he did not actually work at a hospital in Scotland and leaving in the middle of his shift at the hospital without notifying anyone. These findings would constitute grounds for action under Health Occ. § 15-314.

19. Panel B intends to deny the Applicant's Application based on grounds under the following provisions of Health Occ. § 15-314(a): (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another; (3) Is guilty of: (ii) Unprofessional conduct in the practice of medicine; (11) Willfully makes or files a false report or record in the practice of medicine; (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veterans' Administration for an act that would be grounds for disciplinary action under this section;⁶ and (36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine.

⁶ Regarding § 15-314(a)(21), acts that would be grounds for disciplinary action under Health Occ. § 15-314(a) consist of the following: (3) Is guilty of (ii) Unprofessional conduct in the practice of medicine and (11) Willfully makes or files a false report or record in the practice of medicine.

20. Panel B also intends to deny the Applicant's Application based on grounds under Health Occ. § 15-303(a)(2), which states that the applicant shall be of good moral character.

NOTICE OF AN OPPORTUNITY FOR A HEARING

In accordance with the Administrative Procedure Act, Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2021 Repl. Vol. and 2023 Supp.), Panel B hereby notifies the Applicant of his opportunity for a hearing before Panel B makes a final decision in this case. The Applicant must request a hearing **WITHIN THIRTY (30) DAYS** of the date of this notice. The request for a hearing must be made in writing to:

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, Maryland 21215-0095
Phone: (410) 764-4771; Fax: (410) 358-2252

If a request for a hearing is made, a conference will be scheduled before Panel B, sitting as a Disciplinary Committee for Case Resolution of the Board. In addition, a prehearing conference and a hearing before an Administrative Law Judge will be scheduled.

If Panel B does not receive a written request for a hearing within **thirty (30) days** from the date of this notice, it will sign the attached Final Order.

ANTHONY G. BROWN
Attorney General of Maryland

1/23/2024
Date


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