

IN THE MATTER OF
RUBEN X. PAGAN, M.D.

Applicant

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case Number: 2224-0029 B

* * * * *

**NOTICE OF INTENT TO DENY MARYLAND EXPEDITED LICENSE BY
ENDORSEMENT APPLICATION UNDER THE MARYLAND MEDICAL
PRACTICE ACT**

Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) hereby notifies **RUBEN X. PAGAN, M.D.** (the “Applicant”) of Panel B’s intent to deny his Maryland Expedited License by Endorsement Application under the Maryland Medical Practice Act (the “Act”), codified at Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2021 Repl. Vol. and 2023 Supp.).

The pertinent provisions of the Act provide:

Health Occ. § 14-307 Qualification of Applicants

....

(b) The applicant shall be of good moral character.

Health Occ. § 14-205 Additional Powers and Duties of Board

....

(b)(3) Subject to the Administrative Procedure Act [State Government §§ 10-101 *et seq.*] and the hearing provisions of § 14-405 of this title, a disciplinary panel may deny a license to an applicant . . . for:

(i) Any of the reasons that are grounds for action under § 14-404 . . . of this title[.]

Health Occ. § 14-404 License, denial, suspension or revocation

- (a) *In general.* -- Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:
- (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; [and]
....
 - (36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine[.]

ALLEGATIONS OF FACT¹

Panel B bases its action on the following facts that it has reason to believe are true:

1. At all times relevant, the Applicant is not and has never been licensed to practice medicine in the State of Maryland.
2. The Applicant is board certified in anesthesiology and licensed to practice

¹ The allegations set forth in this notice are intended to provide the Applicant with reasonable notice of the basis of Panel B's intent to deny his application. 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.

medicine in Florida, New Jersey, New York, and Virginia.

3. On or about January 13, 2023, the Board received the Applicant's Maryland Expedited License by Endorsement Application (the "Application").

4. The Application includes a series of character and fitness questions, including a question about any prior criminal charges.

5. In the Application, the Applicant stated that the only time he ever pleaded guilty or nolo contendere to any criminal charge or was convicted of a crime or placed on probation before judgement because of a criminal charge was for driving on a suspended license in 2004.

6. As part of the application process, the Board obtained the Applicant's criminal record which stated, among other things, that the Applicant pled nolo contendere to simple battery in 2016.

7. The Board investigated the discrepancy between the Applicant's statements in the Application and the information on the Applicant's criminal record and determined that the Applicant's response to a character and fitness question on the Application was not truthful.

8. Court records subpoenaed and received by the Board stated that the Applicant pled nolo contendere to simple battery on October 18, 2016.

GROUND FOR DENIAL OF APPLICATION

Health Occ. § 14-307(b) requires that an applicant be of good moral character and the Applicant's failure to disclose his plea of nolo contendere to simple battery constitutes, in whole or in part, grounds for the Board to find that the Applicant lacks good moral

character. In addition, under Health Occ. § 14-205(b)(3)(i), a Board disciplinary panel may deny a license for any of the reasons that are grounds for action under Health Occ. § 14-404. The Applicant's actions of failing to disclose his plea of nolo contendere to simple battery, constitute, in whole or in part, grounds for a Board disciplinary panel to find that the Applicant: fraudulently or deceptively attempts to obtain a license, in violation of Health Occ. § 14-404(a)(1); is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii); willfully makes or files a false report or record in the practice of medicine, in violation of Health Occ. § 14-404(a)(11); willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine, in violation of Health Occ. § 14-404(a)(36); and deny his application for licensure.

NOTICE OF AN OPPORTUNITY FOR A HEARING

In accordance with the Administrative Procedure Act, Md. Code Ann., State Gov't §§ 10-101, *et seq.*, (2021 Repl. Vol. & 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 Applicant's receipt 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
Phone: (410) 764-4771
Fax: (410) 358-1298

If a request for a hearing is made within thirty (30) days of receipt of this notice, a Disciplinary Committee for Case Resolution (“DCCR”) will be scheduled before Panel B. If the case cannot be resolved by consent, 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** of service of this notice, Panel B will sign the attached Final Order, denying the Applicant’s Application for an initial license to practice medicine in Maryland.

ANTHONY G. BROWN
Attorney General of Maryland

12/5/2023
Date

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