

IN THE MATTER OF  
JESSICA ZG BERENSON, M.D.  
Applicant

\* BEFORE THE MARYLAND  
\* STATE BOARD  
\* OF PHYSICIANS  
\* Case Number: 2218-0133 A

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**CONSENT ORDER OF DENIAL OF APPLICATION**

On August 6, 2018, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”), notified **JESSICA ZG BERENSON, M.D.**, (the “Applicant”), of its intent to deny her Application for Initial Medical Licensure (the “Application”) pursuant to the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2014 Repl. Vol. & 2017 Supp.).

Panel A based its intent to deny on the following provisions:

**Health Occ. § 14-205. Miscellaneous powers and duties.**

...

(b) *Additional powers.* –

...

(3) Subject to the Administrative Procedure Act and the hearing provisions of §14-405 of this title, a disciplinary panel may deny a license to an applicant or, if an applicant has failed to renew the applicant’s license, refuse to renew or reinstate an applicant’s license for:

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

**Health Occ. § 14-404. Denials, reprimands, probations, suspensions, and revocation – Grounds.**

(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:

...

(4) Is professionally, physically, or mentally incompetent[.]

On August 8, 2018, the Applicant submitted a request for a hearing on the denial of the application. Prior to an evidentiary hearing, the Application was provided an opportunity for a Disciplinary Committee on Case Resolution (DCCR”) before Panel A.

On February 13, 2019<sup>1</sup>, Panel A was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring because of the DCCR, Respondent agreed to enter this Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

### **FINDINGS OF FACT**

Panel A makes the following findings of fact:

#### **I. Background**

1. The Applicant was initially licensed to practice medicine in Virginia on April 16, 2015 during her residency training. She renewed her Virginia license on or about October 16, 2017. Her license in Virginia is currently active and in good standing.

2. The Applicant did not practice medicine in Virginia after completing her residency in or about June 2016.

3. The Applicant participated in a pediatric fellowship in Illinois from July 11, 2016 to March 31, 2017.

4. The Applicant has not practiced medicine since mid-2017.

5. In fall 2015, the Applicant became board-certified by the American Board of Pediatrics. Her board-certification will expire in 2025.

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<sup>1</sup> A DCCR had been scheduled for October 13, 2108; however, it was postponed until January 13, 2019.

6. In or about October 2017, the Applicant began full time employment as a clinical researcher at a medical device company (the “Company”) in Maryland.

## **II. The Application**

7. On or about September 22, 2017, the Applicant submitted her Application to the Board, which was received on October 5, 2017.

6. Regarding the “Character and Fitness” Questions, the Applicant answered “Yes” to Question 16c which asked:

Has any licensing or disciplinary board in any jurisdiction (including Maryland), a comparable body in armed services, or the Veterans Administration, ever filed any complaints or charges against you or investigated you for any reason?

8. As an explanation for why she answered “yes,” the Applicant attached to the Application a copy of correspondence, dated September 12, 2014, sent to her from the Virginia Board. In the correspondence, the Virginia Board stated that it had investigated “allegations that you may be unable to practice medicine safely.” The Virginia Board further informed the Applicant that it had determined it would not take disciplinary action.

9. The Applicant further explained in an attachment to the Application that she “took two weeks of medical leave during my residency. I was also on medical leave before I left my fellowship program.”

10. On or about October 13, 2017, the Board requested that the Applicant provide a detailed explanation for her affirmative answer to Question 16c and an explanation for her “off-cycle training from July 2016, to March 2017.”

11. On or about October 18, 2017, the Applicant informed the Maryland Board

that in 2014, during her second year of residency,<sup>2</sup> she developed a health problem and decided to seek treatment. She completed treatment and returned to her residency. The Applicant further explained that in 2014, she had made the Virginia Board aware of her health issues.<sup>3</sup>

12. Also, on or about October 18, 2017, the Board received the Applicant's explanation that she started a Pediatric Intensive Care Unit fellowship in July 2016, at a hospital in Illinois. In December 2016, she had a recurrence of her health issues and took a medical leave from her fellowship. The Applicant stated that she withdrew from the fellowship in good standing and returned to the Washington, DC area to continue treatment.

13. On or about November 15, 2017, the Board sent the Applicant a letter asking for the names and addresses of each physician who has treated her.

14. On December 21, 2017, Board staff requested that the Applicant provide a chronological summary of the history of her treatment, beginning in 2014 through the present. The Applicant subsequently submitted a detailed document describing her treatment between January 2014 and December 2107, which included a number of hospitalizations or partial hospitalizations.

### **III. Investigation**

15. On or about February 14, 2018, the Board notified the Applicant that a full investigation had been opened based on information she provided in her Application and in her responses. In the letter, the Board directed the Applicant to contact the Maryland

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<sup>2</sup> The Applicant was in her second year of a pediatric residency from June 2013 to July 2014.

<sup>3</sup> Apparently, it was this information that caused the Virginia Board to open an investigation.

Professional Rehabilitation Program (“MPRP”) to schedule an examination pursuant to its authority under Health Occ. § 14-402.

16. The Applicant was scheduled to be evaluated at MPRP; however, on March 15, 2018, the MPRP informed the Board that the Applicant had been admitted to a hospital.

17. On April 18, 2018, counsel for the Applicant informed the Board that the Applicant had been discharged from the hospital but was then re-admitted. On April 22, 2018, the Applicant transferred to an out-of-state residential program.

18. On or about May 22, 2018, the Applicant was discharged from residential treatment and entered outpatient care.

19. Between in or about June 2018, through September 2018, the Applicant returned from medical leave to her full-time employment as a senior clinical researcher at the Company.

20. The Applicant was hospitalized from September 28, 2018 to November 28, 2018. She then attended an out-of-state residential program until January 10, 2019. From January 15, 2019 to late February 2019, the Applicant participated in an outpatient day treatment program in Maryland.

21. The Applicant is currently employed full time as an executive at a venture capital firm where she helps select and manage its portfolio of early stage health care investments.

### **CONCLUSIONS OF LAW**

Panel A concludes that the Applicant is professionally, physically, or mentally incompetent at this time, in violation of Health Occ. §14-404(a)(4).

**ORDER**

**ORDERED** that the Applicant's Application for Medical Licensure dated September 22, 2017, and received by the Board on October 5, 2017, is **DENIED** at this time; and it is further

**ORDERED** that the Applicant may apply for a medical license after a minimum period of **ONE (1) YEAR** from the effective date of this Consent Order; and it is further

**ORDERED** that the effective date of this Consent Order is the date the Consent Order is signed by the Executive Director of the Board or her designee. The Executive Director signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order; and it is further

**ORDERED** that the Consent Order is a public document pursuant to Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2), and Gen. Prov. § 4-333(b)(6) (2014 and Supp. 2018).

05/09/2019  
Date

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

## CONSENT

I, Jessica ZG Berenson, M.D., acknowledge that I have consulted with counsel before signing this document.

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

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the pending charges. I waive these rights and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability 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 their behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understands the language and meaning of its terms.

## Signature on File

5/1/19  
Date

Jessica ZG Berenson  
Jessica ZG Berenson, M.D.  
Respondent

### NOTARY

STATE OF Arizona  
CITY/COUNTY OF \_\_\_\_\_

I HEREBY CERTIFY that on this 1 day of May, 2019 before me, a Notary Public of the State and County aforesaid, personally appeared Jessica ZG Berenson, M.D., and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Tamara Taylor  
Notary Public

My commission expires 11/27/2022

1 May 2019  
Date

