

IN THE MATTER OF	*	BEFORE THE
PETER J. BRUGER, P.A.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: C03868	*	Case Number: 2010-0495
* * * * *	*	* * * * *

**ORDER FOR SUMMARY SUSPENSION OF LICENSE TO PRACTICE AS A
PHYSICIAN ASSISTANT**

The Maryland State Board of Physicians (the "Board") hereby **SUMMARILY SUSPENDS** the license of **PETER J. BRUGER, P.A.** (the "Respondent") (D.O.B., 05/07/1975), License Number C03868, to practice as a physician assistant in the State of Maryland. The Board takes such action pursuant to its authority under Md. State Gov't Code Ann. ("S.G.") § 10-226(c)(2009 Repl. Vol.), concluding that the public health, safety or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true:¹

BACKGROUND FINDINGS

1. At all times relevant hereto, the Respondent was licensed to practice as a physician assistant in the State of Maryland. The Respondent was initially licensed to

¹ The statements regarding the Respondent's conduct are intended to provide the Respondent with notice of the basis of the summary suspension. 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 Respondent in connection with this matter.

practice as a physician assistant in Maryland on September 16, 2008, under License Number C03868. The Respondent's license is current through September 30, 2013.

2. The Respondent has a history of alcohol and substance abuse that resulted in Board disciplinary action, to which he is currently subject.

3. In or around December 2012, the Board initiated an investigation of the Respondent after receiving reports that he consumed alcohol and had been arrested on alcohol-related vehicular charges, in violation of a Board order to which he was subject and in violation of a substance abuse contract he entered into with the Maryland Professional Rehabilitation Program ("MPRP").

4. As a result of its investigation, the Board issues this Order for Summary Suspension pursuant to S.G. § 10-226(c)(2). The Board concludes that the Respondent's actions constitute a substantial likelihood of risk of serious harm to the public health, safety and welfare, which imperatively requires the immediate suspension of his license to practice as a physician assistant.

5. The Board's investigative findings are set forth *infra*.

BOARD INVESTIGATIVE FINDINGS

6. The Respondent has a prior history of substance abuse and misuse of controlled dangerous substances ("CDS"), which resulted in the Board's issuance of disciplinary charges against him. The Respondent resolved these disciplinary charges by entering into two public Board orders, which included monitoring and oversight.

Prior Board Charges and Orders

7. In or around 2010, the Board initiated an investigation of the Respondent after the Respondent's supervising physician reported that he terminated the

Respondent's Delegation Agreement, effective December 4, 2009, after determining that the Respondent illegitimately wrote prescriptions in the names of three individuals for opiates (*i.e.*, oxycodone, a Schedule II CDS, and hydrocodone, a Schedule III CDS) and then diverted those opiates for his own illicit use.

8. The Board then received a report from another health care facility that reported that the Respondent, while on duty there as a physician assistant, was hospitalized after he lost consciousness due to a drug overdose. The Respondent's discharge diagnoses included polydrug overdose (opiates, benzodiazepines, cocaine) and chronic alcohol abuse/dependence.

9. The Board interviewed the Respondent, who admitted that he: misused prescription opioids (*i.e.*, oxycodone), illicit drugs (*i.e.*, heroin, cocaine and GHB (gamma hydroxybutyric acid, a central nervous system depressant and Schedule I CDS)), and Valium (a benzodiazepine and Schedule IV CDS), all without medical justification; used his professional license to procure CDS for illicit or inappropriate purposes; used illegitimate CDS while working as a physician assistant; wrote prescriptions for narcotics for individuals who were not his patients; and overdosed on CDS while working on duty as a physician assistant.

10. As a result of these findings, the Board, on December 6, 2010, charged the Respondent under Board Case Number 2010-0495 with violating the following statutes and regulations: the Maryland Physician Assistants Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") § 15-314, the Maryland Medical Practice Act, H.O. § 14-404; and the Code of Maryland Regulations ("COMAR") tit. 10, § 32.03.11.

11. The Respondent resolved these charges by entering into a Consent Order with the Board, effective March 23, 2011, in which the Board suspended his license for ninety days, required him to enroll in a Participant Rehabilitation Agreement (the "Agreement") with the MPRP, and imposed a five year period of probation, subject to several substance abuse monitoring conditions.

12. On or about April 6, 2011, the Respondent entered into an Agreement with the MPRP. Pursuant to the Agreement, the Respondent agreed to a variety of conditions that included abstaining from the use of alcohol, all non-prescribed CDS, narcotics, illegal drugs or other mood altering substances and agreeing to random, monitored toxicology screens.

13. On or about August 8, 2011, the Board issued an Order Terminating Suspension and Initiating Probation (the "Order"), in which it lifted the suspension of the Respondent's license and placed him on probation for five years, subject to several terms and conditions, including the following:

Condition Four

During the probationary period, and if recommended by the MPRP, the Respondent shall remain in the MPRP and continue in a Board-monitored Rehabilitation Agreement for the length of time recommended by the MPRP. For the entire duration of the probationary period, the 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 Agreements and Rehabilitation Plans entered into with the MPRP, complete abstinence, random monitored toxicology screens as required by the MPRP, self-help fellowship meetings and in-patient substance abuse treatment, if recommended by the MPRP;

Condition Six

For the entire duration of the probationary period, the Respondent shall completely abstain from using alcohol, unprescribed CDS, narcotics, illegal drugs and other mood-altering substances. The Respondent may take CDS, but only if prescribed by a licensed health care provider for a legitimate medical purpose and only as prescribed. Prior to accepting any CDS prescription from a licensed health care provider, the Respondent shall provide the prescribing licensed health care provider with a copy of this Consent Order. The Board shall be immediately notified of any CDS prescription and notified of the justification for the prescription;

Violation of Board Orders and the Agreement

14. On or about December 29, 2012, the MPRP Director notified the Board of several instances in which the Respondent violated the Agreement, the Order, and otherwise posed a danger to himself and/or others, including the following: (a) the Respondent consumed alcohol (positive EtG test results on samples taken on December 10, 2012, and December 17, 2012); (b) the MPRP Medical Review Officer confirmed that both test findings were due to "heavy drinking"; (c) the Respondent admitted to drinking alcohol for about two years; (d) the Respondent admitted to tampering with urine samples while undergoing random toxicology screening; (e) the Respondent left a voicemail message with the MPRP in which he expressed extreme despondency and sounded intoxicated, leading MPRP representatives to petition for the Respondent's emergency evaluation; and (f) the Respondent's family members informed the MPRP that they were in the process of taking the Respondent for inpatient treatment.

15. Board investigation determined that on or about December 1, 2012, the Respondent was arrested for driving while under the influence of alcohol and weapons charges in Baltimore County, Maryland (see *infra*).

Respondent's December 1, 2012, Arrest on Alcohol-Related Vehicular Charges

16. On or about December 1, 2012, the Respondent was arrested and charged with driving while under the influence of alcohol and weapons charges in Baltimore County, Maryland. According to police records, the Respondent, while driving a GMC truck, hit several parked cars, after which police found him passed out behind the wheel of his vehicle on a sidewalk and lawn of a residence. Police observed the Respondent in possession of several alcoholic beverages and an unregistered, loaded revolver. When questioned by police officers at the scene as to whether he had anything to drink that night, the Respondent stated, "I've had way too much." The Respondent consented to a field breathalyzer test that registered 0.09%. The Respondent failed a series of field sobriety tests, after which police took him into custody. Court records indicate that the Respondent is scheduled to stand trial on these charges on March 5, 2013.

17. The Respondent's use of alcohol, positive test findings for alcohol, and arrest on alcohol-related vehicular charges constitute a violation of the Agreement, dated April 6, 2011, and the Order, dated August 8, 2011.

18. Based on its investigation, the Board has a basis to charge the Respondent with violating Conditions Four and Six of the Order, dated August 8, 2011.

CONCLUSIONS OF LAW

Based on the foregoing investigative facts, the Board concludes as a matter of law that the public health, safety or welfare imperatively require emergency action in this case, pursuant to Md. State Gov't Code Ann. § 10-226(c)(2)(2009 Repl. Vol.).

ORDER

It is this 12th day of February, 2013, by a majority of the quorum of the Board:

ORDERED that pursuant to the authority vested by Md. State Gov't Code Ann. §10-226(c)(2), the Respondent's license to practice as a physician assistant in the State of Maryland is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that a post-deprivation hearing in accordance with Code of Maryland Regulations tit. 10, § 32.02.05.B(7), C and E on the Summary Suspension has been scheduled for **Wednesday, February 27, 2013 at 2:00 p.m.**, at the Maryland State Board of Physicians, 4201 Patterson Avenue, Room 108, Baltimore, Maryland 21215-0095; and it is further

ORDERED that at the conclusion of the **SUMMARY SUSPENSION** hearing held before the Board, the Respondent, if dissatisfied with the result of the hearing, may, within ten (10) days, request an evidentiary hearing, such hearing to be held within thirty (30) days of the request, before an administrative law judge at the Office of Administrative Hearings, Administrative Law Building, 11101 Gilroy Road, Hunt Valley, Maryland 21031-1301; and it is further

ORDERED that on presentation of this Order, the Respondent **SHALL SURRENDER** to the Board's investigator the following items:

- (1) his original Maryland License C03868;
- (2) his current renewal certificate;
- (3) his DEA Certificate of Registration, if applicable;
- (4) his Maryland Controlled Dangerous Substance Registration, if applicable;

- (5) All controlled dangerous substances in his possession and/or practice;
- (6) All Medical Assistance prescription forms;
- (7) All prescription forms and pads in his possession and/or practice; and
- (8) Any and all prescription pads on which his name and DEA number are imprinted.

AND IT IS FURTHER ORDERED that a copy of this Order of Summary Suspension shall be filed with the Board in accordance with Md. Health Occ. Code Ann. §§ 14-407 and 15-315(d)(2009 Repl. Vol. and 2012 Supp.); and it is further

ORDERED that during the period of **SUMMARY SUSPENSION**, in accordance with the provisions of Title 4, subtitle 3 of the Health-General Article, the Respondent shall have a continuing duty, on proper request, to provide the details of a patient's medical record to the patient, another physician or hospital; and it is further

ORDERED that this is a Final Order of the Board and, as such, is a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. § 10-611 *et seq.* (2009 Repl. Vol.).



Andrea Mathias, M.D., Chair
Maryland State Board of Physicians