

IN THE MATTER OF

Peter Bruger, P.A.,

Respondent.

License No. C03868

*** BEFORE THE MARYLAND**

*** STATE BOARD OF**

*** PHYSICIANS**

*** Case No. 2010-0495**

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SUPPLEMENTAL ORDER AFTER SHOW CAUSE HEARING

Introduction

In 2010, the Board investigated an allegation that Mr. Bruger illegitimately wrote prescriptions for opiates and then diverted them to his own use. During the investigation, Mr. Bruger admitted that he misused the prescription drugs oxycodone and Valium, as well as the illicit drugs heroin, cocaine and GBH, all without medical justification. After concluding the investigation, the Board charged Mr. Bruger on December 6, 2010 with violating the Maryland Physician Assistants Act and the Medical Practice Act.

Mr. Bruger entered into a Consent Order with the Board to resolve these charges on March 23, 2011. That agreement suspended his license for 90 days, after which time he would be placed on a five-year period of probation, and required that he enroll in a rehabilitation agreement with the Maryland Professional Rehabilitation Program (MPRP). As a condition of enrolling in the MPRP, Mr. Bruger agreed to a number of conditions, including abstaining from the use of alcohol, all non-prescribed CDS, narcotics, illegal drugs or other mood altering substances. After the suspension was lifted on August 8, 2011, the Board placed him on probation for a period of five years.

The probationary terms required, among other conditions, that Mr. Bruger continue his enrollment in the MPRP, comply with its conditions, and abstain from ingesting the same categories of drugs, including alcohol and mood altering substances. That order also specified that, if Mr. Bruger violated the terms of probation, the Board could then impose any sanction permitted under the law for the underlying offense.

Having received information that Mr. Bruger may have violated the terms of probation, the Board issued a Notice of Intent to Revoke and Notice to Show Cause (Notice) on February 21, 2013. That Notice advised Mr. Bruger that it was alleged that he consumed alcohol due to heavy drinking, that he had in fact consumed alcohol for the past two years, that he tampered with his urine samples by which the MPRP has been attempting to monitor his compliance, that he contacted MPRP in an intoxicated state, and that he was involved in an accident in which he hit several parked cars while driving a motor vehicle under the influence of alcohol. The Notice further advised him that, pursuant to the terms of the probation order, if the Board found that he had violated the conditions of probation, the Board could impose any sanction that it could have imposed for the original offense, up to and including revocation of his license and a fine.

The Notice advised Mr. Bruger that a hearing was scheduled before the Board on February 27, 2013 at which hearing he would be required to show cause why the Board should not further sanction him for violating the terms of probation.

Mr. Bruger attended the show cause hearing. He did not deny any of the factual allegations in the Notice, except that he denied the validity of a concealed weapons

offense with which he was charged by the police. The concealed weapons charge, the Board notes, was not one of the specific accusations lodged against Mr. Bruger in the Notice, nor is its resolution of substantial import to the Board's decision. In all other respects, Mr. Bruger admitted that he violated the probationary terms and conditions by committing all of those violations he was specifically accused of in the Notice.

Mr. Bruger informed the Board that he regretted his actions and that he had since received inpatient treatment for substance abuse. He stated that he recognizes that he cannot practice his profession as a physician assistant at the present time, but that he hopes to be able to return to the profession at some time in the future.

Findings of Fact

The Board finds as a fact, based upon the allegations in the Notice which were not disputed by Mr. Bruger, that Mr. Bruger violated the terms of his probation order of August 8, 2011 by ingesting alcohol for the entire period of probation and by tampering with the urine samples while undergoing random toxicology screenings testing for the ingestion of alcohol.

Conclusions of Law

The Board concludes that an evidentiary hearing is not necessary, as there are no material facts in dispute. See COMAR 10.32.02.14. The Board may sanction a licensee for violation of a previous order of the Board. *Cohen v. Maryland State Board of Physician Quality Assurance*, 160 Md. App. 277 (2004). Because Mr. Bruger has blatantly violated the terms of the Consent Order, the imposition of an additional sanction as set out in that Consent Order is appropriate.

Sanction

As a sanction, the Board will revoke Mr. Bruger's license. By entering into the Consent Order, Mr. Bruger escaped a more severe sanction that could have been imposed for his serious offense of misusing and prescribing narcotic and mood altering drugs without any medical purpose. Although professing his need for and willingness to undergo treatment for his problem, Mr. Bruger then lied to his rehabilitation treatment team, continued to imbibe alcohol, and engaged in a ruse to cause the results of his urine screenings to falsely show that he was free of alcohol. This is a case not only of a relapse but also of a deliberate deception of the treatment team. In order to safeguard the public and in order to deter others from such deliberate violation of consent orders, the Board will revoke Mr. Bruger's license.

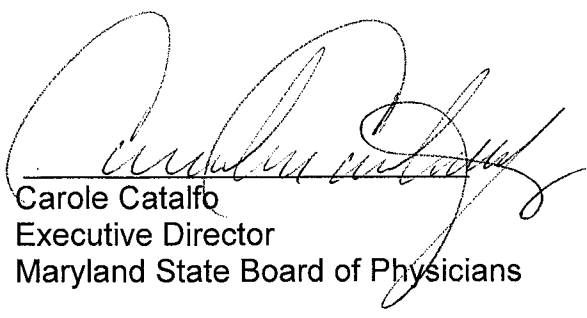
Order

It is hereby **ORDERED** that the license of Peter Bruger, P.A., license number C03868, to practice as a physician assistant in the State of Maryland, is hereby **REVOKED**; and it is further

ORDERED that this revocation will remain in effect for a minimum of one year and will remain in effect thereafter unless and until the Board acts favorably on any petition for reinstatement; and it is further

ORDERED that this is an order that results from formal disciplinary proceedings and, as such, is a public document pursuant to Md. State Gov't Code Ann. §§ 10-617(h)(2)(vi).

3-1-13
Date


Carole Catalfo
Executive Director
Maryland State Board of Physicians