

IN THE MATTER OF

*

BEFORE THE MARYLAND

XINQI PENG, PA-C

*

STATE BOARD OF

Respondent

*

PHYSICIANS

License Number: C05667

*

Case Number: 2224-0024B

* * * * *

CONSENT ORDER

On November 2, 2023, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") charged XINQI PENG, PA-C (the "Respondent"), License Number C05667, with violating the Maryland Physician Assistants Act (the "Act"), Md. Code Ann., Health Occ. §§ 15-101 *et seq.* (2021 Repl. Vol. & 2022 Supp.), and the Code of Maryland Regulations ("COMAR") 10.32.03 *et seq.* Panel B charged the Respondent under the following provisions of the Act and corresponding regulations:

§ 15-314. Reprimand, probation, suspension, revocation.

(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:

....

(45) Fails to comply with any State or federal law pertaining to the practice as a physician assistant.

The pertinent provisions underlying the Health Occ. § 15-314(a)(45) ground are:

Health Occ. § 15-302. Delegation Agreements.

....

(b) The delegation agreement shall contain:

- (6) An attestation of continuous supervision of the physician assistant by the primary supervising physician through the mechanisms described in the delegation agreement

....

- (j) A physician may supervise a physician assistant:

....

- (2) As an alternate supervising physician if:

....

- (iii) The alternate supervising physician's period of supervision, in the temporary absence of the primary supervising physician, does not exceed:

- 1. The period of time specified in the delegation agreement; and
- 2. A period of 45 consecutive days at any one time [...]

...

- (l) (1) In the event of the sudden departure, incapacity, or death of the primary supervising physician of a physician assistant, or change in license status that results in the primary supervising physician being unable to legally practice medicine, an alternate supervising physician designated under subsection (b) of this section may supervise the physician assistant for not longer than 15 days following the event.

COMAR 10.32.03 Delegation of Duties by a Licensed Physician – Physician Assistant

.05 Delegation Agreements –Contents.

- A. Before a physician may delegate medical acts and before a physician assistant may perform medical acts, the physician assistant and primary supervising physician shall file with the Board:

(1) A delegation agreement on the Board-approved form[.]

.07 Supervising Physicians:

....

B. An alternate supervising physician shall:

....

(3) Accept supervising responsibility for periods of time not to exceed the lesser of:

(a) The time period specified in the delegation agreement; or

(b) 45 consecutive days.

C. Sudden Departure of the Primary Supervising Physician.

(1) In the event of the sudden departure, incapacity, or death of a primary supervising physician, a designated alternate supervising physician may assume the role of primary supervising physician in order to provide continuity of care for the patients of the former supervising physician.

(2) A physician who assumes the responsibility of primary supervising physician under § C(1) of this regulation shall submit a complete delegation agreement to the Board within 15 days of assuming the responsibility.

On January 24, 2024, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on the negotiations occurring as a result of this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Facts, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel B made the following factual findings:

1. At all relevant times, the Respondent was and is licensed as a physician assistant in the State of Maryland. The Board initially issued a license to the Respondent on December 19, 2014, under License Number C05667. The Respondent has retained continuous licensure in Maryland since that time. The Respondent's license expires on June 30, 2025, subject to renewal.

2. At all relevant times, the Respondent practiced as a physician assistant at a healthcare facility located in Maryland (the "Facility").¹

3. In or around 2023, the Board received information that caused it to open an investigation into the status of the Respondent's delegation agreement (the "Delegation Agreement"). The Board's investigation revealed the following:

- (a) In or around 2019, the Respondent and a Facility physician ("Physician A") submitted a Delegation Agreement to the Board, designating Physician A as the Respondent's primary supervising physician. The Board approved the Delegation Agreement on or about August 14, 2019;
- (b) On or about February 22, 2022, the Respondent submitted a new Delegation Agreement to the Board, designating another Facility physician ("Physician B") as her proposed primary supervising physician;

¹ For confidentiality reasons, the Facility or any Facility physician referenced herein will not be identified by name in this document.

- (c) In or around April 2022, Physician A retired from the Facility;
- (d) Physician B did not submit the remainder of the Delegation Agreement to the Board, however. Consequently, the Board did not approve the new Delegation Agreement at that time;
- (e) Physician B did not complete and submit Physician B's portion of the Delegation Agreement until on or about April 5, 2023;
- (f) From in or around April 2022 to in or around April 2023, the Respondent practiced medicine as a physician assistant at the Facility without an approved Delegation Agreement.

CONCLUSIONS OF LAW

Based on the Findings of Fact, Disciplinary Panel B of the Board concludes as a matter of law that the Respondent violated Health Occ. § 15-314(a)(45) ("Fails to comply with any State or federal law pertaining to the practice as a physician assistant.") by failing to comply with the following State laws: Health Occ. § 15-302(b)(6), (j)(2)(iii)1, 2, and (l)(1); COMAR 10.32.03.05A(1); and COMAR 10.32.03.07B(3)(a), (b), and C(1), (2).

ORDER

It is, thus, on the affirmative vote of a majority of the quorum of Board Disciplinary Panel B, hereby:

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that, within **SIX MONTHS**, the Respondent shall pay a civil fine of **\$250.00**. The Payment shall be by money order or bank certified check made payable to the Maryland Board of Physicians and mailed to P.O. Box 37217, Baltimore, Maryland 21297. The Board will not renew or reinstate the Respondent's license if the Respondent fails to timely pay the fine to the Board; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board or her designee. The Executive Director or her designee 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 this Consent Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

Signature On File

02/08/2024
Date

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

CONSENT

I, Xinqi Peng, PA-C, 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. § 15-315 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the charges. I waive this right 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 my 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 understand the language and meaning of its terms.

Signature On File

02/06/2024
Date

Xinqi Peng, PA-C
Respondent

NOTARY

STATE OF Maryland

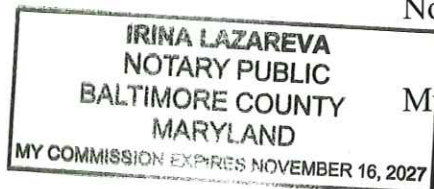
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 6th day of February, 2024, before me, a Notary Public of the foregoing State and City/County, did personally appear Xinqi Peng, PA-C, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSTH my hand and seal.



Notary Public



My commission expires: 11/16/2027