

IN THE MATTER OF
ANDREA N. BAILEY, M.D.
Applicant for Reinstatement
Former License No.: D44694

*** BEFORE THE**
*** MARYLAND STATE**
*** BOARD OF PHYSICIANS**
*** Case No.: 8823-0005**

* * * * *

ORDER ON APPLICATION FOR REINSTATEMENT
OF MEDICAL LICENSE AFTER REVOCATION

I. INTRODUCTION

On January 23, 2018, Disciplinary Panel B (the “Panel” or “Panel B”) of the Maryland State Board of Physicians (the “Board”) issued an Order After Show Cause Hearing revoking the Maryland medical license of Andrea N. Bailey, M.D. The revocation was based on the Panel’s findings that Dr. Bailey violated multiple provisions of a 2016 Consent Order she entered into with the Panel that required her to comply with conditions of a Rehabilitation Agreement with the Maryland Professional Rehabilitation Program (“MPRP”). On October 26, 2022, the Board received Dr. Bailey’s application for the reinstatement of her license.

On October 25, 2023, Panel B, acting as a Reinstatement Inquiry Panel, met with Dr. Bailey and an Administrative Prosecutor from the State to consider her reinstatement application. Panel B reviewed relevant written materials including Dr. Bailey’s application and attachments; criminal court documents from Virginia; answers to the Board’s reinstatement questions received from Dr. Bailey on June 15, 2023; medical records and reports from health providers; letters of support and recommendation; a memorandum from the State recommending the denial of Dr. Bailey’s reinstatement; Dr. Bailey’s reply to the State dated September 8, 2023; and her prior disciplinary Orders. The Panel also heard oral presentations from Dr. Bailey and the State.

II. BACKGROUND

1. Licensure, Professional, and Employment History

Dr. Bailey was originally licensed by the Board to practice medicine in Maryland in 1993. She allowed her license to expire in 2009, applied for reinstatement in October 2014, and her license was reinstated in December 2014. Dr. Bailey's license was suspended from April 2, 2015 until July 30, 2015, and summarily suspended on July 17, 2017. Dr. Bailey also held medical licenses in New York from 1991 to 2016, and in Virginia from 2010 to 2016. Prior to her Maryland license revocation in 2018, Dr. Bailey did not hold any hospital privileges and was not board-certified by the American Board of Medical Specialties. She specialized in pediatrics.

From October 2010 to September 2011, Dr. Bailey was employed by a private pediatric practice in Virginia, and from 2012 to 2013, worked at a Community Health Center in Virginia. From approximately 2013 to 2015, Dr. Bailey was employed part-time as a *locum tenens* physician with clinical assignments in Maryland and Virginia, and from approximately September 2016 to May 2017, was employed in part-time positions at private pediatric offices in Maryland.

2. Criminal History - Virginia 2013-2017: Arrests, Guilty Pleas, and Convictions for Prescription Fraud

Between 2013 and 2017, Dr. Bailey was arrested, charged, and convicted in Virginia on three separate occasions for criminal offenses that included writing multiple fraudulent prescriptions, obtaining drugs by fraud, and attempted prescription fraud.

2013: Virginia Beach and Norfolk

On April 15, 2013, a grand jury in Virginia Beach, Virginia, charged Dr. Bailey with attempting to obtain prescription drugs by fraud. On June 4, 2013, she pleaded guilty to one

count of attempted prescription fraud. The court reduced the charge to a misdemeanor and found Dr. Bailey guilty on July 9, 2014.

On April 17, 2013, a grand jury in Norfolk, Virginia, charged Dr. Bailey with the felony of obtaining drugs by fraud based on her calling into, and picking up, prescriptions for controlled dangerous substances (“CDS”) from a pharmacy, using the names of fictitious patients, and then diverting the CDS for her personal use. On April 30, 2013, Dr. Bailey pleaded guilty to obtaining drugs by fraud. On May 1, 2015, the court found that Dr. Bailey violated her probation, reduced the original charge to a misdemeanor, and convicted her of obtaining drugs by fraud pursuant to her guilty plea.

2017: Virginia Beach

On May 11, 2017, Dr. Bailey was arrested by the Virginia Beach Police Department and charged with one count of felony prescription fraud, and one count of misdemeanor practicing without a valid medical license, based on a police investigation which revealed that, on April 2, 2017, Dr. Bailey called in a non-CDS prescription medication to a chain pharmacy in Virginia under a fictitious name and fictitious date of birth. Dr. Bailey identified herself to the pharmacist as a pediatric doctor practicing in both Maryland and Virginia, when, in fact, she did not hold a medical license in Virginia.¹ After being informed by detectives that she was not permitted to practice in Virginia as her license was suspended there, Dr. Bailey said that she thought she could call in prescriptions as long as they were not CDS. At the time of her arrest, Dr. Bailey possessed numerous blank prescription pads with more than ten other doctors’ names. The criminal investigation also revealed that, since September 2015, Dr. Bailey had called in more than 25 prescriptions to this chain pharmacy for herself in the name of a fictitious person. On

¹ The Virginia Board of Medicine (“Virginia Board”) suspended Dr. Bailey’s Virginia medical license in July, 2016.

October 23, 2017, Dr. Bailey pleaded guilty to both criminal counts and was sentenced to six years' incarceration with all six years suspended. She was placed on indefinite supervised probation with requirements that she remain on good behavior and comply with conditions that included appropriate drug testing, professional evaluations, and treatment.

3. Disciplinary History 2015-2018 – Virginia, Maryland, New York, Maryland

Virginia: Summary Suspension 2015 and Stay of Suspension

In March 2015, the Virginia Board summarily suspended Dr. Bailey's medical license based primarily on her criminal offenses of writing several hundred dosage units of CDS prescriptions for her personal use in the name of fictitious patients between 2010 and 2013. In July 2015, the Virginia Board subsequently stayed the suspension on the condition that Dr. Bailey enroll in and successfully complete a Health Practitioner Monitoring Program.

Maryland: License Suspension 2015 and Stay of Suspension

Pursuant to a Consent Agreement dated April 2, 2015, the Board suspended Dr. Bailey's license in Maryland until her license was reinstated by the Virginia Board. Following the stay by the Virginia Board, the Board stayed her suspension in Maryland on July 30, 2015.

New York: License Revocation March 2016, and Virginia Suspension July 2016

In December 2015, the New York State Board for Professional Medical Conduct ("New York Board") issued charges against Dr. Bailey based on the disciplinary actions by the Maryland and Virginia medical boards. The charges also included unprofessional conduct based on Dr. Bailey's false answers to application questions and the filing of a false report on her New York registration renewal application for her failure to disclose that criminal charges were pending against her in Virginia. In March 2016, the New York Board revoked Dr. Bailey's New

York license after holding a hearing on the charges at which she did not appear. On July 7, 2016, the Virginia Board suspended her license as a reciprocal action.

Maryland: Charges and 2016 Consent Order

Following the Board's investigation and receipt of information revealing Dr. Bailey's criminal and disciplinary history in Virginia and New York, Panel B issued charges against Dr. Bailey on May 26, 2016. The charges were based on her false responses to questions on her application for the reinstatement of her Maryland medical license² in October 2014, and a determination that she submitted an altered Continuing Medical Education ("CME") certificate³ with her application. Panel B also based charges on the March 2016 revocation of her medical license in New York. On November 12, 2015, during the Board's investigation, Dr. Bailey admitted under oath in a Board interview that:

- (1) The multiple CDS prescriptions in the names of fictitious patients that she wrote from 2010 to 2013 and for which she was arrested in Virginia in 2013 were for herself;
- (2) She did not disclose her Virginia criminal history on her Maryland 2014 application for reinstatement because she "thought the charges were going to be dismissed";
- (3) She falsified her CME certificate because she could not find her most recent CMEs;
- (4) She did not have an active DEA license at the time of her interview; and
- (5) She was under stress at that time due to family illnesses and financial pressures.

On August 25, 2016, Dr. Bailey entered into a Consent Order with Panel B to resolve the charges. Panel B concluded that Dr. Bailey violated Md. Code Ann., Health Occ. §§ 14-404(a)(1), (3), (11), and (36) by willfully failing to disclose her guilty pleas in 2013 for prescription fraud in Virginia on her 2014 reinstatement application to the Maryland Board. Panel B also concluded that Dr. Bailey was subject to discipline under the reciprocal discipline

² Dr. Bailey falsely answered "NO" to questions on her Maryland application asking if she had committed a criminal act to which she pled guilty or for which she was convicted . . . , despite her guilty pleas to Virginia criminal authorities in 2013 to obtaining drugs by fraud and attempted prescription fraud.

³ Dr. Bailey attached a certificate of continuing medical education ("CME") to her 2014 application to show that she had taken a pediatric review course for 60 CMEs in May 2014. A subsequent Board investigation revealed that Dr. Bailey had altered the CME certificate she submitted with her application and that the actual date of the course was May 2001.

ground of Health Occ. § 14-404(a)(21), finding that Dr. Bailey's revocation by the New York Board constituted discipline by that licensing board for acts that would be grounds for disciplinary action in Maryland if committed in this state.

The 2016 Consent Order placed Dr. Bailey on probation for a minimum period of four years with terms and conditions, including requiring her to take an ethics course, which she completed in April 2017. The Consent Order also required her to enroll in MPRP and "to fully and timely cooperate and comply with all MPRP's referrals, rules, and requirements, including . . . the terms and conditions of a Participant Rehabilitation Agreement and Participant Rehabilitation Plan. . . ." Dr. Bailey agreed to the conditions. She signed the Consent Order, enrolled in MPRP on September 8, 2016, and entered into a Five-Year Rehabilitation Agreement, in which she agreed not to "self-prescribe nor provide my own medical care or treatment." Dr. Bailey also agreed to comply with her Rehabilitation Plan, which included daily check-ins by phone or email and monthly face-to-face meetings, appropriate treatment and medication management by a physician, and obtaining a vocational monitor.

Non-Compliance with MPRP Requirements and Violation of the 2016 Consent Order

Dr. Bailey failed to comply with MPRP's requirements, in violation of her Consent Order. On May 10, 2017, Dr. Bailey admitted to MPRP staff that she had been self-prescribing a non-CDS and filling it in Maryland for some time. By self-prescribing, Dr. Bailey was also non-compliant with her Rehabilitation Plan requiring appropriate medication management and treatment by her physician.

Vocational Monitoring 2016-2017 and Employment Termination May 2017

From October 2016 through May 2017, vocational reports from a monitoring pediatric office employer of Dr. Bailey showed ratings that went from "excellent" to "poor" in the

categories of attendance, relationship with colleagues, managing stress, and overall quality of work. In general, the reports showed an increasing pattern of poor attendance and punctuality by Dr. Bailey, deteriorating relationships with colleagues, and declining quality of work, including specific incidents of being absent from the pediatric office for periods of time without informing staff, failing to document her clinical activity in patients' charts, and failing to answer about a dozen calls during the night when she was "on-call." A May 2017 report described Dr. Bailey's "decreasing reliability, not completing work on time, leaving without notifying anyone, and a change in relationship with staff and patients." The pediatric practice terminated Dr. Bailey's employment based on its concerns about her overall behavior in the practice, and concerns about her arrest in Virginia.

Subsequent Maryland Board Proceedings

In her written response to the Board, Dr. Bailey stated that she did not realize until after she had completed the ethics course that self-prescribing with any other name than her own "would get [her] into trouble." She also stated that she wrote the prescriptions for herself to "continue my therapy with medications previously prescribed to me for [certain] . . . diagnosed conditions."⁴ In a telephone Board interview under oath on July 3, 2017, Dr. Bailey admitted to self-prescribing and refilling her medications for the past ten years. She conceded that she had no good explanation for self-prescribing while enrolled in MPRP and that she knew using a fictitious name would be illegal.

On June 12, 2017, MPRP notified Dr. Bailey in writing that she was being discharged from MPRP "for cause." The most critical concern cited by MPRP was Dr. Bailey's admission in a phone call, on May 19, 2017, that she had been self-prescribing for the duration of her participation in MPRP since September 2016, in violation of her Rehabilitation Agreement.

⁴ The specific diagnoses have been omitted in this Order.

MPRP also cited Dr. Bailey's termination as a patient by her physician due to non-compliance in treatment, MPRP's inability to meet with her on numerous occasions, and her delay, until June 9, 2017, in signing a practice cessation agreement that was sent to her by MPRP on May 30, 2017, although MPRP sent her additional reminders by email and telephone.

MPRP notified the Board of Dr. Bailey's discharge from the Program and emphasized its serious concerns that she continued to self-prescribe and self-treat for the duration of her participation with MPRP despite her disciplinary sanction by the Virginia Board for self-prescribing. MPRP confirmed that Dr. Bailey's self-prescribing had been explicitly and directly addressed in MPRP's multiple face-to-face meetings and other conversations with her, and that she had acknowledged her understanding that she is prohibited from self-prescribing. MPRP's clinical team did not believe that "additional intervention would be successful. . ." and concluded that Dr. Bailey's "behavior indicates that she is continuing to minimize or being dishonest. . ."

Maryland: July 2017 Summary Suspension

Based on Dr. Bailey's discharge and the serious concerns reported by MPRP, Panel B summarily suspended Dr. Bailey's medical license on July 17, 2017, and continued the Summary Suspension after a post-deprivation hearing on July 27, 2017.

Maryland: September 27, 2017 Show Cause Hearing

On September 27, 2017, following the issuance of a Violation of Consent Order and Notice to Show Cause by the Office of the Attorney General, Panel B conducted a show cause hearing.⁵ At the hearing, Dr. Bailey did not dispute that her MPRP Rehabilitation Agreement required that she not self-prescribe and not self-treat. Nor did she dispute her violation of the

⁵ The Show Cause hearing before Panel B on September 27, 2017 occurred before the conclusion of Dr. Bailey's criminal proceedings in Virginia Beach and before her guilty plea on October 23, 2017 to felony prescription fraud and misdemeanor practicing without a valid medical license. These later-occurring events, therefore, were not considered at the September 27, 2017 Show Cause hearing.

2016 Consent Order or her discharge by MPRP for failing to comply with that provision and with other conditions of her Rehabilitation Plan.

Maryland: January 2018 Revocation

Panel B found that Dr. Bailey violated conditions of the 2016 Consent Order and failed to show she was fit to practice medicine. On January 23, 2018, the Panel revoked Dr. Bailey's medical license.

III. APPLICATION FOR REINSTATEMENT

On October 26, 2022, the Board received Dr. Bailey's application for reinstatement of her license after revocation. Dr. Bailey attached a written addendum to her application detailing stressful events she experienced between 2010 and 2017, including the health decline and deaths of close family members, caregiving responsibilities, job and financial pressures, and her own health conditions. On May 16, 2023, Board staff sent a letter to Dr. Bailey advising her of the post-disciplinary reinstatement process and requesting answers to the following questions:

1. What is your understanding of the nature and circumstances of your conduct, which resulted in the revocation of your Maryland license?
2. What is your understanding of the Board's concerns with respect to your conduct?
3. Have you accepted responsibility for the action(s) resulting in the revocation of your license?
4. What steps have you taken to lessen the likelihood of recurrence?
5. What efforts have you made to maintain your competency to practice medicine (i.e. continuing education credits)?

The Board also asked Dr. Bailey if she was currently being treated for her health conditions and requested signed releases permitting the Board to obtain her treatment records. In addition, the Board requested information about the status of her probation with the court in

Virginia Beach and her compliance with evaluations ordered by the Court. The Board further inquired about her employment while her license was revoked and her employment prospects if her license is reinstated. On June 15, 2023, the Board received written answers from Dr. Bailey.

Answers to Reinstatement Questions

Regarding Question 1, Dr. Bailey admitted that she violated the conditions of her 2016 Consent Order requiring compliance with MPRP; self-prescribed refill medications under a fictitious name while enrolled in MPRP, actions that resulted in violations of her agreement and termination from the program; was terminated from treatment by her physician; and failed to disclose her 2013 guilty pleas for prescription fraud in Virginia in her 2014 Maryland reinstatement application. She also admitted that she gave “fraudulent answers to questions” on her New York license renewal application.

In response to Question 2, Dr. Bailey stated that she understood the Board’s concerns to be whether she understands the severity of her conduct that caused the loss of her license, is completely rehabilitated, is emotionally and psychologically stable with support systems in place for her emotional and professional well-being, has continued in counseling to maintain stability, and what she has done to stabilize her support systems to prevent relapse.

With respect to Questions 3 and 4 and her current treatment for health conditions, Dr. Bailey again attached the written addendum she had provided with her application describing her personal losses, financial stressors, and her health diagnoses at the time her criminal violations occurred. Dr. Bailey attributed her self-prescribing and calling in refills of various prescriptions in a fictitious name to these factors, as well as bad decisions, flawed thinking, and a lack of health insurance. According to Dr. Bailey, she has since reflected on and taken ownership of her actions, has changed, and learned from her mistakes based on therapy and insight she has gained

into her previous behaviors. She also stated that her physical health has stabilized. To lessen the likelihood of recurrence, Dr. Bailey emphasized that she now understands the importance of physical and mental health, has reconnected with trusted health providers, therapists, and friends, and has worked hard to establish relationships, support groups, and a network of personal and professional connections to assist her.

Board staff received Dr. Bailey's current medical records and reports from two treating health providers supporting reinstatement of her medical license. They opined that she was genuinely remorseful for her actions and earnest in continuing her rehabilitative and restorative efforts to manage her health conditions more effectively. Dr. Bailey provided letters of support and recommendations from multiple friends and acquaintances with whom she has reconnected.

Board staff confirmed with the Virginia Department of Corrections that Dr. Bailey completed her supervised probation and received verification of her compliance with the conditions and evaluations ordered by the Virginia Beach court in 2017. Dr. Bailey completed the requisite credit hours for continuing medical education ("CME") and provided documentation of CME courses taken as well as certification from the American Academy of Pediatrics that she obtained 160 CME hours completing PREP Self-Assessments from 2020-2023.

Dr. Bailey informed the Board that her employment history since 2018 included providing services in restaurants and grocery stores, working as a caregiver, and volunteering in community food banks. With respect to prospective employment opportunities, she attached screenshots of text communications from healthcare staffing representatives, recruiters, and individuals, advertising pediatric, urgent care, and locum tenens positions in over 12 other states. In August 2023, the Board received a memorandum from the Administrative Prosecutor for the

State summarizing Dr. Bailey's criminal and disciplinary history and opposing the reinstatement of her medical license. On September 8, 2023, Dr. Bailey sent a series of emails to Board staff, including a written reply to the Administrative Prosecutor, and letters of endorsement and support, most of which she had previously submitted.

Reply to the Administrative Prosecutor

In her September 8, 2023 written reply, Dr. Bailey highlighted specific health conditions as reasons for her crimes of prescription fraud in Virginia and her disciplinary violations in Maryland. She stated that she called in prescriptions for certain CDS using a fictitious name in Virginia in 2013 after she had surgery. Dr. Bailey also stated that her 2017 felony of calling in a non-controlled substance refill for herself to a Virginia pharmacy under a fictitious name was due to another health condition and her "irresponsibility" for a "lack of insurance and a primary care physician." While acknowledging that calling in prescriptions for herself with a fictitious name was not justified, Dr. Bailey stated that she never used other doctors' prescription pads to obtain her medication. Regarding her false answers and failure to disclose her 2013 guilty pleas for prescription fraud in Virginia on her 2014 Maryland reinstatement application, Dr. Bailey maintained that she was already enrolled in a Virginia rehabilitation program when she "renewed [her] Maryland license in 2016" and was "under the impression" that the Maryland Board was therefore aware of her 2013 guilty pleas. She also based her failure to disclose her convictions to the New York Board on her enrollment in the Virginia program and desperation to find work.

Dr. Bailey further claimed that she used an urgent care physician's DEA number to prescribe a CDS for a patient because the physician told her to do so and acknowledged that that she "did not handle this situation appropriately." She asserted that she does not remember being informed of, or receiving, a practice cessation agreement from MPRP in June 2017. Other claims

by Dr. Bailey in her reply include that (1) MPRP statements of her non-compliance were unfair; (2) and all evaluations throughout her employment at a pediatric office were excellent before her employment termination, and she “feel(s)” that a final negative performance evaluation concerning her unreliability and behavior was “written hastily” to protect the pediatric practice against criticism after their knowledge of her Virginia 2017 arrest. With respect to practicing without a valid license, Dr. Bailey claimed that she does not “understand this charge at all” because she had a Maryland license in good standing when she worked at the pediatric practice and until she was charged [in Virginia] in May of 2017. She also stated that she has not worked as a physician in 6 years because she does not have a license, and “to [her] recollection,” she told the Virginia pharmacist that she had a license in Maryland, not in Virginia.

IV. CONSIDERATION OF APPLICATION

The reinstatement of an individual’s license after revocation is a discretionary decision by a disciplinary panel. Health Occ. § 14-409; *see Oltman v. Maryland State Board of Physicians*, 182 Md. App. 65, 78 (2008). The Panel must consider whether post-disciplinary reinstatement is in the interest of the health and welfare of the general public and consistent with the best interest of the profession. COMAR 10.32.02.06B(7). If a disciplinary panel chooses not to reinstate the petitioner’s license, the “disciplinary panel decision denying reinstatement may set out when, if ever, a subsequent petition may be submitted.” COMAR 10.32.02.06B(8).

The Panel is sympathetic to the personal losses experienced by Dr. Bailey and commends her for the efforts she has undertaken since her revocation to overcome challenges and address multiple difficulties and stressors in her life. The Panel has considered the medical reports, recommendations, character attestations, and letters from health care providers, friends, and acquaintances that Dr. Bailey submitted to support her application and credits the progress she

has made since her 2017 guilty plea to prescription fraud. In addition to keeping up with literature in the pediatric field, Dr. Bailey has obtained more than the requisite continuing medical education credit hours. Her fulfillment of the conditions ordered by the Virginia Beach court and recognition of the importance of addressing her health conditions and having a support system are laudable. The Panel agrees with Dr. Bailey that there is no justification for calling in prescriptions for herself under a fictitious name. Her recent statement that she never used prescription pads to obtain her medication, however, does not mitigate the extremely serious nature of her criminal offenses for prescription fraud.

In addition, the inconsistencies between Dr. Bailey's initial answers to the Board's reinstatement questions in June 2023 and her most recent reply to the State's summary of her criminal and disciplinary history in September 2023, are also deeply concerning to the Panel, and undermine her initial claims of rehabilitation and statements that she has taken responsibility for her actions. Dr. Bailey's license was revoked because of the deliberate nature of her crimes of prescription fraud, which continued for years. Panel B was also concerned about her intentional dishonesty in concealing material information regarding her criminal actions on her 2014 reinstatement application, and her non-compliance with the conditions necessary to ensure her fitness to practice medicine safely, despite the Panel's forbearance and the previous opportunities granted to her in the 2016 Consent Order. While admitting her criminal and disciplinary violations in her initial answers, Dr. Bailey relied extensively on her health conditions and a lack of insurance not merely to explain, but to justify those violations in her later reply. In so doing, she contradicted many of her previous admissions, distorted facts, disputed that she practiced without a license, and repeatedly ignored, minimized, or attempted to justify the nature, seriousness, and totality of her conduct.

Most perplexing to the Panel is Dr. Bailey's reliance on her Maryland license as a pretext for her claim that she does not understand "at all" how she could be charged with practicing without a license. She pleaded guilty to practicing without a valid license in Virginia, not in Maryland. In her reply, Dr. Bailey blurs the distinction between her Maryland medical license, which was in effect in May 2017, and her Virginia license, which was suspended in 2016. As a highly educated, intelligent physician with knowledge of the formal criminal charges issued in Virginia on May 11, 2017, for felony prescription fraud and misdemeanor practicing without a valid medical license, Dr. Bailey's purported ignorance of the latter charge is not only implausible, but utterly inconsistent with the Plea Agreement and Stipulation of Facts that she signed on October 23, 2017. In her Plea Agreement, Dr. Bailey pleaded guilty to both charges, and agreed that she entered her guilty plea because she was, in fact, guilty. The Stipulation of Facts confirms that Dr. Bailey identified herself to the pharmacist as a pediatric doctor practicing in both Maryland and Virginia. When advised by detectives that she was not permitted to prescribe in Virginia because of her suspended license, she said she thought she could call in prescriptions as long as they were not CDS. Dr. Bailey does not address her intentionally false statements to the Virginia pharmacist that she could not remember her DEA number and later telling detectives that she did not have one.

Equally troubling to the Panel are the contradictions between Dr. Bailey's September 2023 statements and her prior June 2023 admissions that (1) she failed to disclose her 2013 guilty pleas for prescription fraud in Virginia on her 2014 Maryland reinstatement application; and (2) she gave "fraudulent answers to questions" on her New York license renewal application. In her reply, she downplayed responsibility for her false "NO" answers and maintained that both boards must have already known of her guilty pleas because of her enrollment in a Virginia

rehabilitation program. She also altered the date of her 2014 application to 2016 and contradicted her sworn testimony to the Board on November 12, 2015 stating that she failed to disclose her Virginia criminal history because she “thought the charges were going to be dismissed.” Dr. Bailey’s culpability for her false answers on her applications to the Maryland and New York licensing boards is not diminished by her obfuscation of the facts in her latest reply and her “impression” that these boards were somehow aware of her guilty pleas and the information she chose to withhold. In 2014, the Board had no knowledge of her 2013 guilty pleas to prescription fraud in Virginia⁶ and relied on the veracity of her answers.

Similarly, Dr. Bailey’s latest claim that MPRP was unfair in its statements of her non-compliance in 2017 further underscores the contradictions between her admission in her June 2023 answer to the Board that she self-prescribed refill medications under a fictitious name while enrolled in MPRP and her admissions of those criminal actions to MPRP and the Board in 2017. In Dr. Bailey’s view, she fulfilled much of the MPRP testing and appointments, but her health conditions prevented her full compliance. Her reply not only ignored MPRP’s concern that she violated the most critical condition of her Rehabilitation Agreement not to self-prescribe or self-treat but trivialized her violation. Her claim of unfairness by MPRP demonstrates that she continues to minimize the criminal nature and illegality of her conduct.

Successive pediatric evaluation reports from 2016 to 2017 in Dr. Bailey’s MPRP records also contradict her September 2023 reply regarding her pediatric employment. Although she received an excellent employer evaluation rating on her October 2016 vocational report, the subsequent quarterly reports, from December 2016 to May 2017, reveal a gradual and discernible deterioration in Dr. Bailey’s punctuality, work performance and quality, stress management, and

⁶ In 2015, the Maryland General Assembly enacted § 14-308.1, a provision requiring a criminal history records check (“CHRC”) by all applicants for licensure and reinstatement. *See* 2015 Md. Laws, § 2, ch. 34, Acts 2015.

management, and collegial relationships, including critical comments about her bedside manner and insensitivity to patients and parents. Dr. Bailey does not address the totality of the reports and disputes accounts of her unreliability and behavior. She also claims that she was unaware of practice cessation agreements sent by MPRP, but the record shows that MPRP sent a practice cessation agreement to Dr. Bailey on May 30, 2017, and that she belatedly but eventually signed the agreement on June 9, 2017.

Dr. Bailey stated in her reply that she would like to be judged on her more recent behavior. In her June 2023 answers to the Board's questions, she stated that she had taken ownership of her actions. Based on her revisionist descriptions, in her reply, of her illegal actions, Dr. Bailey's declaration of ownership is not, in the Panel's opinion, sincere or accurate. Despite the steps she has taken to address her prior behavior, Dr. Bailey's recent justifications and continuing proclivity to misrepresent significant facts reveal that she is either unwilling or unable to be fully accountable for that behavior. Her conduct reflected her disregard for both the privilege of medical licensure and the legitimate use of her medical license, from 2013 to 2017, and led to criminal convictions in Virginia and subsequent disciplinary actions by three state licensing boards. Six years later, Dr. Bailey's rationalizations give no assurance to the Panel that she has fully addressed her reparative needs or accepted meaningful responsibility for her ethical deficiencies and lack of commitment to her legal and professional obligations. Nor is the Panel persuaded that she understands the gravity of her past conduct or that she has gained sufficient insight into the events that led to her revocation.

During her oral presentation to the Panel, Dr. Bailey stated that she was unaware of appropriate conduct in the past because she was not focused, and that she has now accepted full

responsibility for what she had done. In responding to a question about her licensure status in Virginia and New York, she said that she had not reapplied for a medical license in those states.

Having considered the entire record in this case, Panel B has determined, in its discretion, that the reinstatement of Dr. Bailey's Maryland medical license is not within the interest of the health and welfare of the public and is not consistent with the best interests of the medical profession. The Panel, therefore, denies her application for reinstatement.

ORDER

It is thus, by Disciplinary Panel B, hereby

ORDERED that the Application for Reinstatement of Medical License filed by Andrea N. Bailey, M.D., former license number D44694, is **DENIED**; and it is further

ORDERED that Dr. Bailey shall not reapply for the reinstatement of her Maryland medical license any earlier than two years from the date of this Order; and it is further

ORDERED that this Order is a public document. *See* Md. Code Ann., Health Occ. §§ 1-607, 14.411.1(b)(2) and Gen. Prov. § 3-333(b)(6).

03/14/2024
Date

Signature On File

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