

IN THE MATTER OF	*	BEFORE THE MARYLAND
ROWENA TAN GRUMBINE, M.D.	*	STATE BOARD OF
Respondent	*	PHYSICIANS
License Number: D87861	*	Case Number: 7723-0087 B
* * * * *		

CONSENT ORDER II

On October 24, 2023, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged Rowena Tan Grumbine, M.D. (the “Respondent”), License Number D87861, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2022 Repl. Vol.). Panel B charged the Respondent under the following provisions of the Act:

Health Occ. § 14-404. License denial, suspension, or revocation.

(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 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 II (“Consent Order II”), consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel B makes the following findings of fact:

I. Background/Licensing Information

1. The Respondent was originally licensed to practice medicine in Maryland on July 8, 2019, under License Number D87861. The Respondent's license is scheduled to expire on September 30, 2024, subject to renewal.

2. The Respondent is also licensed to practice medicine in Indiana, Ohio, Pennsylvania, and Virginia.

3. The Respondent is board-certified in pediatrics.

4. Beginning in November 2019, the Respondent was a locum tenens provider and practiced as a pediatric hospitalist at four Maryland hospitals.¹ Most recently, she practiced at a hospital (the "Hospital") in Maryland from March 10, 2022, until March 14, 2022.

II. The Report

5. On or around March 15, 2022, the Board received a Mandated 10-Day Report from the Hospital and conducted an investigation.

III. The Board Investigation

6. The Board investigation resulted in the Board issuing the Respondent disciplinary charges (the "Disciplinary Charges"), case number 2222-0116 B, after the Board made findings including that the Respondent's practice regarding the resuscitation

¹ To maintain confidentiality, the names of health care facilities, individuals, and health care programs will not be identified in this document.

of newborn babies violated the standard of care² and that the Respondent was guilty of unprofessional conduct in the practice of medicine when she violated a supervisor's order to not attend deliveries at the Hospital.³

7. On or around June 1, 2023, the Respondent voluntarily signed a consent order (the "Consent Order I") to resolve the Disciplinary Charges.⁴

IV. The Respondent's Health Conditions

8. Among other things, Consent Order I required that the Respondent enroll in and successfully complete a Board-approved health program (the "Health Program").

9. As part of the Respondent's participation in the Health Program, the Respondent underwent evaluations (the "Evaluations") and was diagnosed with health conditions.⁵

10. A medical specialist reviewed the pertinent documents, including, but not limited to, documents contained in the Board's investigative file from the Disciplinary Charges and the Evaluations and, on or around September 11, 2023, opined that the Respondent "is not capable of safely practicing medicine at this time."

² The Board submitted the medical records of ten (10) patients to a peer review entity and two peer reviewers, each board-certified in neonatology, independently reviewed the records and determined that the Respondent violated the standard of care for nine (9) out of ten (10) patients.

³ The Respondent was charged with violating Health Occ. § 14-404(a): (3)(ii) Is guilty of unprofessional conduct in the practice of medicine; (22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State; and (40) Fails to keep adequate medical records as determined by appropriate peer review.

⁴ Consent Order I took effect when the Board's Executive Director signed Consent Order I on June 7, 2023.

⁵ For confidentiality reasons, the specific information contained in the Evaluations will not be disclosed in this document.

11. On or around September 14, 2023, the Health Program recommended to the Respondent that she sign a practice cessation agreement⁶ and the Respondent refused.

CONCLUSIONS OF LAW

Based upon the findings of fact, Panel B concludes that the Respondent is professionally, physically, or mentally incompetent, in violation of Health Occ. § 14-404(a)(4).

ORDER

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

ORDERED that the Order for Summary Suspension of License to Practice Medicine (“Order for Summary Suspension”), issued against the Respondent, on October 17, 2023, and the order affirming the Order for Summary Suspension, issued on November 16, 2023, are terminated as moot based upon the suspension ordered under Consent Order II; and it is further

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

ORDERED that the Respondent’s license to practice medicine in Maryland is **SUSPENDED** for a minimum period of **ONE YEAR**, which commences when Consent

⁶ On or around August 15, 2023, the Respondent signed a participation agreement with the Health Program within which she agreed, among other things, “that my individual circumstances may require me to temporarily cease practicing medicine. In that event, I will sign a Voluntary Practice Cessation Agreement.”

Order II goes into effect.⁷ During the suspension, the Respondent shall comply with the following terms and conditions of suspension:

1. During the suspension period, the Respondent, in Maryland, shall not:
 - (a) practice medicine;
 - (b) take any actions to hold herself out to the public as a current provider of medical services;
 - (c) authorize, allow or condone the use of the Respondent's name or provider number by any health care practice or any other licensee or health care provider;
 - (d) function as a peer reviewer for the Board or for any hospital or other medical care facility in the State;
 - (e) prescribe or dispense medicine;
 - (f) perform any other act that requires an active medical license; and
2. The Respondent shall enroll in the Maryland Professional Rehabilitation

Program as follows:

- (a) Within **5 business days**, the Respondent shall contact MPRP to schedule an initial consultation for enrollment;
- (b) Within **15 business days**, the Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;
- (c) the Respondent shall fully and timely cooperate and comply with all MPRP's referrals, rules, requirements, and recommendations, including, but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP;
- (d) the Respondent shall sign and update the written release/consent forms requested by the Board and MPRP, including release/consent forms to authorize MPRP to make verbal and written disclosures to the Board and to authorize the Board to disclose relevant information to MPRP. The Respondent shall not withdraw his release/consent;

⁷ If the Respondent's license expires while the Respondent's license is suspended, the suspension will be tolled.

(e) the Respondent shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities verbal and written information concerning the Respondent and to ensure that MPRP is authorized to receive the health care records of the Respondent. The Respondent shall not withdraw her release/consent;

(f) if, upon the authorization of MPRP, the Respondent transfers to a rehabilitation program in another state, the Respondent's failure to comply with any term or condition of that state's rehabilitation program, constitutes a violation of Consent Order II. The Respondent shall also sign any out-of-state written release/consent forms to authorize the Board to exchange with (i.e., disclose to and receive from) the out-of-state program verbal and written information concerning the Respondent, and to ensure that the Board is authorized to receive the medical records of the Respondent, including, but not limited to, mental health and drug and alcohol evaluation and treatment records. The Respondent shall not withdraw the release/consent; and

(g) the Respondent's failure to comply with any of the above terms or conditions including terms or conditions of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) constitutes a violation of Consent Order II; and it is further

ORDERED that the probation ordered under Consent Order I is terminated as a result of Consent Order II, however, the condition in Consent Order I – that the Respondent pay a civil fine of \$5,000 by money order or bank certified check made payable to the Maryland Board of Physicians and mailed to P.O. Box 37217, Baltimore, Maryland – is tolled until the termination of the suspension ordered in Consent Order II. Thus, the Respondent shall pay the **\$5000** civil fine within one year after the suspension ordered in Consent Order II is terminated; and it is further

ORDERED that a violation of suspension constitutes a violation of Consent Order II; and it is further

ORDERED that, after the Respondent has complied with all terms and conditions of the suspension, and, after the minimum period of suspension imposed by Consent Order

II has passed, and, if the Respondent has complied with all terms and conditions of the suspension and Consent Order II, and MPRP finds and notifies the Board that it is safe for the Respondent to return to the practice of medicine, a Board disciplinary panel will determine whether the suspension is terminated. If a Board disciplinary panel determines that it is safe for the Respondent to return to the practice of medicine, the suspension will be terminated, and the disciplinary panel will issue an order with the terms and conditions it determines are reasonable and appropriate, which may include, but is not limited to, probation and probationary terms and conditions. If, after considering MPRP's determination that it is safe for the Respondent to return to the practice of medicine, the disciplinary panel determines that it is not safe for the Respondent to return to the practice of medicine, the suspension shall remain in effect under the terms and conditions the disciplinary panel finds reasonable and appropriate under the circumstances; and it is further

ORDERED that Consent Order II goes into effect upon the signature of the Executive Director of the Board or her designee. The Executive Director or her designee signs Consent Order II on behalf of Panel B; and it is further

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

ORDERED that, if the Respondent allegedly fails to comply with any term or condition imposed by Consent Order II, the Respondent shall be given notice and an opportunity for a hearing. If a disciplinary panel determines there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of

Administrative Hearings followed by an exceptions process before a disciplinary panel; and if a disciplinary panel determines there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before a disciplinary panel; and it is further

ORDERED that, after the appropriate hearing, if the disciplinary panel determines that the Respondent has failed to comply with any term or condition imposed by Consent Order II, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or impose a further suspension of the Respondent's medical license with appropriate terms and conditions, or revoke the Respondent's license to practice medicine in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine on the Respondent; and it is further

ORDERED that Consent Order II is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

02/21/2024
Date

Signature On File

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

CONSENT

I, Rowena Tan Grumbine, M.D., acknowledge that I have consulted with counsel before signing Consent Order II.

By this Consent, I agree to be bound by Consent Order II 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 charges. I waive this right and elect to sign Consent Order II instead.

I acknowledge the validity and enforceability of Consent Order II 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 Consent Order II. I voluntarily enter into, and agree to comply, with the terms and conditions set forth in Consent Order II 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 Consent Order II. I waive all rights to appeal Consent Order II.

I sign Consent Order II, without reservation, and fully understand its language and the meaning of its terms and conditions.

02/13/2024
Date

Signature On File

Rowena Tan Grumbine, M.D.
Respondent

NOTARY

STATE OF PENNSYLVANIA

CITY/COUNTY OF BLAIR

I HEREBY CERTIFY that, on this 13TH day of FEBRUARY, 2024, before me, a Notary Public of the foregoing State and City/County, did personally appear Rowena Tan Grumbine, M.D. and made oath in due form of law that signing the foregoing Consent Order II was her voluntary act and deed.

AS WITNESSTH my hand and seal.

Cynthia A. Yeager
Notary Public

My commission expires: _____

Commonwealth of Pennsylvania - Notary Seal
Cynthia A. Yeager, Notary Public
Blair County
My commission expires May 24, 2024
Commission number 1183178
Member, Pennsylvania Association of Notaries