

<b>THE MATTER OF</b>	*	<b>BEFORE THE MARYLAND</b>
<b>ADRIAN JUDSON KHAW, M.D.</b>	*	<b>STATE BOARD OF</b>
<b>Respondent</b>	*	<b>PHYSICIANS</b>
<b>License Number: D95231</b>	*	<b>Case Number: 2224-0031 A</b>

\* \* \* \* \*

**CONSENT ORDER**

On December 12, 2023, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged **ADRIAN JUDSON KHAW, M.D.**, (the “Respondent”), License Number D95231, with violating the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2021 Repl. Vol. & 2022 Supp.).

Panel A charged the Respondent with violating the following provisions of Health Occ.

§ 14-404:

(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:

.....

(3) Is guilty of:

(ii) Unprofessional conduct in the practice of medicine  
[and]

.....

(43) Except for the licensure process described under Subtitle 3A of this title, violates any provision of this title, any rule or regulation adopted by the Board, or any State or federal law pertaining to the practice of medicine [.]

The pertinent provision under Health Occ. § 14-404(a)(43) is:

**§ 15-302. Delegation Agreements.**

- (a) A physician may delegate medical acts to a physician assistant only after:
  - (1) A delegation agreement has been executed and filed with the Board[.]

On February 14, 2024, Panel A 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 Fact, Conclusions of Law, Order, and Consent.

**FINDINGS OF FACT**

Panel A makes the following Findings of Fact:

**I. Background**

1. At all relevant times, the Respondent was and is a licensed physician in Maryland. He was initially licensed in the State of Maryland on August 8, 2022, under License Number D95231. His license is scheduled to expire on September 30, 2024, subject to renewal.
2. The Respondent lives in California and is employed as a physician at a national telehealth practice (the “Practice”) based in California.<sup>1</sup>
3. The Respondent is also licensed in multiple other states including but not limited to: California, Colorado, Florida, Georgia, Iowa, Illinois, Massachusetts, Minnesota, Missouri, Nevada, New York, Oklahoma, Pennsylvania, and Texas.

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<sup>1</sup> The names of facilities and individuals in this document are confidential.

## **II. The Complaint**

1. On or around June 6, 2023, the Board received an email (the “Complaint”) from an employee at the Practice stating that, due to an oversight at the Practice, a physician assistant (the “Physician Assistant”) at the Practice did not have a delegation with a primary supervising physician since October 21, 2022.

## **III. Board Investigation**

5. The Board investigated the Complaint and determined that the Respondent delegated medical acts to the Physician Assistant, which were performed on Maryland patients, without filing a delegation agreement with the Board.

6. Patient records subpoenaed and received by the Board documented that this improper delegation of medical acts occurred for approximately seven (7) months.

7. On or around August 14, 2023, the Board received the Respondent’s written response to the Board’s investigation. The Respondent stated, among other things, that he served as the Physician Assistant’s supervising physician from October 2022 until June 1, 2023, without a delegation agreement and that the lack of a delegation agreement was an “administrative oversight.”

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent’s delegation of medical acts to a physician assistant, in the absence of a delegation agreement executed and filed with the Board, constitutes a failure to comply with any State law pertaining to the practice of medicine, specifically Health Occ. § 15-302(a)(1), in violation

of Health Occ. § 14-404(a)(43). Panel A dismisses the charges under the provisions of Health Occ. § 14-403(a)(3)(ii).

**ORDER**

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

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

**ORDERED** that the Respondent shall pay a civil fine of **ONE THOUSAND DOLLARS (\$1,000)**. 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 pay the fine; 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 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 Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

02/29/2024  
Date

***Signature On File***

\_\_\_\_\_  
Christine A. Farrelly, Executive Director  
Maryland State Board of Physician

**CONSENT**

I, Adrian Judson Khaw, M.D., 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. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the pending 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.

2/28/24  
Date

***Signature On File***

Adrian Judson Khaw, M.D.  
Respondent

**NOTARY**

*Pennsylvania*  
STATE OF ~~MARYLAND~~  
CITY/COUNTY OF Philadelphia

I HEREBY CERTIFY that on this 28<sup>th</sup> day of February, 2024,  
before me, a Notary Public of the foregoing State and City/County, personally appeared Adrian  
Judson Khaw, M.D., and made oath in due form of law that signing the foregoing Consent  
Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.

Commonwealth of Pennsylvania - Notary Seal  
Daniel Mattis, Notary Public  
Philadelphia County  
My Commission Expires February 13, 2027  
Commission Number 1431421

*Daniel Mattis*  
Notary Public

My commission expires: 02/13/2027