

IN THE MATTER OF	*	BEFORE THE
JOHN K. YACCOUB, M.D.	*	MARYLAND STATE BOARD
Applicant for Reinstatement After Surrender of License	*	OF PHYSICIANS
	*	Board Case Number 8816-0004B
* * * * *	*	* * * * *

DECISION AND ORDER ON APPLICATION FOR REINSTATEMENT

On November 20, 2013, John K. Yacoub, M.D. surrendered his license to practice medicine in Maryland in order to avoid further prosecution of the disciplinary actions taken against him by the Maryland State Board of Physicians (the “Board”). At issue now is Dr. Yacoub’s application for the reinstatement of his license.

Background

Dr. Yacoub is a gynecologist who was originally licensed by the Board in 1983. He maintained an office at a hospital and held privileges at a second hospital. Both hospitals are in Maryland. In addition to his gynecological practice, which included surgery, Dr. Yacoub ran a weight loss program and a detoxification program, which he operated out of his hospital office.

From 2011 through 2013, Dr. Yacoub prescribed Controlled Dangerous Substances (“CDS”) to his girlfriend. The prescriptions were for his girlfriend’s personal use and were not for a legitimate medical purpose. The prescriptions included Vicodin (hydrocodone), oxycodone, morphine, and fentanyl patches. Also, Dr. Yacoub himself took drugs (which were not prescribed for him) during this period, which, according to Dr. Yacoub, clouded his judgment even further. He also prescribed morphine to two other individuals, who would then obtain the morphine and deliver it to either Dr. Yacoub or his girlfriend. In exchange for the morphine, Dr.

Yacoub prescribed methadone for those two individuals. The methadone also was not prescribed for a legitimate medical purpose.

On October 3, 2013, based upon the conduct described above, the Board issued a Cease and Desist Order, which prohibited Dr. Yacoub from prescribing CDS or from performing any medical or surgical procedures. Then, on October 8, 2013, the Board summarily suspended his license. Additionally, on October 24, 2013, the Board charged Dr. Yacoub under Health Occ. § 14-404(a)(3)(ii) (unprofessional conduct in the practice of Maryland); § 14-404(a)(8) (addiction or habitually using a narcotic or controlled dangerous substance); § 14-404(a)(27) (sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purposes); and § 14-404(a)(28) (dispensing prescription medication without a permit in violation of Health Occ. § 12-102).

On November 20, 2013, in light of the pending Board actions, Dr. Yacoub surrendered his license.¹ Under the Letter of Surrender, Dr. Yacoub agreed that he could not apply for reinstatement for one year. The Letter of Surrender also states, “I understand that when applying for reinstatement, I approach the Board in the same posture as one whose license has been revoked based upon the facts contained herein and that my petition may be accepted or denied by the Board in its sole discretion.”²

Immediately, thereafter, in November 2013, Dr. Yacoub voluntarily entered a 30-day in-patient rehabilitation program in Florida. Upon leaving the in-patient facility, he moved to the

¹ As a result of the surrender of his license, the Panel deems the summary suspension and the cease and desist order as terminated as moot.

² In 2013, § 14-409 of the Health Occupations Article was amended so that a disciplinary panel would decide whether to deny or grant an application for reinstatement. Previously, reinstatement applications after revocation were decided by the full Board. Because Dr. Yacoub agreed that his application would be considered as if his license had been revoked, his reinstatement application has been decided by a disciplinary panel as required by § 14-409.

House of Principles, a transitional living facility, in West Palm Beach, Florida. At the facility, he was subject to toxicology screening and maintained his sobriety.

On May 28, 2014, based upon the same conduct that resulted in the Board licensure actions, Dr. Yacoub pleaded guilty in the United States District Court for the District of Maryland to one count of Conspiracy to Distribute and Possess with Intent to Distribute fentanyl, hydrocodone, oxycodone, morphine, and methadone. 21 U.S.C. § 846. On November 3, 2014, Dr. Yacoub was sentenced to a term of imprisonment of 12 months and one day; two years of supervised probation, upon release; and restitution in the amount of \$2,375.93.³

Dr. Yacoub's imprisonment began on December 15, 2014, at a federal correctional institution in Miami, Florida. On September 21, 2015, he was transferred to the Salvation Army facility in West Palm Beach, Florida, and was discharged on October 28, 2015. He has since been on supervised release and residing at the House of Principles in Florida. He has been attending regular meetings to address substance abuse and has been subject to random toxicology screenings, which he has passed. Dr. Yacoub currently works as an HVAC (air conditioning) technician.

On February 26, 2016, Dr. Yacoub applied to the Board for the reinstatement of his medical license. The administrative prosecutor from the Maryland Office of the Attorney General's Health Occupations and Prosecution and Litigation Division responded, recommending that the Panel deny his application. On August 24, 2016, Board Disciplinary Panel B (the "Panel") met with Dr. Yacoub, his counsel, and the administrative prosecutor to address his reinstatement application.

³ The restitution was to the Medicaid Program, which had paid for the morphine obtained through Dr. Yacoub's prescriptions.

Decision

Dr. Yacoub's conduct that resulted in the surrender of his license raises serious concerns, including his judgment, his understanding of the dangers involved in CDS, and his own substance use. The Panel is not fully assured that these concerns have been resolved. The illegitimate prescribing was deliberate, extensive, and dangerous, and it is not clear to the Panel that Dr. Yacoub completely grasps what led him down that path. The Panel thus finds that it is not in the interest of the health and welfare of the general public nor consistent with the best interest of the profession to reinstate Dr. Yacoub's license.

The Panel, however, is encouraged by Dr. Yacoub's sobriety, genuine remorse, and candidness. He freely acknowledges the conduct that led to the surrender of his license, and he has persisted in his recovery under very difficult circumstances. Taking this into account, while COMAR 10.32.02.06B(8) authorizes the Panel to set a time period for when Dr. Yacoub may file a subsequent reinstatement application, the Panel declines to do so. Therefore, Dr. Yacoub may reapply for a license at any time he chooses. The Panel, however, suggests that, before reapplying for reinstatement, Dr. Yacoub obtain from an appropriate entity or health care professional a thorough evaluation of his fitness to practice medicine, which takes into account his improper prescribing history and his own substance use, and that he develop a practice plan setting forth oversight measures and safeguards that would prevent any improper prescribing or dispensing.

It is thus, by Board Disciplinary Panel B, hereby

ORDERED that John K. Yacoub, M.D.'s Application for the Reinstatement of Medical Licensure, filed with the Board on February 26, 2016, is **DENIED**; and it is further

ORDERED that this is a public document pursuant to § 14-411.1(f) of the Health Occupations Article and § 4-333 of the General Provisions Article.

09/09/2016
Date

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