

IN THE MATTER OF
SAMPSON SARPONG, M.D.

Applicant for Reinstatement

License Number: D39249 (Revoked)

* BEFORE THE
* MARYLAND STATE BOARD
* OF PHYSICIANS

* Case Number: 8823-0002B

* * * * *

ORDER DENYING APPLICATION FOR REINSTATEMENT OF LICENSE

On August 8, 2017, Disciplinary Panel B (“Panel B” or the “Panel”) of the Maryland State Board of Physicians (the “Board”) revoked Applicant Sampson Sarpong, M.D.’s license to practice medicine in Maryland. In April 2022, the Board received Dr. Sarpong’s Application for Reinstatement of Medical License (“Application”). On April 26, 2023, Panel B, acting as a Reinstatement Inquiry Panel, held a meeting to discuss Dr. Sarpong’s Application. Dr. Sarpong and his attorney participated in the meeting *via* video conference. The State was represented by an administrative prosecutor from the Health Occupations and Litigation Division of the Office of the Attorney General, who also participated *via* video conference.

FINDINGS OF FACT

Panel B makes the following factual findings:

I. CONDUCT THAT LED TO REVOCATION

Dr. Sarpong was initially licensed to practice medicine in Maryland in 1989, and he maintained the license until it was revoked in 2017. He was board-certified in pediatrics and practiced in the field of allergy and immunology.

In 2014, the Board received a complaint from one of Dr. Sarpong’s former patients who received extensive testing from Dr. Sarpong but said that Dr. Sarpong did not show up for two

follow-up visits. The former patient also had concerns that Dr. Sarpong overbilled and performed unnecessary tests.

The Board subpoenaed Dr. Sarpong to produce medical and billing records concerning 10 patients that he treated. Dr. Sarpong provided the records piecemeal, and, from a careful review, it was apparent that some of the records Dr. Sarpong provided were false records. In any case, the documents were reviewed by two peer reviewers, and, on May 26, 2016, Board Disciplinary Panel A charged Dr. Sarpong with engaging in unprofessional conduct in the practice of medicine, Md. Code Ann., Health Occ. § 14-404(a)(3)(ii); grossly overutilizing health care services, Health Occ. § 14-404(a)(19); failing to meet the standard of care, Health Occ. § 14-404(a)(22); and failing to keep adequate records, Health Occ. § 14-404(a)(40).

An evidentiary hearing was held before an Administrative Law Judge (“ALJ”) of the Maryland Office of Administrative Hearings, and, on January 23, 2017, the ALJ issued a proposed decision, concluding that Dr. Sarpong violated Health Occ. § 14-404(a)(3)(ii), (19), (22), and (40), and recommended the revocation of his medical license. After an exceptions hearing before Panel B, Panel B, on August 8, 2017, issued a final decision and order, finding that Dr. Sarpong violated § 14-404(a)(3)(ii), (19), (22), and (40).

The disciplinary grounds that Dr. Sarpong violated were mostly based upon his routine of overbilling insurance companies. What was unusual and remarkable about Dr. Sarpong’s overbilling was that he devised so many different schemes to overbill. Dr. Sarpong billed for visits that never took place; when the visits took place, he billed for testing he did not perform; when he performed certain testing, he billed for more testing than he performed; he created the circumstances where he had to repeat testing, so he could bill multiple times for testing that should have only performed once; when he billed for the testing he performed, the testing was often not

necessary or indicated; when testing was indicated, he performed more of the testing than was indicated; and he upcoded. Even further, when the Board subpoenaed medical and billing records, Dr. Sarpong created false medical notes in an effort to justify his billing. The Panel revoked his license, writing:

The Panel finds [Dr. Sarpong]'s practices disturbing and intolerable. Certainly, [Dr. Sarpong]'s over-billing was not isolated. It consumed his practice. His practice was replete with different schemes to bill for services that were not performed and for services that were performed but not indicated. And there is no doubt his conduct was deliberate. The Panel also finds unacceptable the number of inaccurate, contradictory, and false documents he produced. The Panel agrees with the ALJ that revocation is appropriate.

Dr. Sarpong appealed the Board's decision up to the Court of Special Appeals. On January 13, 2020, the Court of Special Appeals upheld the Board's decision revoking Dr. Sarpong's medical license. The Court of Special Appeals wrote:

This Court can take judicial notice that the exorbitantly high cost of health care is one of the most, if not the most, pressing problem in this country. It is not inappropriate, much less arbitrary or capricious, for government regulators, when they see it documented, to act vigorously to discipline those who contribute to the problem by 'gaming the system.'

II. 2022 APPLICATION FOR REINSTATEMENT

In April 2022, the Board received Dr. Sarpong's application for the reinstatement of his license. After receiving the Application, the Board asked Dr. Sarpong to provide written answers to a series of questions. Dr. Sarpong responded in a letter to the Board, dated August 18, 2022. The following are his responses to the first three questions, which include the questions, as Dr. Sarpong wrote them in his letter:

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?

I now understand the nature and circumstances of my conduct which resulted in the revocation of my Maryland license and the concerns of the Board. I have reviewed the Board's Order summarizing the experts' reviews and opinions of my conduct at the time and the ALJ's conclusions of law as they related to my practice and conduct. I deeply regret my conduct.

3[.] Have you accepted responsibility for he action(s) resulting in the revocation of your license?

If I am given the opportunity to practice medicine again, I am committed to conducting myself and my medical and billing practice professionally, ethically and in compliance with the highest medical standards. But for [particular circumstances] I have accepted full responsibility for the actions resulting in the revocation of my medical license.

(Italics in original.)

On April 26, 2023, pursuant to COMAR 10.32.02.06B(5), Panel B convened as a reinstatement inquiry panel and met with Dr. Sarpong and his attorney and with an administrative prosecutor, to discuss Dr. Sarpong's request to have his license reinstated.

DISCUSSION

“[A] disciplinary panel *may* reinstate the license of an individual whose license has been surrendered or revoked.” Md. Code Ann., Health Occ. § 14-409(a)(1) (italics added). “The disciplinary panel shall determine in its discretion if postdisciplinary 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). The decision on whether to grant reinstatement after the revocation or surrender of a Maryland medical license is discretionary. *See Oltman v. Maryland State Board of Physicians*, 182 Md. App. 65, 78 (2008).

Dr. Sarpong's written answers to the questions related to his Application do not give the Panel any confidence that he has changed in any significant way from the time he was intentionally submitting false billing forms to insurance companies. Dr. Sarpong did not even bother to address the most salient questions. The Board asked for his understanding of the nature and circumstances that resulted in the revocation of his license. He answered, "I now understand the nature and circumstances of my conduct." The Board did not ask *whether* he understood the nature and circumstances; it asked *what* his understanding of the nature and circumstances was. For the second question, Dr. Sarpong was asked for his understanding of the Board's concerns with respect to his conduct. Dr. Sarpong answered that he "reviewed the Board's Order" and the "ALJ's conclusions of law as they relate to [his] practice and conduct." Again, Dr. Sarpong did not address the question. He was asked for his understanding of the Board's concerns, not what documents he reviewed.

It would not be reasonable for a Board panel to reinstate Dr. Sarpong's license when he did not even offer, when directly asked, his understanding of the nature and circumstances of his conduct that resulted in the revocation nor provide an understanding of the Board's concerns pertaining to his conduct. To be clear, the Panel is concerned about his deceit and dishonesty and his "gaming the system." From what the Panel gleans from Dr. Sarpong's representations, Dr. Sarpong has woefully insufficient insight into the nature of his conduct that led to the revocation of his license, or he felt it appropriate to simply evade these Board questions.

In terms of Dr. Sarpong's acceptance of responsibility for his conduct, Dr. Sarpong says, "*but for*" particular circumstances, he takes full responsibility. The Panel is not delving into the details of the particular circumstances (mainly for privacy reasons), but the Panel does not find that the circumstances caused Dr. Sarpong to routinely and meticulously complete false insurance

billing forms to deceive insurance companies. The Panel has no measure of assurance that Dr. Sarpong would not attempt to “game the system” again if his license were reinstated.

The Panel, in its discretion, finds that the reinstatement of Dr. Sarpong’s Maryland medical license is neither in the interest of the health and welfare of the general public nor consistent with the best interest of the profession. Dr. Sarpong’s application for the reinstatement of his Maryland medical license is, therefore, denied.

“A 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 finds that Dr. Sarpong does not possess the necessary level of honesty to justify a future proceeding with the Board on an application or petition for reinstatement from him. The Panel has decided that Dr. Sarpong may not reapply for the reinstatement of his license to practice medicine in Maryland.

It is, thus, by Panel B, hereby

ORDERED that Sampson Sarpong, M.D.’s application for the reinstatement of his license to practice medicine in Maryland, received by the Board in April 2022, is **DENIED**; and it is further

ORDERED that Dr. Sarpong shall not reapply, nor shall he submit a subsequent petition, to the Board or disciplinary panel for the reinstatement of his license to practice medicine in Maryland.

Signature On File

7/6/2023
Date

Ellen Douglas Smith, Deputy Director
Maryland State Board of Physicians