

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE</b>
<b>WILLIE B. MVEMBA, M.D.,</b>	*	<b>MARYLAND STATE</b>
<b>Applicant for Reinstatement.</b>	*	<b>BOARD OF PHYSICIANS</b>
<b>Former License No.: D55425</b>	*	<b>Case No.: 8819-0001</b>

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**ORDER ON APPLICATION FOR REINSTATEMENT  
OF MEDICAL LICENSURE**

**INTRODUCTION**

On May 5, 2014, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (“Board”) issued a Supplemental Order After Show Cause Hearing, which concluded that Willie B. Mvemba, M.D. violated the terms of the Consent Order he entered into with the Board on February 24, 2010, and, as a sanction, revoked his license to practice medicine in the State of Maryland. On July 10, 2018, Dr. Mvemba applied for the reinstatement of his license. On December 5, 2018, Panel A met with Dr. Mvemba to consider his application for the reinstatement of his medical license.

**DISCIPLINARY HISTORY**

Charges: September 2009

Dr. Mvemba’s disciplinary history with the Board includes charges issued on September 8, 2009, that Dr. Mvemba failed to meet appropriate standards of quality medical care, in violation of Maryland Code Ann., Health Occ. (“Health Occ.”) § 14-404(a)(22), and failed to keep adequate medical records, in violation of Health Occ. § 14-404(a)(40). The Board’s charges stemmed from a complaint alleging that one of Dr. Mvemba’s patients died as a result of his inappropriate prescribing of opioid medications. The Board’s investigation revealed that Dr. Mvemba had prescribed narcotic analgesics to a number of patients with chronic pain without

obtaining a thorough medical history, that he failed to formulate clear treatment plans, failed to review the course of pain treatment with his patients towards established goals, failed to obtain patient informed consent, failed to keep adequate and complete medical records, and failed to address his patients' non-pain-related conditions. To resolve the charges, Dr. Mvemba voluntarily entered into a consent order, dated February 24, 2010 (the "2010 Consent Order").

Consent Order: February 24, 2010

Under the 2010 Consent Order, Dr. Mvemba was reprimanded and placed on probation for a minimum of three years with five probationary conditions. One of the most significant conditions of Dr. Mvemba's probation was supervision of his medical practice for the entire three-year probationary period by a Board-approved physician supervisor who was board-certified in internal medicine. To comply with this condition, Dr. Mvemba was required to have face-to-face meetings with the supervisor at least once a month throughout the probationary period, and the supervisor was required to review a random sample of at least ten cases, or one hundred percent of the patients seen since the last supervision period. Based on the Board's concerns about Dr. Mvemba's deficient prescribing of controlled dangerous substances and the other serious standard of care shortcomings identified during the Board's investigation, the main purposes of the supervision requirement were to facilitate Dr. Mvemba's improvement in those areas, and evaluate his compliance with standards of quality care, in order to confirm that his care did not pose a danger to his patients. In addition to meeting with the supervisor once a month, Dr. Mvemba was responsible for ensuring that the supervisor submitted quarterly reports to the Board stating the number and types of cases reviewed, medical issues discussed, and the supervisor's assessment of Dr. Mvemba's compliance with quality of care standards.

### Violation of the 2010 Consent Order

Dr. Mvemba's initial supervisor submitted two reports to the Board by October, 2010. In March, 2011, that supervisor informed the Board that he could not continue to supervise Dr. Mvemba because Dr. Mvemba had not met with him since October, 2010. Dr. Mvemba wrote to the Board and claimed that he had not met with his supervisor because of illness and other hardships. In June, 2011, the Board approved a second supervisor named by Dr. Mvemba. The second supervisor submitted one report in October, 2011. The Board did not receive any reports from Dr. Mvemba or his second supervisor from November, 2011 through December, 2012. After repeated requests, the Board finally received a single report from Dr. Mvemba's second supervisor covering the first quarter of 2012.

In January and March, 2013, Board staff sent letters to Dr. Mvemba's address of record requesting that he deliver the missing 2012 quarterly reports from the second supervisor. Dr. Mvemba failed to respond to these letters, which were not returned by the United States Postal Service as undelivered. In October, 2013, the Board issued a subpoena to Dr. Mvemba at the same address requiring him to produce all quarterly reports after November, 2011. The subpoena was not returned as undelivered, nor did Dr. Mvemba submit the requested reports.

### Charges: February 2014

On February 11, 2014, Panel A charged Dr. Mvemba with violating the probationary conditions of the 2010 Consent Order. Panel A sent a letter with the Notice of Violation of Consent Order by first class mail to Dr. Mvemba at his address of record, explaining that a hearing was scheduled for April 9, 2014 to provide Dr. Mvemba an opportunity for a hearing before Panel A to show cause why the panel should not impose additional sanctions for his violation of the conditions of the 2010 Consent Order. The letter also stated that "the Board may

revoke your license if you or your attorney fails to attend the Show Cause Hearing.” The letter was not returned as undelivered. On April 9, 2014, Panel A conducted the Show Cause hearing as scheduled. Dr. Mvemba did not appear at the hearing or respond in writing.

Revocation: May 2014

On May 5, 2014, Panel A issued a Supplemental Order After an Opportunity for Show Cause Hearing in which Panel A found that Dr. Mvemba violated the terms and conditions of his probation. The panel revoked Dr. Mvemba’s license to practice medicine in the State of Maryland.

**APPLICATION FOR REINSTATEMENT**

On July 10, 2018, the Board received Dr. Mvemba’s application for the reinstatement of his medical license after revocation. The Board sent Dr. Mvemba a series of questions including the following:

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 are your plans for returning to the practice of medicine as a physician in the State of Maryland and what is your proposed practice setting?
6. What efforts have you made to maintain your competency to practice medicine in your area of specialty (i.e. continuing education credits)?

In his written response to the Board, Dr. Mvemba stated that his responsibility was to make sure that the supervisor reports were actually sent to the Board. He acknowledged that he failed to ensure “all the required documents were properly submitted to the Board. . .[.]”

apologized for his “omissions,” and claimed that he had “fully accepted responsibility” for his actions. Dr. Mvemba, however, did not acknowledge or address the significant gap(s) in supervision when he was not being supervised by a Board-approved supervisor and did not provide any evidence that he was being supervised as required for the entire three-year probationary period in 2010, 2011, and 2012. Nor did he explain his failure to respond to the Board’s repeated written communications and subpoena to him about the supervision in 2013 and 2014. In response to the question concerning plans for returning to practice, Dr. Mvemba stated that if his license were reinstated, he planned to look at opportunities to work in outpatient clinics as a primary care physician and gradually transition to long term care facilities and that he intended to slowly build a private practice in the Catonsville area where his previous practice was located. Dr. Mvemba stated that he has maintained his competency to practice medicine by completing continuing medical education credits and reading journal articles.

### **CONSIDERATION OF APPLICATION**

The reinstatement of a physician’s medical license after revocation is discretionary. *See* Health Occ. § 14-409. The Panel must consider whether reinstatement after revocation 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).

Dr. Mvemba’s noncompliance with the 2010 Consent Order is of serious concern to Panel A. The privilege of medical licensure in Maryland involves a physician’s obligation to fulfill conditions necessary to ensure fitness to practice medicine safely. Because of the serious nature and extent of Dr. Mvemba’s violations of the standards of quality care, supervision of his practice was required to ensure that he made substantive progress at addressing the violations and correcting his deficiencies. Dr. Mvemba was given an opportunity to prove to Panel A, by

obtaining and completing supervision as agreed by Dr. Mvemba in the 2010 Consent Order, that he was fit to practice medicine safely and in compliance with requisite standards of quality care. He made no sustained efforts to do so from 2010-2013. Despite the Board's forbearance in permitting him to obtain a second supervisor in June, 2011, Dr. Mvemba not only disregarded his obligation to ensure that all requisite quarterly reports were submitted to the Board, but failed to provide any assurances he was even meeting with the supervisor monthly.

The panel is also especially concerned that Dr. Mvemba's written responses to the Board's questions failed to address the lack of continuous supervision for the three-year probationary period and minimized the extent of his non-compliance with 2010 Consent Order. In his response to one question, Dr. Mvemba also contended that he had fully accepted responsibility for his actions. This is not, in the panel's opinion, an accurate statement. Dr. Mvemba took no responsibility for his failure to obtain and complete supervision of his medical practice for the entirety of his three-year probation. The panel has no knowledge of any improvements made by Dr. Mvemba to correct his standard of care deficiencies and is not reassured that Dr. Mvemba is capable of practicing medicine within the standards of quality care, or that the public would be protected if he was allowed to return to medical practice at this time.

Having considered all of the foregoing information and Dr. Mvemba's responses to the Board's questions, the panel concludes that reinstatement is not within the interests of the health and welfare of the general public and is not consistent with the best interest of the profession. The panel, therefore, denies Dr. Mvemba's application for reinstatement.

**ORDER**

It is thus, by Disciplinary Panel A, hereby

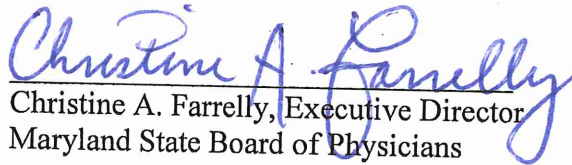
**ORDERED** that the Application for Reinstatement of Medical Licensure of Willie B. Mvemba, M.D., former license number D55425, is **DENIED**; and it is further

**ORDERED** that Dr. Mvemba may reapply for reinstatement of his license to practice medicine in Maryland after a minimum of 1 year from the date of this Order; and it is further

**ORDERED** that this Order is a public document.

02/26/2019

Date

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