

IN THE MATTER OF

*

BEFORE THE MARYLAND

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WEI XU, M.D.

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BOARD OF PHYSICIANS

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LICENSE NUMBER D62439

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CASE NUMBER 2224-0082

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CONSENT ORDER

BACKGROUND

Pursuant to its authority under Md. Health Occ. Ann. ("H.O.") §14-401 *et seq.*, the Maryland State Board of Physicians (the "Board") conducted an audit of the continuing medical education credits filed with the license renewal application of Wei Xu, M.D. (the "Respondent"), License Number D62439. The audit findings revealed that the Respondent failed to complete fifty (50) continuing medical education credits required for license renewal, in violation of the Maryland Medical Practice Act (the "Act"), Md. Health Occ. Code Ann. §14-316 and Code of Maryland Regulations ("COMAR").

The pertinent provision of H.O. §14-316 provides:

- (c) *Applications for renewal.* Before the license expires, the licensee periodically may renew it for an additional term, if the licensee:

* * *

- (iv) Submits to the Board:

* * *

- 2. Satisfactory evidence of compliance with any continuing education requirements set under this section for license renewal.

The pertinent provisions of COMAR under 10.32.01 provide:

.08 Renewals

- H. A licensee applying for renewal shall complete the CME requirements as defined in Regulation .10 of this chapter.

.10 Continuing Medical Education

C. Requirements.

- (1) In accordance with the requirements specified in §C(2) of this regulation, an applicant shall earn at least 50 credit hours of Category 1 CME during a 2-year period.¹

D. On the application form for renewal or reinstatement, the applicant shall attest to the fact that the applicant has completed the CME requirement.

Prior to the issuance of formal disciplinary charges, the Respondent agreed to enter into the following public Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. At all times relevant herein, the Respondent was and is a physician licensed to practice medicine in the State of Maryland. She was initially licensed in Maryland on November 9, 2004.
2. On July 27, 2023, the Respondent signed the affirmation in her 2023 renewal application that she had obtained the required 50 Category 1 CME credit hours during the two-year period.
3. During the renewal process, the Respondent received a Continuing Education Audit Notice, requiring that she submit documentation of her CME credits to the Board.
4. Based upon the information received from the Respondent, she had obtained 39.25 hours of the required 50 credit hours of Category I CME, not 50 hours as affirmed by the Respondent.
5. The Respondent's failure to provide documentation of 50 credit hours of Category I CME and signing the certification regarding CME requirements on the 2023 renewal constitute a failure to comply with the statute and regulations.

¹ "2-year period" means: (i) For license renewal, the 2 years preceding the expiration of the physician license or (ii) For license reinstatement, the 2 years preceding the date of the submission of the application for reinstatement of the physician license. COMAR 10.32.01.10A(2)(a).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board's Disciplinary Panel concludes as a matter of law that the Respondent violated §14-316(c) of the Health Occupations Article and COMAR 10.32.01.10C(1) by failing to obtain the requisite continuing medical education credits.

ORDER

It is hereby:

ORDERED that the Respondent shall pay a civil penalty of One Thousand Seventy Five Dollars (\$1,075) (One Hundred Dollars per missing CME credit hour pursuant to §14-316(d)(6) of the Health Occupations Article) to the Board within thirty (30) days of the date of this Order. The payment shall be by money order or bank certified check payable to the "Maryland Board of Physicians" and mailed to P. O. Box 37217, Baltimore, Maryland 21297-3217; and be it further

ORDERED that the Respondent shall be subject to the following terms and conditions:

1. For the two years preceding the expiration of the physician's license, 2025 renewal (2023-2025 renewal), the Respondent shall obtain the required 50 credit hours of Category I CME mandatory for the 2025 renewal and the outstanding 10.75 hours of Category I CME credits that were not obtained during the 2023 renewal, a total of 60.75 Category I CME credit hours;
2. The Respondent shall send verification of all CME credits prior to sending in the 2025 renewal to the Board. Board staff will verify the 60.75 hours of Category I CME credits that are sent to the Board. All 60.75 hours of the Category I CME credits must be ACCME-approved;
3. The Respondent's license shall not be renewed unless the requirements of paragraphs 1 and 2 are met; and it is further

ORDERED that, if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If the 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 the 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 this Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend 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 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 or her designee 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 the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

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

01/31/2024
Date _____

Signature On File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Wei Xu, M.D., acknowledge that I have had an opportunity to consult with counsel before entering into and signing this document. By this Consent, and in order to resolve these matters, I agree to accept the Findings of Fact and Conclusions of Law and Order contained herein. Accordingly, I accept and submit to the foregoing Consent Order.

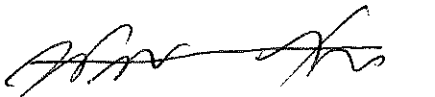
By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

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.* 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. 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.



Date

1-24-2024

Signature On File

Wei Xu, M.D.
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 24 day of January, 2024, before me, a Notary Public of the State and City/County aforesaid, personally appeared Wei Xu, M.D. and made oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS my hand and notarial seal.



Notary Public

My Commission expires: 08-10-2026

