

**IN THE MATTER OF
TARIK FARRAG, M.D.**

Respondent

License Number: D87559

*** BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case Number: 2223-0062A**

* * * * *

ORDER OF DEFAULT

On March 30 2023, Disciplinary Panel A of the Maryland State Board of Physicians (“Board”) charged Tarik Farrag, M.D., with fraudulently or deceptively obtaining or attempting to obtain a license, *see* Md. Code Ann., Health Occ. § 14-404(a)(1); unprofessional conduct in the practice of medicine, *see* Health Occ. § 14-404(a)(3)(ii); and willfully making a false representation when seeking or making application for licensure, *see* Health Occ. § 14-404(a)(36). On July 13, 2023, the case was referred to the Office of Administrative Hearings (“OAH”) for an evidentiary hearing.

On July 27, 2023, OAH sent a notice to the parties that a scheduling conference would be held on September 1, 2023, at 9:30 a.m., by video-conference. The Notice of Scheduling Conference was sent to Dr. Farrag at his address of record. On August 21, 2023, the Notice of Scheduling Conference, which was sent to Dr. Farrag, was returned to OAH as undeliverable.

On September 1, 2023, at 9:45 a.m., the Administrative Law Judge (“ALJ”) commenced the scheduling conference by video-conference. The administrative prosecutor appeared on behalf of the State. Dr. Farrag did not appear, nor did anyone else appear on his behalf. After consulting with the administrative prosecutor, the prehearing conference was scheduled for October 2, 2023. After the scheduling conference had concluded and the administrative prosecutor was excused, Dr. Farrag appeared at the scheduling conference at 10:30 a.m. The ALJ emailed and called the

administrative prosecutor and asked him to return to the conference. At 10:45 a.m., the ALJ admitted Dr. Farrag to the conference and informed him of the prehearing conference scheduled for October 2, 2023. The ALJ also confirmed Dr. Farrag's mailing address of record. Dr. Farrag stated that the address is under construction and cannot accept mail but asked that OAH continue to send mail to that address and advised that he would pick up the mail at the post office. He stated that he had no alternate address.

Following the scheduling conference, on September 1, 2023, OAH sent a Notice of Prehearing Conference to the parties that notified the parties that a prehearing conference would be held on October 2, 2023, at 9:30 a.m., by video-conference. The notice included a web link to join the video-conference and also a telephone number to call into the conference. The Notice of Prehearing Conference informed Dr. Farrag that the failure to appear or to give timely notice of his inability to appear at the prehearing conference could result in a decision against him.

On September 6, 2023, OAH also sent an email to Dr. Farrag that stated the following:

Since we did have some mail returned previously, the ALJ wanted to be sure you received the notice for the upcoming prehearing conference scheduled for Monday October 2 at 9:30am via the WebEx platform. (This exact notice has been mailed to the address you confirmed with the ALJ).

Please note on the notice that the web address and meeting room number is listed. Should you have any difficulty please be sure to reach out before the start of the hearing. I do typically respond to emails so via email or phone is fine.

On September 8, 2023, OAH sent a scheduling order that notified the parties of the date and time of the prehearing conference and stated that Dr. Farrag shall inform OAH of any changes to his mailing address, email address, and telephone number. On September 26, 2023, OAH received the scheduling order that was sent to Dr. Farrag by first-class mail returned as undeliverable with the notation "Vacant" stamped on the envelope. The Notice of Prehearing Conference was returned to OAH as undeliverable on September 29, 2023. The email was not

returned as undeliverable, and there was no response to the email sent by the OAH docket specialist prior to the start of the prehearing conference.

On October 2, 2023, the ALJ held the prehearing conference. The administrative prosecutor appeared on behalf of the State. Dr. Farrag did not appear. At 9:33 a.m., the ALJ sent an email to Dr. Farrag with an invitation to join the conference. After waiting until 9:46 a.m., the ALJ commenced the prehearing conference. The ALJ noted that neither Dr. Farrag nor anyone authorized to represent him appeared at the prehearing conference after 16 minutes from the scheduled start time. The ALJ then proceeded with the prehearing conference, and the administrative prosecutor moved for a proposed default order. The ALJ granted the motion for a proposed default order.

At 6:22 p.m., on October 2, 2023, Dr. Farrag sent an email in response to the OAH docket specialist who had emailed him the prehearing conference reminder on September 8, 2023. The email stated:

I truly apologize for missing the date today very unintentionally. I am available any day and anytime. Kindly apologize to the very Honorable Judge on my behalf. I'm all into discussing, and willing to do whatever the Judge is deciding. I had a computer problem, while my laptop is a brand new one. Very suddenly. I handled this very sudden issue, and will be receiving a temporary one overnighted to me first thing tomorrow morning. One more time, my extreme apologies.

Dr. Farrag did not provide an explanation as to why he was unable to contact OAH using his phone or call into the conference using the call-in number.

Under OAH's rules of procedure, "[i]f, after receiving proper notice as provided in Regulation .05C of this chapter, a party fails to attend or participate, either personally or through a representative, in a prehearing conference, hearing, or other stage of a proceeding, the ALJ may proceed in that party's absence or may, in accordance with the hearing authority delegated by the

agency, issue a final or proposed default order against the defaulting party.” COMAR 28.02.01.23A.

On October 11, 2023, the ALJ issued a written Proposed Default Order. The ALJ found that Dr. Farrag had proper notice of the October 2, 2023, prehearing conference and that he failed to appear or participate. The ALJ proposed that the Panel find Dr. Farrag in default, adopt as findings of fact the statements set forth in the allegations of fact section of the charges, and conclude as a matter of law that Dr. Farrag violated Health Occ. § 14-404(a)(1), (3)(ii), and (36). As a sanction, the ALJ proposed that Dr. Farrag’s license to practice medicine in Maryland be revoked.

The ALJ mailed copies of the Proposed Default Order to Dr. Farrag, the administrative prosecutor, and the Board at the parties’ respective addresses of record. The Proposed Default Order notified the parties that they may file written exceptions to the proposed order but must do so within 15 days of the date of the Proposed Default Order. The Proposed Default Order stated that any exceptions and requests for a hearing must be sent to the Board with a copy provided to the opposing party. The Proposed Default Order sent to Dr. Farrag was not returned to OAH as undeliverable. On October 17, 2023, the Board sent a letter to the parties providing further instructions regarding the filing of exceptions to the ALJ’s Proposed Default Order. The letter was sent to Dr. Farrag at his address of record and via email to the same email address he used to communicate with the OAH docket specialist. The letter was not returned to the Board as undeliverable. Neither party filed exceptions. On December 20, 2023, this case came before Disciplinary Panel B (“Panel B”) of the Board for final disposition.

FINDINGS OF FACT

Because Panel B concludes that Dr. Farrag has defaulted and has not filed exceptions to the ALJ's Proposed Default Order, the following findings of fact are adopted from the allegations of fact in the March 30, 2023 charges and are deemed proven by the preponderance of the evidence:

1. The Respondent was licensed to practice medicine in the State of Maryland. The Respondent was originally licensed to practice medicine in Maryland on May 22, 2019, under License Number D87559. The Respondent's license was current through September 30, 2024.

2. At all times relevant hereto, the Respondent held active medical licenses in Florida, Georgia and Alabama, and inactive licenses in North Carolina, Oklahoma, and Utah. On or about February 22, 2023, the Alabama State Board of Medical Examiners (the "Alabama Board") issued an Order Temporarily Suspending License and Setting Hearing against the Respondent.

3. On or about January 23, 2023, a staff member at the Federation of State Medical Boards ("FSMB") sent an email to the Board reporting its discovery that the Respondent submitted forged documents in connection with his application for privileges at a health care facility (the "FL Facility") in Sarasota, Florida. Specifically, during the credentialing process, the FL Facility contacted the residency director (the "Residency Director") of the Respondent's residency program (the "Residency Program"), which the Respondent represented that he had completed the entire three-year program, to verify his completion. In response, the Residency Director notified the FL Facility that the Respondent had been terminated for professionalism issues after Program Year 1.

4. After receiving the report from FSMB, the Board initiated an investigation of the Respondent.

5. As part of its investigation, the Board obtained, inter alia, investigative materials from FSMB, the FL Facility, the Residency Director and the Residency Program, including the Respondent's residency file. The Board reviewed its own licensing file of the Respondent.

6. The Board's investigation revealed that the Respondent, in applying for privileges at the FL Facility, submitted at least four documents purportedly from the Residency Director that were altered or forged. These documents contained statements attributed to the Residency Director, as well as the Residency Director's signatures, that were all fraudulent. Moreover, the Respondent submitted a training certificate purportedly from the Residency Program that had been altered.

7. The Respondent impersonated the Residency Director by using a fake email address purportedly belonging to the Residency Director to create the impression that the Residency Director submitted these documents to the FL Facility, when in fact it was the Respondent who submitted these forged and altered documents.

8. Moreover, the Respondent submitted fictitious emails purportedly from staff members at the American Board of Otolaryngology-Head and Neck Surgery falsely stating that the Respondent was eligible for board-certification.

9. In reviewing its own licensing file of the Respondent, the Board discovered that the Respondent also made material misrepresentations and submitted forged documents.

10. On or about April 2, 2019, the Board received an Application for Initial Medical Licensure (the "Initial Application"), which was dated March 26, 2019, from the Respondent.

11. In the Initial Application under numeral 13 entitled "Postgraduate Training," the Respondent misrepresented that he attended the Residency Program from July 2009 to June 2014, when in fact he only completed 11 months of training from July 1, 2009, to May 25, 2011, as shown by the Respondent's Certificate of Postgraduate Training the Board obtained from the Residency Program. In order to qualify for licensure as a graduate of a foreign medical school, the Respondent had to have successfully completed at least two years of training in a U.S. postgraduate clinical medical education program accredited by an organization recognized by the Board, which he did not.

12. As part of the credentialing process for initial licensure with the Board, the Respondent was required to have the Residency Program submit a Verification of Postgraduate Medical Education (the "Verification Form") to the Board. On or about April 24, 2019, the Board received Verification Form purportedly from the Chairman of the Residency Program verifying that the Respondent attended the Residency Program from July 1, 2009, to June 30, 2014. During the investigation when Board staff showed the Residency Program Chairman the Verification Form, he denied ever issuing that Verification Form and stated that the signature on the form was a forged signature.

13. Moreover, in the Initial Application under numeral 16 entitled "Character and Fitness Questions," the Respondent checked "NO" to the following questions:

f. Has a hospital, related health care facility, HMO, or alternative health care system ever denied your application, failed to renew your privileges, including your privileges as a resident, or limited, restricted, suspended, or revoked your privileges in any way?

n. Has your employment or contractual relationship with any hospital, other health care facility, health care provider, institution, armed services, or the Veterans Administration ever been terminated for disciplinary reasons?

14. The Respondent willfully failed to disclose that on or about May 26, 2011, the Residency Program terminated his position and privileges as a resident physician at the Residency Program due to his failure to demonstrate professionalism and adhere to ethical principles.

CONCLUSIONS OF LAW

Panel B finds Dr. Farrag in default based upon his failure to appear at OAH for the prehearing conference scheduled for October 2, 2023. *See* Md. Code Ann., State Gov't § 10-210(4). Based upon the foregoing findings of fact, Panel B concludes that Dr. Farrag fraudulently or deceptively obtained or attempted to obtain a license, in violation of Health Occ. § 14-404(a)(1); is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii); and willfully made a false representation when seeking or making application for licensure, in violation of Health Occ. § 14-404(a)(36).

SANCTION

Panel B adopts the sanction recommended by the ALJ to revoke Dr. Farrag's license to practice medicine in Maryland.

ORDER

It is, on the affirmative vote of a majority of the quorum of Panel B, hereby

ORDERED that the license of Tarik Farrag, M.D. to practice medicine in Maryland is **REVOKED**; and it is further

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

Signature On File

01/31/2024
Date

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

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Md. Code Ann., Health Occ. § 14-408, Dr. Farrag has the right to seek judicial review of this Order of Default. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Order of Default. The cover letter accompanying this Order indicates the date the decision was mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If Dr. Farrag files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

**Maryland State Board of Physicians
Christine A. Farrelly, Executive Director
4201 Patterson Avenue
Baltimore, Maryland 21215**

Notice of any petition should also be sent to the Board's counsel at the following address:

**Stacey Darin
Assistant Attorney General
Maryland Department of Health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201**