

IN THE MATTER OF * BEFORE THE MARYLAND
PAUL E. KOBZA, D.O. * STATE BOARD OF
Respondent * PHYSICIANS
License Number: H92428 * Case Number: 2224-0093A

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

The Maryland Board of Physicians (the “Maryland Board”) received information that Paul E. Kobza, D.O., (the “Respondent”) License Number H92428, was disciplined by the Texas Medical Board (the “Texas Board”). In an Order dated August 18, 2023, the Texas Board restricted the Respondent from diagnosing, treating or prescribing controlled substances to patients in Texas for chronic and persistent non-chronic pain or engaging in the practice of pain medicine.

Based on the above referenced Texas Board sanction, the Maryland Board has grounds to charge the Respondent with violating the following provisions of the Maryland Medical Practice Act (the “Act”), under H. O. § 14-404(a):

- (a) Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:
 - (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veteran’s Administration for an act that would be grounds for disciplinary action under this section,

Disciplinary Panel A (“Panel A”) has determined that the acts for which the Respondent was disciplined in Texas would be grounds for disciplinary action under H.O. § 14-404(a). The grounds for disciplinary action under H.O. § 14-404(a) are as follows:

- (22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care in an outpatient surgical facility, office, hospital, or any other location in this State.
- (27) Sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purposes;
- (40) Fails to keep adequate medical records as determined by appropriate peer review;
- (45) Fails to comply with § 1-223¹ of this article;

Based on the action taken by the Texas Board, the Respondent agrees to enter into this Consent Order with Panel A, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order and Consent.

FINDINGS OF FACT

Panel A makes the following findings of fact:

1. At all times relevant hereto, the Respondent was a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed in Maryland on or about August 20, 2021.
2. The Texas Board found that in a one-year period from August 2021 through August 2022, the Respondent prescribed a high volume of controlled dangerous substances

¹ H. O. § 1-223 provides (a) In this section, "controlled dangerous substance" has the meaning stated in § 5-101 of the Criminal Law Article.

(b) On treatment for pain, a health care provider, based on the clinical judgment of the health care provider, shall prescribe: (1) The lowest effective dose of an opioid; and (2) A quantity that is no greater than the quantity needed for the expected duration of pain severe enough to require an opioid that is a controlled dangerous substance unless the opioid is prescribed to treat: (i) A substance-related disorder; (ii) Pain associated with a cancer diagnosis; (iii) Pain experienced while the patient is receiving end-of-life, hospice, or palliative care services; or (iv) Chronic pain.

(c) The dosage, quantity, and duration of an opioid prescribed under subsection (b) of this section shall be based on an evidence-based clinical guideline for prescribing controlled dangerous substances that is appropriate for: (1) The health care service delivery setting for the patient; (2) The type of health care services required by the patient; and (3) The age and health status of the patient.

(d) (1) When a patient is prescribed an opioid under subsection (b) of this section, the patient shall be advised of the benefits and risks associated with the opioid. (2) When a patient is co-prescribed a benzodiazepine with an opioid that is prescribed under subsection (b) of this section, the patient shall be advised of the benefits and risks associated with the benzodiazepine and the co-prescription of the benzodiazepine.

(e) A violation of subsection (b) or (d) of this section is grounds for disciplinary action by the health occupations board that regulates the health care provider who commits the violation.

without individualized regimes, and in the absence of a valid medical purpose or other multimodal forms for treatment of 15 patients that were randomly reviewed.

3. The Prescribed combinations were not justified or prescribed for valid medical purposes for any of the patients.

4. The Respondent's medical records also indicated a lack of proper monitoring of opioid use, including no valid urine toxicology tests.

5. By Order dated August 18, 2023, the Texas Board restricted the Respondent from diagnosing, treating, and prescribing controlled substances to patients in Texas or engaging in the practice of pain medicine.

A copy of the Texas Order is attached hereto.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent is subject to discipline under Health Occ. § 14-404(a)(21) for the disciplinary action taken by the Texas Board against the Respondent for an act or acts that would be grounds for disciplinary action under Health Occ. §14-404(a)(22), (27), (40) and (45).

ORDER

It is, thus, by Panel A, hereby:

ORDERED that the Respondent is **RESTRICTED** from diagnosing, treating, and prescribing controlled dangerous substances to patients for chronic or persistent non-chronic pain in the State of Maryland or engaging in the practice of pain medicine; and it is further

ORDERED that the Respondent shall comply with all terms and conditions of the August 18, 2023, Agreed Order he entered into with the Texas Medical Board; 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, 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 Respondent's license with appropriate terms and conditions, or revoke the Respondent's license. 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 this Consent Order is a public document. *See* Health Occ. §§1-607, 14-411.1(b)(2) and Gen. Prov. §4-333(b)(6).

03/14/2024
Date

Signature On File

Christine A. Farrelly
Executive Director
Maryland Board of Physicians

CONSENT

I, Paul Kobza, D.O., acknowledge that I am aware of my right to consult with and be represented by counsel in considering this Consent Order. I have chosen to proceed without counsel and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

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.* concerning the pending charges. 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 as a resolution of the charges. 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.

Signature On File

3/12/24
Date

Paul Kobza, D.O. /
Respondent

NOTARY

STATE OF Texas
CITY/COUNTY OF Harris

I HEREBY CERTIFY that on this 12 day of March, 2024, before me, a Notary Public of the State and City/County aforesaid, personally Paul Kobza, D.O., and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Kimberly Thomas
Notary Public

My Commission expires: 4-13-2025

