

IN THE MATTER OF
JOHN K. YACOUB, M.D.

Respondent

License Number: D30010

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* BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS

Case Number: 2013-0427

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**ORDER FOR SUMMARY SUSPENSION
OF LICENSE TO PRACTICE MEDICINE**

The Maryland State Board of Physicians (the "Board") hereby **SUMMARILY SUSPENDS** the license of John K. Yacoub, M.D., (the "Respondent"), license number D30010, to practice medicine in the State of Maryland. The Board takes such action pursuant to its authority under Md. State Govt Code Ann. § 10-226(c)(2009 Repl. Vol.) concluding that the public health, safety or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true:¹

1. At all times relevant hereto, the Respondent is and was licensed to practice medicine in the State of Maryland.
2. The Respondent is board-certified in Obstetrics and Gynecology.

¹ The statements regarding the Respondent's conduct are intended to provide the Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

3. The Respondent practiced gynecology and gynecologic surgery at Hospital A² and held privileges at Hospital B. The Respondent also ran a weight loss program and a drug detoxification program from his office at Hospital A.
4. In or around December 2012, the Board initiated an investigation of the Respondent after receiving from Hospital A a Report of Disciplinary Action ("Report"). The Report stated that the Respondent had been terminated from Hospital A as of November 28, 2012 for reasons including but not limited to the Respondent's failure to comply with standard protocols regarding the procurement, storage and dispensation of prescription drugs, including CDS.
5. The Respondent had ordered large quantities of CDS from a drug wholesaler and maintained the drugs in his office at Hospital A.
6. The Respondent does not have a dispensing permit.
7. Shortly before the Respondent was terminated, one of the Respondent's staff had taken photographs of multiple large bottles containing CDS that were located in the Respondent's office. The staff member provided the pictures to hospital administrators because she was concerned that the Respondent may have been selling CDS from his office.
8. On or around the date the Respondent was terminated from Hospital A, hospital administrators located a small quantity of CDS, but not were unable to locate the bottles pictured in the photographs taken by the Respondent's staff.

² The names of individuals and facilities are confidential. They will be provided to the Respondent upon request.

9. When interviewed under oath by Board staff, the Respondent stated that the drugs “somehow disappeared” from the date the pictures were taken to the date of his termination.
10. When interviewed under oath by Board staff, the Respondent initially stated that he did not use illicit drugs. The Respondent later stated that he had been in contact with cocaine on only one occasion, December 31, 2012.
11. The Board directed the Respondent to undergo toxicology screening on June 19, 2013 and August 27, 2013. The Respondent rescheduled the June 19 screening without Board staff’s knowledge or permission to June 20, 2013.
12. The results of analysis of the Respondent’s hair on both screens were positive for cocaine. The results indicate that the Respondent ingested cocaine within a 90 day period prior to collection. Contact with cocaine on December 31, 2012 as asserted by the Respondent would not have caused the positive results.
13. The Respondent is currently under investigation by the U.S. Drug Enforcement Administration (“DEA”).
14. The investigation revealed that approximately four years ago, the Respondent began mailing Schedule III CDS to a female patient (“Patient 1”) who resides in a state other than Maryland.
15. Patient 1 and the Respondent have a sexual relationship.
16. The Respondent’s provision of CDS to Patient 1 was without legitimate medical purpose.
17. Approximately two years ago, the Respondent began prescribing quantities of various Schedule II and III CDS to Patient 1 at her specific request. The

Respondent also prescribed CDS to a second female patient ("Patient 2") and others to be filled for Patient 1.

18. The Respondent's prescribing of CDS to Patient 1 and others on her behalf was without legitimate medical purpose.
19. On September 23, 2013, DEA agents executed a federal search and seizure warrant of the Respondent's home. Patient 1 was present in the Respondent's home when the search began.
20. Patient 1 told DEA agents that all the CDS in her room were provided to her by the Respondent. Some of the bottles bore labels with patient names other than Patient 1's name.
21. DEA agents found on the Respondent's kitchen table residue of a substance that was identified as cocaine.
22. The Respondent arrived at his home at approximately 11:42 a.m. The Respondent had been assisting in a gynecological surgical procedure at Hospital B immediately before his arrival.
23. The Respondent told DEA agents that he had snorted cocaine off the kitchen table the prior evening. The Respondent acknowledged that he provided CDS to Patient 1. The Respondent stated that he had seen Patient 1's need for CDS grow over the years and felt that he had let things go too far. The Respondent further stated that he was getting Patient 1 a supply of Suboxone to assist her in detoxification.
24. The Respondent stated that he knew what he was doing was not within the scope of accepted medical practice, but did not believe it was illegal.

25. In furtherance of its investigation, DEA agents searched the contents of Patient 1's telephone. Numerous text messages between the Respondent, Patient 1 and Patient 2 disclosed that the Respondent prescribed quantities of various CDS to Patient 1 at her specific request and that Patient 2 assisted in obtaining the CDS as well as cocaine.
26. In furtherance of its investigation, DEA agents searched the contents of the Respondent's telephone. The search revealed numerous images of female genitalia. In most of the images, a gloved hand is touching or in close proximity to the genitalia. In at least two of the images, medical equipment is visible.

CONCLUSION OF LAW

Based on the foregoing Investigative Findings, the Board concludes the Board concludes that the public health, safety or welfare imperatively require emergency action in this case, pursuant to Md. State Gov't Code Ann. § 10-226 (c)(2)(i) (2009 Repl. Vol.).

ORDER

Based on the foregoing, it is by a majority of the quorum of the Board:

ORDERED that pursuant to the authority vested by Md. State Gov't Code Ann., § 10-226(c)(2), the Respondent's license to practice medicine in the State of Maryland be and is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that the Cease and Desist Order issued by the Board is no longer in effect. The Order for Summary Suspension supersedes the Board's previously issued Cease and Desist Order; and it is further

ORDERED that a post-deprivation hearing in accordance with Code Md. Regs. tit. 10, § 32.02.05.B(7) and E on the Summary Suspension has been scheduled for **Wednesday, October 23, 2013, at 11:15 a.m.**, at the Maryland Board of Physicians, 4201 Patterson Avenue, Baltimore, Maryland 21215-0095; and it is further

ORDERED that at the conclusion of the **SUMMARY SUSPENSION** hearing held before the Board, the Respondent, if dissatisfied with the result of the hearing, may request within ten (10) days an evidentiary hearing, such hearing to be held within thirty (30) days of the request, before an Administrative Law Judge at the Office of Administrative Hearings, Administrative Law Building, 11101 Gilroy Road, Hunt Valley, Maryland 21031-1301; and it is further

ORDERED that on presentation of this Order, the Respondent **SHALL SURRENDER** to the Board's Compliance Analyst, the following items:

- (1) the Respondent's original Maryland License;
- (2) the Respondent's current renewal certificate;
- (3) the Respondent's Maryland Controlled Dangerous Substance Registration;
- (4) all controlled dangerous substances in the Respondent's possession and/or practice;
- (5) all Medical Assistance prescription forms;
- (6) all prescription forms and pads in his possession and/or practice; and
- (7) Any and all prescription pads on which his name and DEA number are imprinted; and it is further

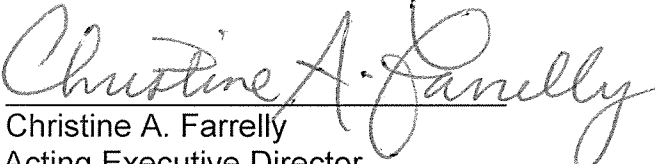
ORDERED that during the period of Summary Suspension, in accordance with Title 4, subtitle 3 of the Health-General article, the Respondent shall have a continuing

duty, on proper request, to provide details of a patient's medical record to the patient, another physician or hospital; and it is further

ORDERED that a copy of this Order of Summary Suspension shall be filed with the Board in accordance with Md. Health Occ. Code Ann. § 14-407 (2009 Repl. Vol.,); and it is further

ORDERED that this is a Final Order of the Board and, as such, is a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. § 10-611 *et seq.*

10/8/2013
Date


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