

IN THE MATTER OF * BEFORE THE MARYLAND
EDWARD A. ERINLE, M.D. * STATE BOARD OF
Applicant for Reinstatement * PHYSICIANS
Former License No: D52273 (expired) * Case No: 2014-0686
* * * * *

**FINAL DECISION AND ORDER ON APPLICATION FOR REINSTATEMENT OF
MEDICAL LICENSURE**

INVESTIGATIVE AND PROCEDURAL HISTORY

Dr. Erinle was originally licensed to practice medicine in Maryland on June 27, 1997. Dr. Erinle renewed his Maryland medical license every two years until 2010, when he failed to renew his license. His medical license expired on September 30, 2010. On December 10, 2013, Dr. Erinle applied to reinstate his Maryland medical license. On his reinstatement application, Dr. Erinle answered “YES” to a question asking whether a state licensing or disciplinary board had taken action against him and whether a disciplinary board filed complaints against him. He listed one disciplinary action, in 2008, stating that the Virginia Board of Nursing issued a reprimand for practicing with an “expired nursing license for 3 days” and stated that the Virginia Nursing Board imposed a \$500.00 fine.

1. Board Investigation

The Board investigated Dr. Erinle’s representations on his application and found that the statements on his application were inaccurate and he had additionally failed to disclose that the Maryland Board of Nursing had permanently revoked his license in 2013.

In a Consent Order, the Virginia Board of Nursing found that Dr. Erinle practiced without a nursing license for over five months in 2007. This period of practice without a license was far in excess of the three days that Dr. Erinle claimed on his reinstatement application.

Dr. Erinle also failed to disclose that the Maryland Board of Nursing revoked his nursing license based on his service as the “Director of Nursing Program” for the “American International Institute of Health Practical Nursing Education Program” (“AIIH”). According to the Maryland Board of Nursing, AIIH was a sham entity and rogue nursing education facility that had never obtained the Board’s approval to operate. The Maryland Nursing Board determined that AIIH was meant to defraud both individuals seeking a nursing certification as well as regulators. The Maryland Board of Nursing found that Dr. Erinle violated Health Occ. § 8-316(a)(1), (8), and (10), for fraudulently and deceptively obtaining a license for another and for acting inconsistently with the generally accepted professional standards of nursing. The Maryland Board of Nursing permanently revoked his license on September 16, 2013.

2. Administrative Proceedings

On April 21, 2014, the Maryland State Board of Physicians (the “Board”) sent Dr. Erinle a “Notice of Intent to Deny Application for Reinstatement of Medical Licensure under the Maryland Medical Practice Act” (“Notice of Intent to Deny”). The Notice of Intent to Deny listed grounds Health Occ. § 14-404(a)(1) (“Fraudulently or deceptively . . . attempts to obtain a license for the application or licensee or another”); (3)(i) (“Immoral conduct in the practice of medicine”); (3)(ii) (“Unprofessional conduct in the practice of medicine”); (11) (“Willfully makes or files a false report or record in the practice of medicine”); and (36) (“Willfully makes a false representation when seeking or making application for licensure . . .”); as well as §14-404(a)(21) (“Is disciplined by a licensing or disciplinary authority . . . for an act that would be grounds for disciplinary action under this section”) for reciprocal action including the underlying grounds of § 14-404(a)(1), (3)(i), (ii), (11), and (36). The Board also alleged that Dr. Erinle did not possess good moral character as required under Health Occ. § 14-307(b) based on his lack of candor and

integrity on his Maryland reinstatement application and previous fraudulent behavior. Dr. Erinle timely filed a request for a hearing. The Board forwarded Dr. Erinle's appeal to the Office of Administrative Hearings ("OAH").

On December 5, 2014, OAH sent the parties a Notice of Scheduling Conference, which set a scheduling conference for December 18, 2014 at the OAH office in Hunt Valley. The Administrative Law Judge ("ALJ") held an in-person scheduling conference on December 18, 2014. The Administrative Prosecutor represented the State of Maryland. Dr. Erinle did not appear. That day, at 8:00 a.m., Beth MacEwen, Docket Specialist, OAH received a telephone call from a woman who stated that she was Dr. Erinle's wife. She stated that Dr. Erinle was ill and in Nigeria. She stated that Dr. Erinle would return to the United States some time after the Christmas holiday. She stated that she would provide documentation of Dr. Erinle's illness and his location in Nigeria, but she failed to do so prior to the scheduling conference. At the scheduling conference, after waiting for 15 minutes, the ALJ set a date for the pre-hearing conference, the merits hearing, and two alternate dates for the merits hearing. On December 22, 2014, the ALJ issued a Scheduling Order and OAH sent to Dr. Erinle's address of record a notice that the in-person prehearing conference was scheduled for January 20, 2015. The United States Postal Service did not return the Notice of In-Person Prehearing Conference.

On January 20, 2015, the ALJ convened the in-person prehearing conference. After waiting 20 minutes past the scheduled start time, Dr. Erinle did not appear. Dr. Erinle had not requested a postponement. The State appeared at the pre-hearing conference and moved for a Default Order. The State offered the exhibits it planned to offer into evidence to support the grounds for denying the reinstatement of Dr. Erinle's medical license. The ALJ admitted the exhibits into evidence. After considering the record, the ALJ found evidence to support the

conclusion that Dr. Erinle was properly notified of the in-person prehearing conference. The ALJ granted the Motion for Default Order.

In his “Ruling on Motion for Default Order,” the ALJ proposed finding Dr. Erinle in default, denying Dr. Erinle reinstatement of his medical license based on the uncontested grounds of the Medical Practice Act, adopting as findings of fact the allegations set forth in the Notice of Intent to Deny, and terminating further proceedings in this matter.

Dr. Erinle did not file exceptions to the Default Order. On May 27, 2015, the Board considered Dr. Erinle’s application for reinstatement of his medical license and the Board issues this Final Decision and Order as the Board’s final disposition in this case.

FINDINGS OF FACT

The Board adopts as findings of fact all of the Allegations of Fact numbered 1-14 and the Grounds for Denial of Reinstatement of License in paragraphs 15-19 of the Board’s April 21, 2014 Notice of Intent to Deny (attached hereto as Exhibit “1”). The Board finds that these factual allegations and charges are unrefuted due to Dr. Erinle’s default. The Board also adopts as factual findings the ALJ’s statements regarding Dr. Erinle’s failure to respond to the notices sent by OAH and failure to appear at OAH in its Ruling on Motion for Default Order (attached hereto as Exhibit “2”). The Board finds that the ALJ gave proper notice to Dr. Erinle of the scheduling order and the prehearing conference, but Dr. Erinle failed to respond or to appear at any of the conferences scheduled in his case. Further, Dr. Erinle failed to file exceptions to the proposed Default Order. As a result, the Board adopts the ALJ’s Ruling on Motion for Default Order and as the ALJ did, adopts the findings of facts as alleged in the Notice of Intent to Deny.

CONCLUSIONS OF LAW

The Board denies reinstatement of Dr. Erinle's license based on the reasons that are grounds for action under Maryland Code Ann. Health Occ. § 14-404, as is its prerogative under Health Occ. § 14-205. The Board finds that Dr. Erinle violated Health Occ. § 14-404(a)(1), ("Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another"); § 14-404(a)(3)(i) ("Is guilty of: Immoral conduct in the practice of medicine"); § 14-404(a)(3)(ii) ("Is guilty of: . . . Unprofessional conduct in the practice of medicine"); § 14-404(a)(11) ("Willfully makes or files a false report or record in the practice of medicine"); § 14-404(a)(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 Veterans' Administration for an act that would be grounds for disciplinary action under this section"); and § 14-404(a)(36) ("Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine"). The underlying grounds for § 14-404(a)(21) are §§ 14-404(a)(1), 3(i), (ii), (11) and (36). Based on the forgoing findings of fact, the Board also finds that Dr. Erinle does not possess good moral character, a requirement for licensure under Health Occ. § 14-307(b).

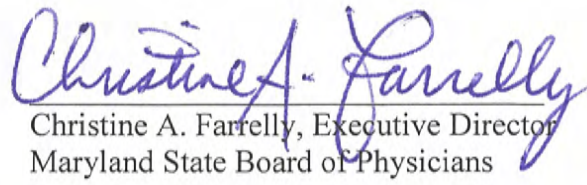
ORDER

It is hereby **ORDERED** that the Board's April 21, 2014 Notice of Intent to Deny Application for Reinstatement of Medical Licensure under the Maryland Medical Practice Act of Edward A. Erinle, M.D. expired license number D52273, is **UPHELD**; and it is further

ORDERED that the Application for Reinstatement of Medical Licensure of Edward A. Erinle, M.D., expired license number D52273, is **DENIED**; and it is further

ORDERED that this Final Decision and Order on Application for Reinstatement fo
Medical Licensure is a public document under Md. Code Ann., Gen. Prov. § 4-101 *et seq.*
(2014).

June 1, 2015
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(a), Dr. Erinle has the right to seek judicial review of this Final Decision and Order. Any petition for judicial review shall be filed within 30 days from the date of mailing of this Final Decision and Order. The cover letter accompanying this final decision and order indicates the date the decision is 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. Erinle 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:

**David S. Finkler
Assistant Attorney General
Department of Health and Mental Hygiene
300 West Preston Street, Suite 302
Baltimore, Maryland 21201**

EXHIBIT 1

IN THE MATTER OF * BEFORE THE
EDWARD A. ERINLE, M.D. * MARYLAND STATE
Applicant for Reinstatement * BOARD OF PHYSICIANS
License Number: D52273 (expired) * Case Number: 2014-0686

* * * * *

**NOTICE OF INTENT TO DENY APPLICATION FOR REINSTATEMENT OF MEDICAL
LICENSURE UNDER THE MARYLAND MEDICAL PRACTICE ACT**

The Maryland State Board of Physicians (the "Board") hereby notifies Edward A. Erinle, M.D. (the "Applicant") of the Board's intent to deny his Application for Reinstatement of Medical Licensure (the "Application") pursuant to the Maryland Medical Practice Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 14-101 *et seq.* (2009 Repl. Vol. and 2013 Supp.).

The Board bases its action on the following provisions of the Act:

H.O. § 14-205. Miscellaneous powers and duties.

(b) *Additional powers.* -- (1) In addition to the powers set forth elsewhere in this title, the Board may:

- (iii) Subject to the Administrative Procedure Act, deny a license to an applicant or, if an applicant has failed to renew the applicant's license, refuse to renew or reinstate an applicant's license for any of the reasons that are grounds for action under § 14-404 of this title.

Grounds for action under H.O. § 14-404 include the following:

H.O. § 14-404. Denials, reprimands, probations, suspensions, and revocations – Grounds.

- (a) *In General.* -- 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:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (3) Is guilty of: (i) Immoral conduct in the practice of medicine; or (ii) Unprofessional conduct in the practice of medicine;
- (11) Willfully makes or files a false report or record in the practice of medicine;
- (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 Veterans' Administration for an act that would be grounds for disciplinary action under this section; [and]
- (36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine[.]

Grounds for action under H.O. § 14-404(a)(21) include the following grounds under H.O. § 14-404(a):

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (3) Is guilty of: (i) Immoral conduct in the practice of medicine; or (ii) Unprofessional conduct in the practice of medicine;
- (11) Willfully makes or files a false report or record in the practice of medicine; [and]
- (36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine[.]

H.O. § 14-307. Qualifications of applicants.

- (a) *In general.* -- to qualify for a license, an applicant shall be an individual who meets the requirements of this section.
- (b) *Moral character.* -- The applicant shall be of good moral character.

ALLEGATIONS OF FACT¹

The Board intends to deny the Applicant's Application based on the following facts that the Board has cause to believe are true:

I. Licensure Information

1. The Applicant was initially licensed to practice medicine in Maryland on June 27, 1997. The Applicant renewed his Maryland medical license biennially until 2010, when he failed to renew his license. As a result, the Applicant's Maryland medical license expired, effective September 30, 2010.

2. The Applicant was initially licensed to practice nursing in the State of Maryland on April 26, 2000. The Maryland Board of Nursing permanently revoked the Applicant's Maryland nursing license pursuant to a *Final Decision and Order of Permanent Revocation*, dated September 16, 2013.

II. Application for Reinstatement

3. The Applicant submitted his Application, dated December 10, 2013, to the Board in which he sought to reinstate his Maryland medical license.

4. On page two (2) of the Application, the Applicant answered "YES" to Questions 16 (b) and (c), which state the following:

- (b) Has a state licensing or disciplinary board, or a comparable body in the armed services, taken an action against your license? (Such actions include, but are not limited to, limitations of practice, required education, admonishment, reprimand, suspension or revocation.)[Refer

¹ The allegations set forth in this document are intended to provide the Applicant with notice of the Board's action. 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 the Board's action.

to the document *Grounds for Board Action in Maryland* included with your application packet.]

- (c) Has any licensing or disciplinary board in any jurisdiction, or a comparable body in the armed services, filed any complaints or charges against you or investigated you for any reason?

5. In another part of the Application that required the Applicant to list any disciplinary actions that had been taken against him, the Applicant stated that in 2008, the Virginia Board of Nursing issued a "reprimand for expired nursing license for 3 days" for which it imposed a \$500.00 fine.

6. At the conclusion of the Application, the Applicant certified that the information he provided in it was true and accurate to the best of his knowledge.

III. Subsequent Board Investigation

7. The Board investigated the Applicant's representations in his Application and determined that he provided inaccurate/materially incorrect information regarding disciplinary action the Virginia Board of Nursing took against him in 2008 and that he failed to disclose that the Maryland Board of Nursing permanently revoked his Maryland nursing license in 2013.

Consent Order, Virginia Board of Nursing, dated August 14, 2008

8. The Applicant's representation in his Application that the Virginia Board of Nursing disciplined him for practicing nursing for three days without a Virginia nursing license was materially incorrect. According to an order issued by the Virginia Board of Nursing, the Applicant practiced nursing in Virginia without a license for a period that significantly exceeded three days, as he represented in his Application. In a Consent Order, dated August 14, 2008, the Virginia Board of Nursing found that the Applicant,

whose Virginia nursing license expired on April 28, 2006, practiced nursing without a valid Virginia nursing license from June 29, 2007 through December 11, 2007.

Final Decision and Order of Permanent Revocation, Maryland Board of Nursing, dated September 16, 2013

9. The Applicant failed to disclose in his Application that the Maryland Board of Nursing permanently revoked his Maryland nursing license pursuant to a *Final Decision and Order of Permanent Revocation* (the "Final Decision"), dated September 16, 2013.

10. In its Final Decision, the Maryland Board of Nursing found that the Applicant violated numerous provisions of the Maryland Nurse Practice Act, H.O. §§ 8-101 *et seq.*, when serving as the "Director of Nursing Program" for the "American International Institute of Health Practical Nursing Education Program ("AIIH")," which purportedly provided practical nursing education in Virginia. The Maryland Board of Nursing found that AIIH had been "evicted" from the Commonwealth of Virginia, after which it relocated to Maryland, where it operated as a "rogue nursing education" facility that "never obtain[ed] this Board's approval to operate." The Maryland Board of Nursing found that AIIH "did not bear any of the hallmarks of a legitimate nursing school . . . [and] . . . was nothing more than a sham entity meant to defraud both state regulators and students."

11. The Maryland Board of Nursing found that the Applicant, in his capacity as the Director of the Nursing Program at AIIH, provided certifications for 25 individuals who were seeking licensure in Maryland based on his representation that AIIH was an approved nursing program, which was demonstrably untrue. The Maryland Board of Nursing found that at the time the Applicant provided these certifications, he was aware

of the fact that the Virginia Board of Nursing had denied AllH's application to operate a practical nursing program in Virginia.

12. The Maryland Board of Nursing found that the Applicant's misrepresentations in these applications constituted fraudulently and deceptively obtaining a license for another, in violation of H.O. § 8-316(a)(1).

13. The Maryland Board of Nursing found that the Applicant's operation of AllH without state approval was "entirely inconsistent with generally accepted professional standards of nursing," in violation of H.O. § 8-316(a)(8).

14. The Maryland Board of Nursing also found that the Applicant's provision of nursing instruction to students in Maryland, without Board approval to conduct a nursing education program in Maryland, constituted violating a provision of the Nurse Practice Act, in violation of H.O. § 8-316(a)(10).

IV. Grounds for Denial of Reinstatement of Licensure

A. Grounds under H.O. §14-205/14-404

15. Pursuant to H.O. § 14-205(b)(1)(iii), the Board may refuse to reinstate an applicant's license for any of the reasons that are grounds for action under H.O. § 14-404. The Board intends to deny the Applicant's Application in that he committed acts or otherwise engaged in conduct that would be grounds for discipline under H.O. § 14-404. Such acts include but are not limited to: (a) making material misrepresentations or omissions to the Board in his Application; and (b) the Maryland Board of Nursing's permanent revocation of his Maryland nursing license, which constitutes being 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 armed services or

the Veterans' Administration for an act that would be grounds for action under this section.

16. The Applicant's material misrepresentations/omissions to the Board in his Application, in whole or in part, constitute grounds for discipline under the following subsections of H.O. § 14-404(a): H.O. § 14-404(a)(1), Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another; H.O. § 14-404(a)(3), Is guilty of: (i) Immoral conduct in the practice of medicine; or (ii) Unprofessional conduct in the practice of medicine; H.O. § 14-404(a)(11), Willfully makes or files a false report or record in the practice of medicine; and H.O. § 14-404(a)(36), Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine.

17. The Maryland Board of Nursing's permanent revocation of the Applicant's Maryland nursing license, effective September 16, 2013, constitutes a violation of H.O. § 14-404(a)(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 Veterans' Administration for an act that would be grounds for disciplinary action under this section.

18. Pursuant to H.O. § 14-404(a)(21), grounds for action under this section, *i.e.*, H.O. § 14-404(a), include the following: H.O. § 14-404(a)(1), Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another; H.O. § 14-404(a)(3), Is guilty of: (i) Immoral conduct in the practice of medicine; or (ii) Unprofessional conduct in the practice of medicine; H.O. § 14-404(a)(11), Willfully makes or files a false report or record in the practice of medicine;

and H.O. § 14-404(a)(36), Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine.

B. Grounds under H.O. § 14-307

19. The Board intends to deny the Applicant's Application in that the Applicant does not possess good moral character, a requirement for licensure under H.O. § 14-307(b). The Applicant made material misrepresentations/omissions to the Board when seeking reinstatement of his Maryland medical license, which reflects on his lack of candor and integrity. The Maryland Board of Nursing likewise found in its recently-issued Final Decision that the Applicant engaged in "duplicitous and fraudulent behavior . . . [that] . . . is far outside of the acceptable norm for a healthcare professional," such that "no disciplinary sanction short of permanent revocation of his certification can adequately protect the public." The Maryland Board of Nursing's permanent revocation of the Applicant's Maryland nursing license after finding that he violated numerous provisions of the Maryland Nurse Practice Act indicates that the Applicant does not possess good moral character, a requirement of licensure under the Act.

NOTICE OF AN OPPORTUNITY FOR A HEARING

In accordance with the Administrative Procedure Act, Md. Code Ann., State Govt §§ 10-201 *et seq.* (2009 Repl. Vol. and 2013 Supp.), the Board hereby notifies the Applicant of his opportunity for a hearing before the Board makes a final decision in this case. The Applicant must request a hearing **WITHIN THIRTY (30) DAYS** of the Applicant's receipt of this notice. The request for a hearing must be made in writing to:

Christine A. Farrelly
Acting Executive Director
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, Maryland 21215-0095
Phone: (410) 764-4771, Fax: (410) 358-2252

Additionally, please copy:

Robert J. Gilbert, Deputy Counsel
Assistant Attorney General
Maryland Office of the Attorney General
Health Occupations Prosecution and Litigation
Division
300 W. Preston Street, Suite 201
Baltimore, Maryland 21201
(410) 767-5680 ; Fax: (410) 333-5831

If a request for a hearing is made, a conference will be scheduled before a Disciplinary Committee for Case Resolution of the Board. In addition, a prehearing conference and a hearing before an Administrative Law Judge will be scheduled.

If the Board does not receive a written request for a hearing within **thirty (30) days** from receipt of this notice, the Board will sign the attached Final Order.

4/21/14
Date

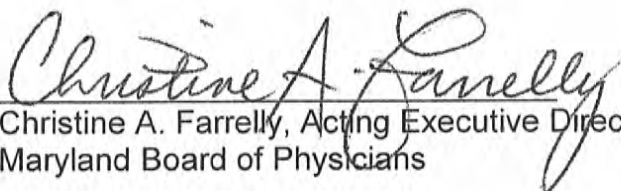

Christine A. Farrelly, Acting Executive Director
Maryland Board of Physicians

EXHIBIT 2

IN THE MATTER OF THE
MARYLAND STATE BOARD OF
PHYSICIANS

v.

EDWARD A. ERINLE, M.D.
LICENSE NO. 52273D (EXPIRED),
APPLICANT

* BEFORE THOMAS G. WELSHKO,
* AN ADMINISTRATIVE LAW JUDGE
* OF THE MARYLAND OFFICE
* OF ADMINISTRATIVE HEARINGS
* OAH No.: DHMH-SBP-70-14-42697
*
*



* * * * *

RULING ON MOTION FOR DEFAULT ORDER

On September 30, 2010, the Applicant's¹ medical license expired. On December 10, 2013, the Applicant filed an application for reinstatement of his medical license with the Maryland State Board of Physicians (Board). On April 21, 2014, the Board sent the Appellant its "Notice to Intent to Deny Application for Reinstatement of Medical Licensure under the Maryland Medical Practice Act²" (Notice). The Applicant filed a timely request for a hearing after receiving the Notice.³ The Board forwarded the Applicant's appeal to the Office of Administrative Hearings (OAH) for a hearing.

On December 5, 2014, the Office of Administrative Hearings (OAH) sent the parties a Notice of Scheduling Conference, which notified them that an in-person Scheduling Conference (SC) had been set for December 18, 2014 at the OAH in Hunt Valley.

On December 18, 2014, I held an in-person SC at the OAH in Hunt Valley, Maryland. Robert J. Gilbert, Deputy Counsel, Health Occupations Prosecution and Litigation

¹ During the December 18, 2014 Scheduling Conference, I referred to the Applicant as the Respondent. I chose "Applicant" here as a more accurate way of describing Dr. Erinle's posture in this case.
² Md. Code Ann., Health Occ. §§ 14-101 through 14-507 and 14-601 through 14-608 (2014), which I will continue to refer to as the Medical Practice Act.
³ I do not have a copy of the Applicant's hearing request as it was not in the file, so I do not have the date that it was submitted. The administrative prosecutor did not raise any timeliness issues.

Division, Administrative Prosecutor, represented the State of Maryland (State). The Applicant did not appear. At 8:00 a.m. on the day of the scheduling conference, Beth MacEwen, Docket Specialist, OAH, received a telephone call from a woman who identified herself as the Applicant's wife. That individual indicated that the Applicant was ill and was currently staying in Nigeria. She expected the Applicant to be back in United States some unspecified time after the Christmas holiday. The Applicant's wife told Ms. MacEwen that she would be providing documentation of the Applicant's illness and his current location in Nigeria, but had not done so at the time that the SC began. (Neither the Applicant nor his wife ever provided any documentation to verify the Applicant's illness.) After waiting fifteen minutes (in the event that a representative for the Applicant might appear), I went forward with the SC in the Applicant's absence. The State did not move for a default at that time.

During the SC, after conferring with counsel for the State, I set January 20, 2015 at 9:30 a.m. in Hunt Valley, Maryland as the date, time and location of the Prehearing Conference to be held in this matter. After also conferring with the State, I set February 10, 2015 as the date for the merits hearing, with February 17 and 19, 2015 as alternate dates. I issued a Scheduling Order on December 22, 2014. On December 22, 2014, the OAH also sent a Notice of the In-Person Prehearing Conference to the Applicant at his address of record, 9320 Ispahan Loop, Laurel, Maryland 20708. The United States Postal Service did not return the Notice of In-Person Prehearing Conference.

On January 20, 2015, I convened the in-person Prehearing Conference as scheduled. The Applicant did not appear. I waited twenty minutes past the scheduled start time for the Prehearing Conference for the Applicant appear, but he did not do so. The Applicant did not request a postponement. Consequently, I proceeded with the in-person Prehearing Conference in the Applicant's absence. The State moved for a Default Order.

The State offered the exhibits that it planned to offer into evidence to support the grounds for denying reinstatement of the Applicant's medical license, if the matter had proceeded to a merits hearing. I admitted those documents into evidence.⁴

Upon fully considering the record, I found that there was significant evidence to support the conclusion that the Applicant was properly notified of the in-person Prehearing Conference. Accordingly, I granted the Motion for Default Order.

IT IS THEREFORE PROPOSED that the Applicant, Edward A. Erinle, M.D., be found in default in OAH Case No. DHMH-SBP-70-14-42697;

IT IS PROPOSED that the reasons cited by the Board for denying reinstatement of the Applicant's medical license in its April 21, 2014 Notice, found in sections 14-307(a) and (b) and 14-404(a)(1), (3), (11), (21) and (36) of the Medical Practice Act, are uncontested; and

IT IS PROPOSED that the Board adopt the allegations of fact set forth in the Notice to Intent to Deny Application for Reinstatement of Medical Licensure under the Maryland Medical Practice Act as its findings of fact;

IT IS PROPOSED that pursuant to § 14-407 of the Health-Occupations Article, Annotated Code of Maryland (2014) the Applicant's application for reinstatement of his medical license be **DENIED**;

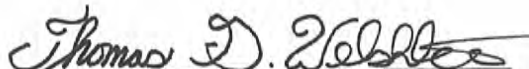
IT IS PROPOSED that all further proceedings in this matter are **TERMINATED**; and

IT IS PROPOSED that in accordance with Code of Maryland Regulations (COMAR) 10.32.02.05B(1)(a) and COMAR 28.02.01.23C, the parties may file written exceptions to this Proposed Default Order and request a hearing with the Board (4201 Patterson Avenue, Baltimore, Maryland 21215-2299, ATTN: Geneva Goode, Administrative Aide to Supervisor, Compliance Administration) within fifteen working days of the date of this Proposed

⁴ Those exhibits are listed in an Appendix to this Default Order.

Default Order; (2) any such written exceptions and/or request for hearing must be copied to the opposing party; and (3) the opposing party will have fifteen days from the date of any written exceptions to file exceptions in response.

January 23, 2015
Date Default Order Mailed


Thomas G. Welshko
Administrative Law Judge

TGW/tc
#154086

Copies mailed to:

Edward A. Erinle, MD
9320 Ispahan Loop
Laurel, MD 20708

Robert Gilbert, AAG
Office of the Attorney General
300 W. Preston Street, Ste 302
Baltimore, MD 21201

Christine Farrelly,
Acting Executive Director
Compliance Administration
Maryland Board of Physicians
4201 Patterson Avenue
Baltimore, MD 21215

Rosalind Spellman, Administrative Officer
Health Occupations Prosecution
and Litigation Division
Office of the Attorney General
300 West Preston Street, Room 201
Baltimore, MD 21201

Andrea Mathias, M.D., Chairman
Maryland Board of Physicians
Metro Executive Plaza
4201 Patterson Avenue, Third floor
Baltimore, MD 21215

John Nugent, Principal Counsel
Health Occupations Prosecution
and Litigation Division
Office of the Attorney General
300 West Preston Street, Room 201
Baltimore, MD 21201