

IN THE MATTER OF * BEFORE THE
 RISPBA N. *
 MCCRAY-GARRISON, M.D., * MARYLAND STATE BOARD
 Applicant * OF PHYSICIANS
 * Case Number: 2013-0875
 * * * * *

FINAL DECISION AND ORDER

On or about November 19, 2012, Rispha N. McCray-Garrison, M.D. (the “Applicant”) applied to the Maryland State Board of Physicians (the “Board”) for medical licensure. On or about January 29, 2014, the Board notified the Applicant of the Board’s intent to deny her Application for Initial Medical Licensure under the Maryland Medical Practice Act (the “Act”), Md. Health Occ. Code Ann. (“H.O.”) § 14-101 *et seq.*

The Board bases its denial on the following:

§ 14-307. Qualifications of applicants.

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

§ 14-205. Miscellaneous powers and duties.

- (a) *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...for any of the reasons that are grounds for action under § 14-404 of this title[.]

The underlying ground that is the basis of the Board’s intent to deny the Applicant’s Application is:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (3) Is guilty of:
 - ...
(ii) Unprofessional conduct in the practice of medicine;
- (4) Is professionally, physically or mentally incompetent;
- (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 Veteran's Administration for an act that would be grounds under this section;
- (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 H.O. § 14-404(a)(21) are H.O. § 14-404(a)(1), (3)(ii), (11) and 36.

The Board informed the Applicant that a Final Order would be executed **THIRTY (30) DAYS** from the Applicant's receipt of the Board's notice, unless the Applicant requested a hearing.

In order for the Board not to execute this Final Order, a written request for hearing had to be received from the Applicant on or before March 3, 2014. The Applicant failed to request a hearing on or before this date.

FINDINGS OF FACT

1. On November 19, 2012, the Board received from the Applicant an Application for Initial Medical Licensure (“Application”).
2. On the Application, the Applicant answered “YES” to the following Character and Fitness Question:

(f) Has a hospital, related health care facility, HMO, or alternative health care system denied your application for, or failed to renew your privileges; or limited, restricted, suspended, or revoked your privileges in any way?

3. In her explanation of her affirmative response to Question (f), the Applicant stated in part that, during the second half of her psychiatry residency (P[ost] G[raduate] Y[ear] 2), she had been “falsely accused” of documenting incomplete patient notes and of failing to see a patient on a scheduled date. The Applicant further stated that on the date in question, she had been “sick in the hospital (for 5 days)” but was “still falsely accused and the evidence was ignored.”
4. As a result of her affirmative response to Question (f), the Board initiated an investigation, the pertinent results of which are set forth below. The Board’s investigation revealed that the Applicant failed to respond to other Character and Fitness Questions in a truthful and accurate manner.

Board’s Investigative Findings

5. Effective January 11, 2010, the Applicant entered into an Order Imposing Administrative Penalty with the Texas Medical Board (“Texas Board”) in which the Texas Board determined that the Applicant was in violation of the Texas Medical Practice Act. Specifically, the Texas Board found that

the Applicant had submitted a false or misleading statement in her application for a postgraduate training permit and her application for licensure because she failed to report that she had been placed on academic probation while in medical school. The Texas Board imposed upon the Applicant an administrative penalty of \$4,000.

6. From 2010 until June 30, 2012, the Applicant was enrolled in a psychiatric residency program at Medical School A.¹
7. Effective January 31, 2012, Medical School A placed the Applicant on administrative status for demonstration of serious academic and professional deficiencies. Administrative status is below that of satisfactory status in residency training. It requires the resident to be closely supervised and cooperate with a remediation plan.
8. Effective June 15, 2012, Medical School A placed the Applicant on probationary status for a minimum of 90 days. By letter dated June 15, 2012, the Applicant was notified that Medical School A faculty had been concerned that she had failed to demonstrate the level of judgment and professionalism expected of a resident in training. The Applicant was further notified that these concerns had been independently raised at each of Medical School A's primary hospital affiliates, including one at which the Applicant's clinical privileges were revoked and she was banned from practicing for at least six months because of concerns regarding her ability to treat patients in a safe manner.

¹ For purposes of confidentiality, the name of the medical school is not identified.

9. The Applicant was notified of specific deficiencies including but not limited to: multiple HIPAA violations; inability to demonstrate medical knowledge about how to establish a therapeutic physician-patient relationship; failure to be available by pager; chronic tardiness for clinic duties; failure to meet with patients for the required number of visits and either missing or being late for the few patient appointments she did schedule.
10. By letter dated June 15, 2012, the Applicant was further notified that she would not be promoted to PGY3 because of the serious academic and professional deficiencies noted above and her failure to improve her performance despite counseling and other remedial efforts.
11. By letter dated June 25, 2012, the Applicant resigned from the psychiatry residency program effective June 30, 2012. The Applicant stated that she had decided to pursue another field of medicine.

Maryland Application for Licensure

12. On her Application, the Applicant answered "NO" to the following Character and Fitness Questions:
 - c. Has any licensing or disciplinary board in any jurisdiction (including Maryland), or a comparable body in the armed services, filed any complaints or charges against you or investigated you for any reason?
 - o. Has your employment by any hospital, HMO, other health care facility or institution, or military entity been terminated for disciplinary reasons?
 - p. Have you voluntarily resigned from any hospital, HMO, other health care facility or institution while under investigation by that institution for disciplinary reasons?

13. The Applicant signed an Affidavit in which she certified that all of her responses were true and accurate to the best of her knowledge.
14. The Applicant failed to respond truthfully and accurately to Question c. She failed to report that in 2009, the Texas Board had investigated her responses on her postgraduate training permit and licensure applications. The Texas Board's investigation resulted in a finding that she had violated the Texas Medical Practice Act and the imposition of an administrative penalty.
15. The Applicant failed to respond truthfully and accurately to Question o. She failed to report that her clinical privileges had been revoked and that she had been banned from practicing at one of Medical School A's affiliate hospitals.
16. The Applicant failed to respond truthfully and accurately to Question p. She failed to report that she had resigned from Medical School A after having been placed on administrative status and probationary status and was not going to be promoted to PGY3 because of serious academic and professional deficiencies.

Michigan Application for Licensure

17. On or about July 12, 2012, the Applicant submitted to the Michigan Bureau of Health Professions ("Michigan Board") an Online Application for a Medical Doctor.

18. The Applicant signed a certification that her statements in the application were true and correct and that she “ha[d] not withheld information that might affect the decision to be made on this application.”
19. The Applicant answered “NO” to the following question:

Have you been censured or requested to withdraw from a health care facility’s staff or had your health care facility staff privileges involuntarily modified?
20. The Applicant failed to answer truthfully and accurately to the above question. She failed to report that her clinical privileges had been revoked and that she had been banned from practicing at one of Medical School A’s affiliate hospitals. The Applicant also failed to report that she had been placed on administrative status and probationary status and was not going to be promoted to PGY3 because of serious academic and professional deficiencies.
21. On August 7, 2012, the Michigan Board issued to the Applicant a medical license.
22. The Applicant’s actions as outlined above constitute, in whole or in part, violation of H.O. § 14-404(a)(1), (3)(ii), (4), (11), (21) and (36) and are evidence that she is not of good moral character, in violation of H.O. § 14-307(b).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant is not of good moral character and fails to meet the qualifications for applicants, in violation of H.O. § 14-307(b), and further, that her

conduct, as set forth above constitutes, in whole or in part: fraudulently or deceptively obtaining or attempting to obtain a license, in violation of H.O. § 14-404(a)(1); unprofessional conduct in the practice of medicine, in violation of H.O. § 14-404(a)(3)(ii); professional, physical or mental incompetence, in violation of H.O. § 14-404(a)(4); willfully making or filing a false report or record in the practice of medicine, in violation of H.O. § 14-404(a)(11); discipline by a licensing or disciplinary authority for an act that would be grounds under the Act, in violation of H.O. § 14-404(a)(21) and/or willfully making a false representation when seeking or making application for licensure or any other application related to the practice of medicine, in violation of H.O. § 14-404(a)(36).


ORDER

It is this 27th day of March, 2014, by a majority of a quorum of the Board considering this case:

ORDERED that the Application for Initial Medical Licensure of Rispba N. McCray-Garrison, M.D. in the State of Maryland is hereby **DENIED**; and it is further

ORDERED that this Final Order is a public document pursuant to Md. Code Ann. State Gov't § 10-611 *et seq.* (2009 Repl. Vol. & 2013 Supp.).

3/27/14
Date


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

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Md. Code Ann., Health Occ. § 14-408(b), Dr. McCray-Garrison has the right to seek judicial review of this Final Decision and Order. Any petition for judicial review shall be filed within thirty (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. McCray-Garrison 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, Acting 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:

**Noreen M. Rubin
Assistant Attorney General
Department of Health and Mental Hygiene
300 West Preston Street, Suite 302
Baltimore, Maryland 21201**