



Message from Board Chair

Welcome to the Spring 2015 newsletter of the Maryland Board of Physicians (the Board), whose mission is to protect the public health. The Board discharges this duty through enforcement of the Maryland Medical Practice Act, and it regulates the practice of medicine in the State by three mechanisms: licensure, discipline, and policy.



Devinder Singh, M.D.

From a policy perspective, it has been a busy year for the Board. In conducting outreach to various hospitals and associations across the State, the Board has worked hard to promulgate regulations for mandatory hospital reporting. The Board has also been engaged in adopting regulations for the practice of Naturopathy, which will become a licensed health profession under the Board's jurisdiction in March 2016. In addition, the Board has responded to a [dramatic spike](#) in opioid-related deaths in Maryland by requiring that all physicians and physician assistants complete one hour of continuing education related to proper opioid prescribing practices.

Most importantly, through the General Assembly's passage of HB 574/SB 449, the Board has closed an important loophole in the licensure process by mandating criminal background checks as a qualification for licensure. The Board will provide updates to licensees as it coordinates with other agencies to implement the background checks process for individuals seeking an initial license or for those applying for renewal or reinstatement.

New DHMH Secretary

Van T. Mitchell is the new Secretary of the Department of Health and Mental Hygiene (DHMH), appointed by Governor Larry Hogan. Secretary Mitchell previously served as a Government Relations Specialist from 2007-2015 for Manis, Canning & Associates in Annapolis; was Principal Deputy Secretary of DHMH from 2004-2007; and was a member of the Maryland House of Delegates for three terms, serving as Chair of the Charles County and Southern Maryland Delegations.

Since 1985, Secretary Mitchell has served as President/CEO of MSI, Inc., a building supply company founded by his father in 1961. Secretary Mitchell, who was born and has lived his entire life in Charles County, also has served on many boards in the Southern Maryland area.

DHMH 2014 Overdose Report

The [2014 Drug- and Alcohol-Related Intoxication Deaths in Maryland](#) report is available from DHMH. Major findings include:

- A total of 1,039 overdose deaths occurred in Maryland in 2014, representing a 21 percent increase compared with 2013's data and a 60 percent increase since 2010.
 - 86 percent of all overdose deaths in 2014 involved opioids, which include heroin and prescription drugs such as oxycodone, methadone, and fentanyl.
- Fighting the heroin and opioid epidemic in Maryland is a major priority of the Hogan Administration.

2015 Legislative Session - End of Session Report

During this year's legislative session, nearly 1,300 bills were introduced in the Maryland House of Delegates and more than 900 bills were introduced in the Senate. Bills on health care matters affecting the Board or its licensees were tracked. Board Chair Devinder Singh, M.D. or Board staff testified on some bills before the House or Senate.

On April 14, 2015, Governor Larry Hogan signed the Board's criminal history records checks (CHRCs) bill. The bill requires specified CHRCs for physicians; physician assistants; respiratory care practitioners; radiation oncology/therapy, medical radiation, and nuclear medicine technologists; polysomnographic technologists; athletic trainers; perfusionists; and naturopathic practitioners. For more information, see the "New Laws" section in this edition of the newsletter.

The following is a summary of the bills tracked by the Board this year:

Passed Bills

SB 69 (CH 5) - State Board of Pharmacy - Sterile Compounding - Compliance by Nonresident Pharmacies and Repeal of Permit Requirement. This bill repeals the sterile compounding law as it applies to physicians.

HB 580 (CH 437) - Health Care Disparities, Cultural and Linguistic Competency, and Health Literacy - Recommended Courses.

The Board opposed the bill as introduced because it mandated the completion of certain continuing education. As passed, the bill requires the Board to post on its Website recommended courses in cultural and linguistic competency, health disparities, and health literacy.

SB 626 (CH 44) - Registered Nurses - Local Health Departments - Requirements for Personally Preparing and Dispensing Drugs and Devices. The bill authorizes registered nurses who meet certain requirements to prepare, dispense, and prescribe prescription drugs from an approved formulary for various public health purposes noted in the bill in accordance with the Nurse Practice Act. The bill relieves the Board of requirements under Declaratory Ruling 01-1 regarding the review and approval of applications for the delegation of dispensing authority from physicians to nurses.

HB 999 (CH 468) - Certified Nurse Practitioners - Authority to Practice. This bill removes the requirement of an approved attestation that the nurse practitioner has an agreement for collaboration and consulting with a licensed physician.

HB 09 (CH 393) - Maryland Licensure of Direct-Entry Midwives Act. This legislation establishes a licensing and regulatory system for the practice of direct-entry midwifery under the Board of Nursing.

HB 244 (CH 313) - Maryland Second Chance Act of 2015. This bill allows an individual to petition a court to shield certain non-violent, misdemeanor criminal convictions. The Board supported HB 244 because the bill exempted health occupations boards, meaning the Board would have access to records that otherwise would be inaccessible to members of the public. The bill aligns with the Board's CHRC bill.

HB 490 (CH 251) - Natalie M. LaPrade Medical Cannabis Commission - Miscellaneous Revisions. The Board did not take a position on HB 490 as introduced. However, the bill was amended in the House, and the extensive changes warranted the Board's comment. The Board submitted a letter to the Senate Judicial Proceedings Committee, detailing concerns that included the general observation that the same professional, disciplinary, and ethical standards should apply to all Maryland physicians, regardless of practice setting. The standards should not be different for "Certifying physicians" that treat qualified medical marijuana patients. Taken as a whole, some of the language in HB 490 appears to be inconsistent with provisions in the Medical Practice Act and Maryland self-referral laws as these provisions relate to certain compensation arrangements prohibited by both statutes. Board staff will continue to work on these concerns with the Cannabis Commission as it moves forward with the development of regulations.

2015 Legislative Session

End of Session Report

Failed Bills

SB 130 - Criminal Procedure - Shielding - Misdemeanor Convictions. Unfavorable committee report. This was another bill related to shielding certain records from the public. SB 130, as introduced, did not exempt health occupations boards; therefore, it conflicted with the Board's CHRC bill.

SB 252 - Interstate Medical Licensure Compact. Unfavorable committee report and Withdrawn. The Board opposed this bill, as it would have created a commission that affected the autonomy of individual state Boards.

HB 499 - State Board of Cosmetologists - Licensing - Hair Braiders, Cosmetology Assistants, and Microdermabrasion. Unfavorable committee report. The Board opposed this bill because it would have authorized a person other than a physician and other health care providers licensed under the Health Occupations Article to perform microdermabrasion.

Criminal Background Checks



The General Assembly passed legislation in the 2015 session – SB 449 (CH 34) – that requires State Board of Physicians applicants and licensees to submit to Criminal History Records Checks (CHRCs) as a qualification for licensure, and creates new grounds for disciplinary action if a licensee fails to submit to a required CHRC. The effective date for the legislation is July 1, 2015; however, the Board will be working through the necessary implementation steps to operationalize the CHRC, such as the development of regulations and the hiring of staff. Please stay tuned for any written communications, notices posted on the Board's Website, and ultimately on the licensure application itself to get updates on when the requirement will be implemented. October 2016 will be the implementation date for all renewals.

CDS Registration Requirements

The Department of Health and Mental Hygiene recently solicited comments for proposed changes to the Code of Maryland Regulations 10.19.03.03 in regard to supplemental requirements for Controlled Dangerous Substance (CDS) registration. The proposed regulations stated that applicants who are authorized under the Health Occupations Article to prescribe prescription drugs shall: (1) complete a Department approved education module on substance abuse disorders, treatments and resources and (2) register with the Prescription Drug Monitoring Program.

At this time, the proposed regulations are **withdrawn**. Unless otherwise notified by the Division of Drug Control (DDC), CDS registration requirements have not changed. For more information, please contact the DDC at mddc@maryland.gov.

Practicing Without a License For each health occupation regulated by the Board, the Health Occupations Article contains statutory provisions that prohibit practicing, attempting to practice, or offering to practice that occupation or profession in Maryland unless licensed by the Board.

Here is an example of practicing without a license: If your license expires on June 30, you fail to renew by June 30, and you practice on July 1, you are practicing without a license. The Board may fine allied health practitioners up to \$5,000 and physicians up to \$50,000 for practicing without a license.

Another example involves unlicensed practitioners using cosmetic medical devices and performing laser-based procedures. Unlicensed practitioners face a monetary fine if found by the Board to be practicing without a license and to be in violation of regulations regarding cosmetic medical devices and procedures. In addition, a physician who practices with an unlicensed person may be subject to charges under the Maryland Medical Practice Act.

For regulations regarding cosmetic medical devices and procedures, see the Code of Maryland Regulations, 10.32.09.

Sanctions **October 2014 - November 2014**

All Board orders are public documents. For additional details regarding the following orders, please go to the Website and search a practitioner by name.

Months of October 2014 through March 2015:

Case Name: Herman E. Branson, M.D.
License Number: D32154
Date of Action: October 1, 2014
Termination Order; Complied with the terms and conditions of the Consent Order dated April 17, 2014.

Case Name: Ronald S. Fishman, M.D.
License Number: D03383
Date of Action: October 7, 2014
Monetary fine of \$2,000.00.

Case Name: Felicia Brenner
License Number: Unlicensed
Date of Action: October 10, 2014
Monetary fine of \$2,500.00.

Case Name: Bradley J. Lowman
License Number: Unlicensed
Date of Action: October 10, 2014
Order satisfying the fine of the Consent Order dated July 9, 2013.

Case Name: Deborah Murray
License Number: Unlicensed
Date of Action: October 10, 2014
Monetary fine of \$1,000.00.

Case Name: Ghislaine Fougy, M.D.
License Number: D18251
Date of Action: October 14, 2014
Probation terminated; Complied with the terms and conditions of the Consent Order dated June 27, 2012. Reprimand remains in effect.

Case Name: Oscar M. Ramirez, M.D.
Former License Number: D21826
Date of Action: October 14, 2014
Denial of Application for Licensure Reinstatement.

Case Name: C. Thomas Folkemer, M.D.
License Number: D14751
Date of Action: October 23, 2014
Permanent Revocation.

Case Name: Kevin M. Meadowcroft, P.A.
License Number: C04486
Date of Action: October 23, 2014
Reprimand; Probation with terms and conditions.

Case Name: Sheo P. Sharma, M.D.
License Number: D22638
Date of Action: October 27, 2014
Probation terminated. Reprimand imposed by the Consent Order dated March 21, 2013 remains in effect.

Case Name: Martin W. Gallagher, Jr., M.D.
License Number: D31880
Date of Action: October 29, 2014
Suspension, Immediately Stayed for no longer than 14 days; probation with terms and conditions.

Case Name: George S.G. Lakner, M.D.
License Number: D25404
Date of Action: October 30, 2014
Fine Satisfied. The fine imposed in the Final Decision and Order After Second Remand dated March 17, 2009 is satisfied.

Case Name: Mansour G. Panah, M.D.
License Number: D15506
Date of Action: October 31, 2014
Permanent Surrender.

Name: Mark P. Downey, M.D.
Case Number: 2011-0419
Date of Action: November 5, 2014
Probation Terminated. The probation imposed by the Consent Order dated May 12, 2011 is terminated.

Case Name: Richard D. Brown, M.D.
Case Number: 2015-0104
Date of Action: November 5, 2014
Permanent Surrender.

Sanctions November 2014



Case Name: Andrew Mrowiec, M.D.
Case Number: 7714-0029
Date of Action: November 5, 2014
Probation Terminated. The physician has successfully complied with the probationary terms and conditions of the Consent Order dated October 23, 2013. Reprimand remains in effect.

Case Name: Todd B. Sheridan, M.D.
Case Number: 8811-0005
Date of Action: November 11, 2014
Order Terminating Probation. The probation imposed by the Order of Reinstatement, dated October 18, 2011, is terminated.

Case Name: Alexandra Gold, M.D.
Case Number: 2014-0486
Date of Action: November 12, 2014
Permanent Revocation. The physician's license to practice medicine in Maryland is permanently revoked based upon disciplinary action taken by Delaware Board of Medical Licensure and Discipline.

Case Name: Robert P. Cathor, Jr., PA-C
Case Number: 7713-0083
Date of Action: November 13, 2014
Final Decision and Order. The practitioner's license to practice as a physician assistant is revoked based upon a crime of moral turpitude.

Case Name: John R. McLean, M.D.
Case Number: 2013-0874
Date of Action: November 13, 2014
Final Decision and Order. The physician's license to practice medicine is revoked based upon a crime of moral turpitude.

Case Name: Shahram Sani, M.D.
Case Number: 2012-0876
Date of Action: November 13, 2014
Reprimand; monetary fine of \$5,000.00.



Case Name: James I. Harring, M.D.
Case Number: 7714-0044
Date of Action: November 14, 2014
Suspension Terminated; The physician must apply for reinstatement and then will be placed on probation for a minimum of two (2) years with terms and conditions.

Case Name: David M. Hush
Case Number: 2014-0177
Date of Action: November 17, 2014
Revocation.

Case Name: Hilary H. Washington, M.D.
Case Number: 2009-0618
Date of Action: November 17, 2014
Probation Terminated. The physician has successfully complied with the probationary terms and conditions pursuant to Consent Order dated February 23, 2012. However, the reprimand remains in effect, and the physician remains permanently prohibited from the practice of pain management.

Case Name: Donald Busick, Jr.
Case Number: 2015-0239
Date of Action: November 17, 2014
License Suspended. The practitioner's license to practice polysomnography suspended for delinquent child support.

Case Name: Victoria E. Steiner-Larsen, M.D.
Case Number: 2014-0862
Date of Action: November 18, 2014
Reprimand; Probation for a minimum of two years with terms and conditions.

Case Name: Elizabeth A. Lilly, M.D.
Case Number: 2013-0988
Date of Action: November 18, 2014
Reprimand.

Case Name: Felicia Brenner (Northrop)
Case Number: 7715-0035
Date of Action: November 19, 2014
Satisfied terms and conditions of the Consent Order dated October 10, 2014.

Sanctions November 2014 - December 2014

Case Name: Lorraine Jarrah, M.D.
Case Number: 2009-0078
Date of Action: November 19, 2014
Satisfied terms and conditions of the Consent Order dated February 2, 2011. Reprimand remains.

Case Name: Deborah K. Murray,
Unlicensed
Case Number: 7715-0036
Date of Action: November 19, 2014
Satisfied terms and conditions of the Consent Order dated October 19, 2014.

Case Name: Renuka Gupta, M.D.
Case Number: 7713-0108
Date of Action: November 24, 2014
Fine Satisfied. The physician has satisfied the fine of \$5,000.00 in the Consent Order dated May 22, 2013. Reprimand remains in effect and the physician is permanently prohibited from applying for a drug dispensing permit.

Case Name: Mark G. Midei, M.D.
Case Number: 8814-0005
Date of Action: November 24, 2014
Petition for Reinstatement Denied. The physician failed to satisfy the Board that he is fit to return to the practice of medicine in the State of Maryland.

Case Name: Joan Smith, D.O.
Case Numbers: 2014-0741 & 7714-0061
Date of Action: November 24, 2014
Cease and Desist. The physician shall immediately cease and desist from treating her family members.

Case Name: Behdad Aryavand, M.D.
Case Number: 2015-0240
Date of Action: December 1, 2014
Reprimand. Reciprocal disciplinary action taken based upon Virginia Board of Medicine Consent Order dated September 19, 2014.

Case Name: Patricia Frischtak, M.D.
Case Number: 2015-0306
Date of Action: December 1, 2014
Fine of \$1,000.00 payable within 90 days. The Board found that the physician practiced medicine without a license.

Case Name: Donna M. Smith, R.T.
Case Number: 2014-0613
Date of Action: December 2, 2014
License Revoked; Monetary fine of \$500.00. The Board found that the practitioner is guilty of the unauthorized practice of radiography, and misrepresenting to the public that she is authorized to practice radiography.

Case Name: Dean P. Kane, M.D.
Case Numbers: 2014-0602 & 2014-0960
Date of Action: December 2, 2014
Reprimand with terms and conditions; Monetary fine of \$20,000.00. The Board found that the physician is guilty of unprofessional conduct in the practice of medicine, and practicing medicine with an unauthorized person.

Case Name: Joy Gray Wilson, Unlicensed
Case Number: 2015-0113
Date of Action: December 2, 2014
Fine of \$2,500.00. The Board found that the individual practiced medicine without a license.

Case Name: Ann J. Goetcheus Gehl, M.D.
Case Number: 2015-0311
Date of Action: December 2, 2014
Fine of \$1,000.00 payable within 90 days. The Board found that the physician practiced medicine without a license.

Case Name: Janet V. Johnson, M.D.
Case Number: 2015-0357
Date of Action: December 2, 2014
Fine of \$1,000.00 payable within 90 days. The Board found that the physician practiced medicine without a license.



Sanctions December 2014 - January 2015

Case Name: Christopher C. Caswell, M.D.
Case Number: 2015-0289
Date of Action: December 5, 2014
Fine of \$1,000.00 payable within 90 days. The Board found that the physician practiced medicine without a license.

Case Name: Desmond F. Johnson, M.D.
Case Number: 7713-0113
Date of Action: December 5, 2014
Termination of probation. The physician complied with probationary terms and conditions imposed on October 10, 2013. The physician is permanently prohibited from practicing pain management.

Case Name: Bradford A. Kleinman, M.D.
Case Number: 2015-0293
Date of Action: December 9, 2014
Fine of \$1,000.00 payable within 90 days. The Board found that the physician practiced medicine without a license.

Case Name: Robert B. Allen, RCP
Case Number: 2014-0894
Date of Action: December 10, 2014
Application for Licensure Denied. The applicant's Application for Respiratory Care Practitioner licensure is denied based upon the applicant not being of good moral character.

Case Name: Shahram Sani, M.D.
Case Number: 7715-0038
Date of Action: December 10, 2014
Fine Satisfied. The physician has satisfied the \$5,000.00 fine imposed in the Consent Order dated November 13, 2014. Reprimand remains in effect.

Case Name: Vabian Paden, M.D.
Case Number: 7714-0074
Date of Action: December 10, 2014
Fine Satisfied. The physician has satisfied the \$2,000.00 fine imposed in the Consent Order dated May 20, 2014.

Case Name: Mallikarjun R. Thatipelli, M.D.
Case Number: 2015-0235
Date of Action: December 12, 2014
License Revoked, immediately stayed; probation with terms and conditions. Reciprocal disciplinary action taken based upon the Medical Board of California's Decision and Order effective May 15, 2014.

Case Name: Lawrence D. Egbert, M.D.
Case Number: 2011-0870
Date of Action: December 12, 2014
License Revoked. The Board found that the physician is guilty of unprofessional conduct in the practice of medicine.

Case Name: Neil Spiegel, D.O.
Case Number: 7713-0043
Date of Action: December 12, 2014
Order Terminating Condition. The prohibition on the physician's prescribing of opiates and benzodiazepines set forth in the Consent Order dated October 25, 2012 and Order Terminating Probation dated January 22, 2014 is terminated.

Case Name: William J. Crittenden, III, M.D.
Case Number: 8814-0003
Date of Action: December 16, 2014
Petition for Reinstatement Denied. The Board determined that the physician has not satisfied to the Board that he is fit to return to the practice of medicine in the State of Maryland.

Case Name: Martin W. Gallagher, M.D.
Case Numbers: 7714-0025 / 2010-0659 & 2010-0745
Date of Action: January 12, 2015
Permanent Surrender.

Case Name: Betty B. Rainsford, P.A.
Case Number: 2014-0934
Date of Action: January 12, 2015
Reprimand with terms and conditions; monetary fine of \$3,150.00.



Sanctions January 2015 - February 2015

Case Name: Paul M. Apostolo, M.D.

Case Number: 2014-0411

Date of Action: January 14, 2015

Reprimand; terms and conditions.

Case Name: Hadi M. Rassael, D.O.

Case Numbers: 2008-0410, 2009-0011, 2010-0287, 2014-0027, 2015-0017, & 2015-0128

Date of Action: January 14, 2015

Suspension for a minimum period of eighteen (18) months with terms and conditions. The Summary Suspension of October 7, 2014 is terminated.

Case Name: Edward Weissberg, M.D.

Case Number: 2015-0439

Date of Action: January 15, 2015

Administrative fine of \$425.00. The physician failed to complete fifty (50) continuing medical education credits for reinstatement of his license.

Case Name: Robin A. Yurk, M.D.

Case Number: 2014-0432

Date of Action: January 15, 2015

Final Order. Denial of Application for Reinstatement.

Case Name: Leila I. Kump, M.D.

Case Number: 2014-0635

Date of Action: January 16, 2015

License Revocation for a minimum of one (1) year.

Case Name: John Baldinger, M.D.

Case Number: 2015-0406

Date of Action: January 6, 2015

Administrative fine of \$400.00.

Case Name: Donovan Fraser, RT

Case Number: 2014-0385

Date of Action: January 23, 2015

Reprimand; terms and conditions.

Case Name: Pradeep Srivastava, M.D.

Case Number: 2013-0868

Date of Action: February 2, 2015

Supplemental Order. The effective date of the physician's license revocation is December 30, 2011.

Case Name: Gwendolyn M. Yates, M.D.

Case Number: 2015-0033

Date of Action: February 3, 2015

Reprimand; monetary fine of \$1,000.00. The Board found that the physician is guilty of unprofessional conduct and practicing medicine with an unauthorized individual.

Case Name: Christopher Yates

Case Number: 2015-0034

Date of Action: February 3, 2015

Monetary fine of \$1,000.00. The Board found that the individual practiced medicine without a license.

Case Name: Anthony V. Dallas, Jr., M.D.

Case Number: 2015-0164

Date of Action: February 5, 2015

Three (3) Month Suspension. Reciprocal action taken based upon disciplinary action taken by the Mississippi State Board of Medical Licensure on September 4, 2014.

Case Name: Jackie Pujol, M.D.

Case Number: 2015-0119

Date of Action: February 6, 2015

Surrender. The physician decided to surrender his license to practice medicine to avoid further investigation.

Case Name: John Kiely, M.D.

Case Number: 2015-0485

Date of Action: February 13, 2015

Reprimand. Reciprocal action taken based upon disciplinary action taken by the Virginia Board of Medicine. In addition, the physician is prohibited from performing ophthalmic surgery in Maryland.

Case Name: Julio A. Ramirez, M.D.

Case Number: 2015-0184

Date of Action: February 23, 2015

Reprimand. The Board found that the physician is guilty of unprofessional conduct for practicing medicine with an unauthorized individual.



Sanctions February 2015 - March 2015

Case Name: Richard A. Greene, M.D.

Case Number: 2014-0936

Date of Action: February 25, 2015

License Suspended. Reciprocal action based upon disciplinary action taken by the Virginia Board of Medicine. The physician's license is suspended for a minimum of twelve (12) months, and may apply for reinstatement only after his Virginia license is reinstated.

Case Name: David A. Hoxie, M.D.

Case Number: 2011-0643

Date of Action: February 25, 2015

Final Decision and Order. The physician's application for initial medical licensure in Maryland is denied.

Case Name: Abdelmonem M. El-Beshir, M.D.

Case Number: 2015-0013

Date of Action: February 26, 2015

License Surrendered. The physician decided to surrender his license to practice medicine in the State of Maryland to avoid further investigation and to avoid prosecution of the allegations before the Board.

Case Name: Mahsin Habib, M.D.

Case Number: 2015-0558

Date of Action: February 27, 2015

Reprimand. Reciprocal action based upon disciplinary action taken by the Virginia Board of Medicine.

Case Name: James Douglas Clarke, M.D.

Case Number: 2011-0551

Date of Action: March 3, 2015

Reprimand; two (2) year probation with terms & conditions. The Board found that the physician is guilty of unprofessional conduct. The physician shall immediately pay a \$10,000.00 fine, and shall enroll in the Maryland Professional Rehabilitation Program.

Case Name: Earnest Joiner (R)

Case Number: 2014-0200

Date of Action: March 9, 2015

License Reinstatement. The suspension of the practitioner's radiography license is lifted.

Case Name: Vitalis O. Ojiegbe, M.D.

Case Numbers: 2013-0195 & 2013-0404

Date of Action: March 10, 2015

Reprimand; two (2) year probation with terms & conditions. The Board found that the physician failed to meet the standard of quality care, failed to comply with drug dispensing requirements, and failed to maintain adequate medical records.

Case Name: Trevia F. Hayden, M.D.

Case Number: 2014-0109

Date of Action: March 10, 2015

Reprimand with terms & conditions. The Board found that the physician failed to meet the standard of quality care, and failed to maintain adequate medical records.

Case Name: Janet L. Wasson, M.D.

Case Number: 2014-0287

Date of Action: March 10, 2015

Reprimand; two (2) year probation with terms & conditions. The Board found that the physician is professionally incompetent with regard to her surgical practice, and failed to meet the standard of quality care.

Case Name: Robert E. Korman, M.D.

Case Number: 8815-0001

Date of Action: March 10, 2015

Reinstatement; two (2) year probation with terms & conditions. The physician's application for reinstatement is granted, and his license to practice medicine in Maryland is reinstated.

Case Name: Paul A. Acevedo, M.D.

Case Number: 2008-0673

Date of Action: March 11, 2015

Termination of Probation. The physician successfully complied with the terms of probation imposed on February 19, 2010.

Case Name: Cameron Duffy, M.D.

Case Number: 2015-0577

Date of Action: March 11, 2015

Reprimand. Reciprocal action taken based upon disciplinary action taken by the West Virginia Board of Medicine.



Sanctions **March 2015**

Case Name: Gil-Flobert Bodog Binyet, R.T.

Case Number: 7714-0049

Date of Action: March 17, 2015

Termination of Probation. The practitioner successfully complied with the terms and conditions of imposed order dated February 6, 2014.

Case Name: Adam Levinson, M.D.

Case Number: 2015-0229

Date of Action: March 16, 2015

Reprimand; Reciprocal action based on an order from the New York State Board.

Case Name: Joan Smith, D.O.

Case Number: 2014-0741 & 7714-0061

Date of Action: March 16, 2015

Reprimand; Three (3) years probation with terms & conditions. In addition, the physician shall permanently cease prescribing CDS for pain management purposes, cannot prescribe Buprenorphine for any purpose, and is permanently prohibited from prescribing medication to immediate family members.

Case Name: Brittany A. Iseminger, A.T.

Case Number: 2014-0144

Date of Action: March 17, 2015

Monetary fine of \$2,500.00. The Board found that the practitioner practiced athletic training without a license.

Case Name: Michael D. Martin, M.D.

Case Number: 2014-0341

Date of Action: March 20, 2015

Reprimand. The Board found that the physician is guilty of unprofessional conduct for exhibiting rude, demeaning, and disruptive behavior in the practice of medicine.

Case Name: Brittany A. Iseminger, A.T.

Case Number: 7715-0068

Date of Action: March 27, 2015

Fine satisfied. The Board found that the Athletic Trainer has satisfied conditions of the Consent Order dated March 20, 2015.

Case Name: Daniel S. Smithpeter, M.D.

Case Number: 2006-0403

Date of Action: March 27, 2015

Final Decision following Remand. Suspension reinstated but terminated as suspension is

completed. The Board found that the physician is guilty of immoral and unprofessional conduct in the practice of medicine.

Case Name: Andrew M. Speer, M.D.

Case Number: 2011-0472 & 7713-0116

Date of Action: March 27, 2015

Termination of Probation; reprimand remains in effect. The Board found that the physician has successfully complied with the terms and conditions of imposed order dated June 26, 2013.

Case Name: Meghal Antani, M.D.

Case Number: 2015-0578

Date of Action: March 31, 2015

Reprimand. Reciprocal action taken by the Virginia Board.

Case Name: Rakesh K. Mathur, M.D.

Case Number: 7713-0009

Date of Action: March 31, 2015

Suspended until payment of fine with terms and conditions. The Board found that the physician has violated the Consent Order dated July 27, 2012 and subsequent Order Terminating Suspension and Imposing Probation issued on May 29, 2013.

Case Name: Patricia H. Frischtak, M.D.

Case Number: 2015-0306 & 7715-0044

Date of Action: March 31, 2015

Fine satisfied. The Board found that this individual has satisfied the conditions of imposed Consent Agreement dated December 1, 2014.

Case Name: Christopher Yates

Case Number: 7715-0054

Date of Action: March 31, 2015

Fine satisfied. The Board found that this individual has satisfied the conditions of imposed Consent Order dated February 3, 2015.

Case Name: Gwendolyn M. Yates, M.D.

Case Number: 7715-0055

Date of Action: March 31, 2015

Fine satisfied. The Board found that this individual has satisfied the conditions of imposed Consent Order dated February 3, 2015.

Licensure Status

The Board has found that licensees sometimes have questions regarding the different types of licensure status. Below is a list that explains the various types, including those associated with disciplinary action.

Active: A health care provider is authorized to practice a health occupation in Maryland while the license is effective.

Expired: A license that is not renewed by the expiration date. If a licensee does not renew a license by the expiration date, the license will **automatically** expire. Practitioners are not authorized to practice, attempt to practice, or offer to practice on an expired license. A practitioner who wishes to practice again after a license expires will be required to apply for reinstatement and meet requirements for reinstatement.

Inactive: A licensee may apply for inactive status if the licensee has an unrestricted, active license to practice in Maryland and may also apply within 60 days of the expiration of the licensee's medical license. The fee to apply for inactive status is \$50.

A licensee who is on inactive status and who wishes to practice again in Maryland shall apply for reinstatement and meet the requirements for reinstatement.

Expired or Inactive licenses are not disciplinary actions. However, a licensee with an expired or inactive license may not (1) Practice medicine within Maryland; (2) Prescribe medicine within Maryland; or (3) Conduct peer review within Maryland.

Licensees in good standing who allow their licenses to expire or whose licenses become inactive are NOT reported to the Federation of State Medical Boards (FSMB) or the National Practitioner Data Bank (NPDB).

The following types of licensure status are associated with disciplinary action taken by the Board and are reported to the FSMB or the NPDB:

Probation: A disciplinary action which is a period of time a licensee is subject to monitoring under the terms and conditions set forth in an order of the Board.

Revocation: The Board's withdrawal of a health care provider's license to practice a health occupation in Maryland.

Suspension: A temporary denial of the right to use a license to practice a health occupation and is usually defined by (1) A specific period of time; (2) Specific dates; or (3) Specific conditions. A **summary suspension** is a denial for an indefinite period of the right to use a license.

Practice Closure and Medical Records

The Board receives many inquiries from patients about their medical records after their physician's practice closes as a result of the physician's retirement, surrender of license, death, or discontinuance of the practice.

Following the closure of a practice for these reasons, the law* requires that the health care provider, the administrator of the estate, or a designee who agrees to provide for the maintenance of the medical records must write, within a reasonable time, to notify the Board that the records will be properly maintained.

Physicians should implement necessary procedures prior to the closure of their practice to ensure compliance with the law.

** Section 4-403(e) of the Health General Article, Annotated Code of Maryland and COMAR 10.01.16.*

Tax Liability

Licensees who have tax issues will receive a letter from the Board 4 - 6 weeks before the renewal cycle begins. Tax issues must be resolved before a licensee will be allowed to renew. Questions or concerns about tax issues should be discussed with the Office of the Comptroller; the phone number will be provided in the letter.

ALLIED HEALTH CORNER

ALLIED HEALTH RENEWAL SCHEDULE

<i>Profession</i>	<i>Expiration Date</i>	<i>Renewal Period</i>	<i>Renewal Fee</i>
Physician Assistants	6/30/2015	5/4/2015 – 6/30/2015	\$196*
Athletic Trainers	9/30/2015	8/3/2015 – 9/30/2015	\$171
Polysomnographers	9/30/2015†	8/3/2015 – 9/30/2015	\$186

Renewal notices, in the form of a postcard and/or e-mail, will be mailed 7 -10 days prior to the beginning of the renewal season. Licensees should make sure the Board has the most current street and e-mail addresses. To update your addresses, go to the Board's Website at <https://www.mbp.state.md.us/bpqapp/>. Go to the box that asks, "Are you a licensed practitioner and need to create/edit your profile information?"

**The fee includes a \$25 rehabilitation fee.*

† There are two groups of polysomnographic technologists whose licenses expire on different dates. One group expired on May 30, 2015. The other group expires on September 30, 2015. The goal is to have all polysomnographic technologists expire on May 30 of odd years. Therefore, this year, regardless of when the license expires, the expiration date for all polysomnographic technologists' licenses will be May 30, 2017.

CONTINUING EDUCATION REQUIREMENTS

<i>Profession</i>	<i>Continuing Education (CE) Requirements</i>	<i>CE Regulations</i>
Athletic Trainers	50 hours for approved continuing education credits earned during the 2-year period preceding the expiration of the license OR proof of maintenance of certification by the BOC.	COMAR 10.32.08.07
Physician Assistants (PAs)	50 category I continuing education hours, eight (8) of which must be pharmacology, earned within 2 years preceding the submission of the application for renewal.	COMAR 10.32.03.09
Polysomnographers	20 hours of approved continuing education relevant to the practice of polysomnography earned during the 2-year period immediately preceding the submission of the renewal application.	COMAR 10.32.06.08

Unless this is a first renewal, practitioners are required to attest that they have earned the appropriate number of continuing education (CE) hours. PAs renewing for the first time are still required to have earned the eight (8) hours of Category I pharmacology hours. All renewing practitioners are subject to a random CE audit. If you receive a popup box while renewing, you will be required to send to the Board your CE documentation.



ATTENTION!

Special notice to Physician Assistants and Athletic Trainers

If the license expires, delegation agreements for Physician Assistants (PAs) and evaluation and treatment protocols for athletic trainers will become invalid. In addition to reinstating, PAs will be required to complete and submit a new delegation agreement and a \$200 fee. Athletic trainers will be required to complete and submit a new evaluation and treatment protocol and a \$100 fee.

Licenses practicing without a license and a valid delegation agreement (PAs) or evaluation and treatment protocol (athletic trainers) may be fined up to \$5,000.

Advisory Committee Recruitment

The Board is looking to fill vacant positions on the following Allied Health Committees

Perfusion Advisory Committee (PAC)

- One physician

Respiratory Professional Standards Committee (RCPSC)

- One thoracic surgeon

Radiation Therapy, Radiography, Nuclear Medicine Technology, and Radiologist Assistance Advisory (Rad Tech) Committee

- One physician who specializes in nuclear medicine
- One radiographer



PAC: Successful candidates must have a current, unencumbered Maryland license. The Committee meets quarterly on the first Thursday, at 4 p.m.

RCPSC: Successful candidates must have a current, unencumbered Maryland license. The physician must be a specialist in thoracic surgery. The Committee meets quarterly on the second Thursday at 10:00 a.m., beginning in February.

Rad Tech Committee: Successful candidates must have a current, unencumbered Maryland license. The nuclear medicine physician may be selected from a list of nominees submitted by the Mideastern Chapter-Society of Nuclear Medicine. Nominees are not required to be members. The radiographer may be selected from a list of nominees submitted by the Maryland Society of Radiologic Technologists. Nominees are not required to be members. The Committee meets the third Wednesday at 4 p.m., every other month, beginning in January.

If you meet the qualifications and are interested in serving on one of the above committees, please submit your curriculum vitae to Phyllis Washington, at phyllis.washington@maryland.gov, by July 10, 2015.

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ALLIED HEALTH CORNER

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Mark Olszyk, M.D.

Robert P. Roca, M.D.

Beryl J. Rosenstein, M.D.

Priti Kaur Sood, M.D.

Fraud Alert

The Office of Inspector General ("OIG") of the U.S. Department of Health and Human Services ("HHS") has issued a fraud alert regarding physician compensation arrangements. The alert can be found at the following link: https://oig.hhs.gov/compliance/alerts/guidance/Fraud_Alert_Physician_Compensation_06092015.pdf.

According to its Website, since its establishment in 1976, OIG has been at the forefront of efforts to fight waste, fraud, and abuse in Medicare, Medicaid, and more than 100 other HHS programs.

Keep Your Practitioner Profile Updated

Licensees can update their nonpublic, primary practice, and public addresses, and they can add postgraduate training programs or specialty board certifications. Self-designated practice areas also can be added or removed.

At this time, the Board is requesting that all practitioners **update their e-mail addresses via the Board's Website**. This will assist the Board in communicating more efficiently through electronic means. Please note that the Board no longer processes paper or e-mail requests for address changes. Changes submitted through the profile are updated on the Board's internal database within 24 hours.

To edit your profile, go to the Board's Website at <https://www.mbp.state.md.us/bpqapp/>.

- On the right hand side of the home page, click "Practitioner Profiles."
- Type in your license number under the heading, "Are you a licensed practitioner and need to create/edit your profile information?"
- First time users must complete the initial registration screen. If already registered, enter your password at the prompt.
- Once registered, select the edit button for the category of information you would like to edit.

Alternative Licensure Requirements

Polysomnographic Technologist Licensure: Applicants who graduated from a sleep technologist educational program accredited by the American Academy of Sleep Medicine may have a new educational pathway to apply for licensure as a Polysomnographic Technologist in Maryland. The qualifications for the new pathway to licensure can be found in Code of Maryland Regulations ("COMAR") 10.32.06.04A(7)(e): www.dsd.state.md.us/comar/comarhtml/10/10.32.06.04.htm. There also is additional information in Hot Topics at www.mbp.state.md.us/pages/polysom_hottopic.html.

Licensure as Radiographer, Nuclear Medicine Technologist, or Radiation Therapist: Applicants who did not graduate from an accredited JRCERT* or JRCNMT** educational program may have a new educational pathway to apply for licensure as a radiographer, a nuclear medicine technologist ("NMT"), or a radiation therapist ("RT") in Maryland. The qualifications for the new pathway to licensure can be found in:

* For radiographers: COMAR 10.32.10.04B(6)(b) and (7):

www.dsd.state.md.us/comar/comarhtml/10/10.32.10.04.htm.

* For NMTs: COMAR 10.32.10.05B(6)(b) and (7):

www.dsd.state.md.us/comar/comarhtml/10/10.32.10.05.htm

* For RTs: COMAR 10.32.05-1B(6)(b) and (7):

www.dsd.state.md.us/comar/comarhtml/10/10.32.10.05-1.htm

To review licensure applications and related forms, please visit

www.mbp.state.md.us/pages/forms.html.

*Joint Review Committee on Education in Radiologic Technology

**Joint Review Committee on Educational Programs in Nuclear Medicine Technology

All licensed practitioners can edit their demographic information through the online practitioner profile on the Board's Website.