

IN THE MATTER OF

\*

BEFORE THE

AUBREY ANCIL KING, M.D.

\*

MARYLAND STATE

Applicant

\*

BOARD OF PHYSICIANS

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Case Number: 2224-0078A

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

Disciplinary Panel A (“Disciplinary Panel A”) of the Maryland State Board of Physicians (the "Board") hereby notifies **AUBREY ANCIL KING, M.D.** (the “Applicant”) of its intent to deny his Application for Initial Medical Licensure (the “Application”) under the Maryland Medical Practice Act (the “Act”), codified at Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2021 Repl. Vol. and 2023 Supp.).

The pertinent provisions of the Act provide:

**Health Occ. § 14-205. Miscellaneous powers and duties.**

(b) *Additional powers.*

(3) Subject to the Administrative Procedure Act and the hearing provisions of § 14-405 of this title, a disciplinary panel may deny a license to an applicant . . . for:

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

**Health Occ. § 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:

...

- (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[.]

The underlying grounds for disciplinary action under Health Occ. § 14-404(a)(21)

includes the following provisions of Health Occ. § 14-404(a):

- (3) Is guilty of:
  - (ii) Unprofessional conduct in the practice of medicine; and

...

- (22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State[.]

### **ALLEGATIONS OF FACT<sup>1</sup>**

Disciplinary Panel A bases its action on the following facts that it has reason to believe are true:

#### **I. The Application**

1. The Applicant was issued a medical license in the State of California on September 16, 1985, which is valid until September 30, 2025. The Applicant also was issued a medical license in the State of New York in October 12, 2023, which is valid until September 30, 2025, and a medical license in the State of New Jersey in November 13,

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<sup>1</sup> The allegations set forth in this Notice are intended to provide the Applicant with reasonable notice of the asserted facts. 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 Applicant in connection with this Notice.

2023, which is valid until June 30, 2025. The Applicant is board-certified in Psychiatry, with a subspecialty certification in Child and Adolescent Psychiatry.

2. At all times relevant hereto, the Applicant is not and has never been licensed to practice medicine in the State of Maryland.

3. On or about December 6, 2023, the Applicant submitted his Application to the Board. The Application required the Applicant to answer “YES” or “NO” to a series of questions and provide written explanations for all “YES” responses.

4. The Applicant answered “YES” to the following question on Part 5 – Medical Licensing Exams & History, Licensing History on the Application:

Question c. Has any disciplinary action ever been taken against your license?

5. The Applicant provided a written explanation for his affirmative response, stating: “Effective 9/15/2023, my California license was placed on probation due to negligence and repeated negligent acts even though I did not make any admission to these charges.”

6. The Applicant also answered “YES” to the following question on Part 6 – Character and Fitness on the Application:

Question c. Has a state licensing or disciplinary board (including Maryland), a comparable body in the armed services, or the Veterans Administration, ever taken action against your license? Such actions include, but are not limited to, limitations of practice, required education admonishment or reprimand, suspension, probation or revocation.

7. The Applicant provided a written explanation for his affirmative response, stating: “I am placed on four years’ probation until the anticipated end date of 9/14/2027 due to malfeasance and dichotomous projections. I have not made any admission to any charges. Please see the attached documents for details.”

## **II. Board Investigation**

8. After receiving this information, the Board initiated an investigation concerning the disciplinary action taken by the Medical Board of California against the Applicant, including obtaining the complaint and disciplinary order.

9. The Board’s investigation revealed that on November 9, 2022, the Medical Board of California filed an “Accusation” against the Applicant. The Accusation alleged that the Applicant committed “repeated negligent acts” and “gross negligence” in his care and treatment of two adolescent patients.

10. For one 16 year-old male patient, the Medical Board of California alleged the Applicant committed “repeated negligent acts” and “gross negligence” in his care and treatment by prescribing psychotropic medications without adhering “to the ethical principles of beneficence and nonmaleficence by prescribing and changing multiple psychotropic medications over a short period of time” without substantiating the diagnoses; by prescribing stimulant medication without considering the patient’s past and current physical health; by failing to follow consensus guidelines for the safe initiation and monitoring for adverse effects when prescribing antipsychotic medications; and by initiating two antipsychotic medications simultaneously without valid justification.

11. For another 16 year-old female patient, the Medical Board of California alleged the Applicant committed “repeated negligent acts” and “gross negligence” in his care and treatment by failing to adhere to basic principles of evidence-based prescribing of psychotropic medication; by prescribing psychotropic medication without adhering to ethical principles of “beneficence and nonmaleficence”; by failing to follow consensus guidelines for the safe initiation and monitoring for adverse effects when prescribing antipsychotic medications; and by changing psychotropic medications by abruptly discontinuing Wellbutrin, increasing Abilify and Neurontin, and adding Zoloft, Trileptal, and Invega medications at the same time.

12. On or about August 16, 2023, the Medical Board of California and the Applicant entered into a public “Stipulated Settlement and Disciplinary Order” effective September 15, 2023 that resolved the Accusation. As part of the Stipulated Settlement and Disciplinary Order, the Applicant was placed on probation for four years with an anticipated end date of September 14, 2027. As part of the terms of probation, the Applicant is required to complete 40 hours of continuing medical education, complete a prescribing practices course, and complete a medical records keeping course; obtain a practice monitor; is prohibited from supervising physician assistants and advanced practice nurses; ordered to reimburse the Medical Board of California \$16,000 for the cost of its investigation; submit quarterly declarations of compliance with all the terms of probation; and is prohibited from practicing telemedicine.

### **III. Grounds for Denial**

Under Health Occ. § 14-205(b)(3)(i), a Board disciplinary panel may deny a license for any of the reasons that are grounds for action under Health Occ. § 14-404. The Applicant's actions, as described above, constitute, in whole or in part, grounds for a Board disciplinary panel to deny his Application under the following provisions of Health Occ. § 14-404(a): (3)(a)(ii) Unprofessional conduct in the practice of medicine; and (22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State.

#### **NOTICE OF AN OPPORTUNITY FOR A HEARING**

In accordance with the Administrative Procedure Act, Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2021 Repl. Vol. and 2023 Supp.), Disciplinary Panel A of the Board hereby notifies the Applicant of his opportunity for a hearing before a disciplinary panel of the Board makes a final decision in this case. The Applicant must request a hearing **WITHIN THIRTY (30) DAYS** of the date of mailing of this notice. The request for a hearing must be made in writing to:

Christine A. Farrelly, Executive Director  
Maryland State Board of Physicians  
4201 Patterson Avenue, 4<sup>th</sup> Floor  
Baltimore, Maryland 21215-0095  
Phone: (410) 764-4777  
Fax: (410) 358-1298

If a written request is made within thirty (30) days of the date of mailing of this notice, a Disciplinary Committee for Case Resolution ("DCCR") will be scheduled before

Disciplinary Panel A. If the case cannot be resolved by consent, a prehearing conference and a hearing before an Administrative Law Judge will be scheduled.

If Disciplinary Panel A does not receive a written request for a hearing within **thirty (30) days** of the date of mailing of this notice, Disciplinary Panel A will sign the attached Final Order, denying the Applicant's Application for an initial license to practice medicine in Maryland.

**ANTHONY G. BROWN**  
**ATTORNEY GENERAL OF MARYLAND**

April 18, 2024

*Gregory L. Lockwood*

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Date

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