

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE</b>
<b>LINDSAY M. BRATHWAITE, M.D.</b>	*	<b>MARYLAND STATE</b>
<b>Applicant for Reinstatement</b>	*	<b>BOARD OF PHYSICIANS</b>
<b>License Number: D60790 (expired)</b>	*	<b>Case Number: 2219-0180B</b>

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

Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) hereby notifies **LINDSAY MARTIN BRATHWAITE, M.D.** (the “Applicant”) of its **INTENT TO DENY** his Application for Reinstatement of Medical License (the “Application”) pursuant to the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2014 Repl. Vol., 2018 Supp.). Panel B bases its action of the following provisions of the Act:

**§ 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 or, if an applicant has failed to renew the applicant’s license, refuse to renew or reinstate an applicant’s license for:

- (i) Any of the reasons that are grounds for action under § 14-404 of this title[.]
- (ii) Failure to submit to a criminal history records check in accordance with § 14-308.1 of this title.

**§ 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 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[.]

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

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

...

(19) Grossly overutilizes health care services; [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>**

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

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<sup>1</sup> The statements of the Applicant's conduct set forth in this document are intended to provide the Applicant with notice of the allegations. 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 action.

**BACKGROUND**

1. The Applicant was initially licensed to practice medicine in the State of Maryland on or about August 14, 2003, under License Number D60790. The Applicant renewed his medical license until 2014, when he did not apply for renewal of his license. As a result, the Applicant’s Maryland medical license expired on September 30, 2014.

2. While practicing, the Applicant’s primary practice area was dermatology.

3. On or about November 19, 2018, the Applicant submitted to the Board his Application in which he sought reinstatement of his Maryland medical license.

4. In his Application, the Applicant answered “YES” to Questions 13(b), (k), and (p), which state the following:

13. Character and Fitness Questions . . . .

Since your last renewal:

. . .

(b) Has a state licensing or disciplinary board (including Maryland), a comparable body in the armed services or the Veterans Administration, 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.

. . .

(k) Have any malpractice claims or other claims for money damages been filed against you? Include past claims as well as any claim that is now pending, has been dismissed, has been settled, or which has resulted in a damages award against you or your medical practice.

. . .

(p) Have you surrendered your license or allowed it to lapse while you were under investigation by any licensing or disciplinary board of any jurisdiction, any entity of the armed services or the Veterans Administration?

## **BOARD INVESTIGATION**

5. The Board initiated an investigation into the Applicant's representations in his Application and determined that he was subject to prior disciplinary actions by the Delaware Board of Medical Licensure and Discipline (the "Delaware Board") and the Medical Board of California (the "California Board").

### **Probation, Delaware Board (2014)**

6. On or about April 16, 2002, the Delaware Board initially licensed the Applicant to practice medicine in the State of Delaware.

7. On or about October 7, 2014, the Delaware Board accepted an Order issued by a Delaware Board hearing panel, which had conducted an eight-day hearing into eleven separate allegations about the Applicant's medical practice. The hearing panel found that the Applicant unethically performed hundreds of biopsies and surgical procedures without establishing any legitimate medical need for doing so and "with an apparent motivation to increase income," failed to maintain sterile practices, and wrote at least three prescriptions in the names of his employees without establishing a doctor-patient relationship. The hearing panel also found:

[The Applicant] knowingly and with willful and wanton negligence, without regard for the safety of his patients allowed cross-contamination of blood products, exposing patients to possibly contracting hepatitis, AIDS and other blood-born [*sic*] pathogens by deliberately avoiding sterilization techniques. The Panel is particularly concerned with images from [the Applicant's] practice that included, by way of example, multiple bottles of Lidocaine with multiple needles inserted with no attached syringes, left exposed to the elements. These patients have no idea that they were so exposed by [the Applicant] . . .

Further, the Panel continues to find that the evidence supports that no method of clinical diagnoses except biopsies were utilized by [the Applicant] in his practice, making it clear that his primary focus was profit, and not the care and well-being of his patients. In so doing, [the Applicant] deliberately, despite being well trained in medical school and during his residency, exposed patients to great risk in his use of blood products.

Delaware Board Order, at 1-2 (October 7, 2014).

8. The Delaware Board further accepted the hearing panel's conclusions that the Applicant violated: 24 Del. Code § 1731(b)(1), by engaging in unethical practices in the connection with the practice of medicine; 24 Del. Code § 1731(b)(3), by engaging in dishonorable and unethical conduct likely to harm the public and his patients; and 24 Del. Code § 1731(b)(17), by violating provisions of the Delaware Medical Practice Act in a manner that more probably than not will harm or injure the public and his patients.

9. The Delaware Board placed the Applicant's Delaware medical license on probation for five years. As a condition of his probation, the Applicant was prohibited from performing any biopsies or surgical procedures. The Delaware Board also imposed a \$10,000 fine against the Applicant.

**Revocation, Delaware Board (2015)**

10. On or about August 19, 2015, the Delaware Board issued an Order Accepting Complaint and Granting Emergency Temporary Suspension, which suspended the Applicant's Delaware medical license. The Delaware Board determined that the Applicant was performing biopsies on a daily basis and punch biopsies and excisions on a weekly basis despite the Delaware Board prohibiting from doing so while he was on probation.

11. On or about October 3, 2015, the Applicant agreed to enter into a Consent Agreement in which he acknowledged performing biopsies and surgical procedures while on probation and prohibited from doing so. The Applicant agreed that his Delaware medical license would be permanently revoked upon the Delaware Board's acceptance of the Consent Agreement.

12. On or about November 3, 2015, the Delaware Board issued an Order accepting the Consent Agreement and permanently revoking the Applicant's Delaware medical license.

#### **Revocation, California Board (2015)**

13. On or about June 7, 2001, the California Board initially licensed the Applicant to practice medicine in the State of California.

14. On or about January 20, 2015, the California Board issued an Accusation against the Applicant alleging unprofessional conduct based on the findings and conclusions of the Delaware Board in their 2014 Order imposing probation. The Applicant did not respond to the Accusation.

15. On or about June 17, 2015, the California Board issued a Default Decision and Order, which found that the Delaware Board's disciplinary action against the Applicant were grounds for discipline in California. The California Board revoked the Applicant's California medical license, effective July 17, 2015.

#### **GROUND FOR DENIAL OF LICENSE**

16. The Board intends to deny the Applicant's Application pursuant to Health Occ. § 14-205(b)(3) in that his acts, as described above, constitute grounds for action under the following provision of Health Occ. § 14-404(a)(21), by being disciplined by a licensing

or disciplinary authority for acts that, if committed in Maryland, would be grounds for disciplinary action under Health Occ. § 14-404(a).

17. The underlying grounds for action under Health Occ. § 14-404(a)(21) that would be grounds for disciplinary action if committed in Maryland include the following provisions of Health Occ. § 14-404(a): (3)(ii), is guilty of unprofessional conduct in the practice of medicine; (19), grossly overutilizes health care services; and/or (22), fails to meet appropriate standards for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location.

**NOTICE OF AN OPPORTUNITY FOR A HEARING**

In accordance with the Administrative Procedure Act, Md. Code Ann., State Gov't ("State Gov't") §§ 10-201 *et seq.* (2014 Repl. Vol., 2018 Supp.) and Health Occ. § 14-405(a), Panel B hereby notifies the Applicant of his opportunity for a hearing before a disciplinary panel 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 cover letter accompanying this notice indicates the date the notice is mailed. The request for a hearing must be made in writing to:

Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians  
4201 Patterson Avenue, 4th Floor  
Baltimore, Maryland 21215  
Main: (410) 764-4771  
Fax: (410) 358-1298  
[christine.farrelly@maryland.gov](mailto:christine.farrelly@maryland.gov)

A copy of the hearing request must be sent to the Administrative Prosecutor:

W. Adam Malizio  
Assistant Attorney General  
Health Occupations Prosecution & Litigation Division  
300 West Preston Street, Suite 201  
Baltimore, Maryland 21215  
Direct: (410) 767-3448  
[adam.malizio@maryland.gov](mailto:adam.malizio@maryland.gov)

If a request for a hearing is made, a Disciplinary Committee for Case Resolution (“DCCR”) Conference will be scheduled. If this matter is not resolved on terms accepted by Panel B, an evidentiary hearing will be scheduled. The hearing will be conducted in accordance with Health Occ. § 14-405 and State Gov’t §§ 10-201 *et seq.*

If Panel B does not receive a written request for a hearing within thirty (30) days from the date of mailing of this notice, Panel B will sign the attached Final Order.

**BRIAN E. FROSH**  
**Attorney General of Maryland**



W. Adam Malizio, Assistant Attorney General  
Administrative Prosecutor  
Health Occupations Prosecution & Litigation Div.  
Maryland Office of the Attorney General  
300 West Preston Street, Suite 201  
Baltimore, Maryland 21201  
Direct: (410) 767-3448  
Email: [adam.malizio@maryland.gov](mailto:adam.malizio@maryland.gov)

June 18, 2019

Date