

IN THE MATTER OF	*	BEFORE THE
MARYAM MESSFOROSH, P.A.-C	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: C02915	*	Case Number: 2220-0111

* * * * *

CONSENT ORDER

On January 28, 2021, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged Maryam Messforosh, P.A.-C (“the Respondent”) under the Maryland Physician Assistants Act (the “Act”), Md. Code Ann., Health Occ. §§ 15-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.).

Specifically, the Respondent was charged with violating the following:

Health Occ. § 15-314.

(a) *Grounds.* - Subject to the hearing provisions of § 15-315 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum, may reprimand any physician assistant, place any physician assistant on probation, or suspend or revoke a license if the physician assistant:

...
 (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 in this State; [and]

...
 (40) Fails to keep adequate medical records[.]

On April 28, 2021, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring as a result of this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel B finds the following facts:

I. BACKGROUND

1. At all times relevant, the Respondent was and is licensed to practice as a Physician Assistant in the State of Maryland. The Respondent was originally licensed by the Board on May 17, 2004, under license number C02915. The Respondent's license is scheduled to expire on June 30, 2021.
2. The Respondent is and has been employed as Physician Assistant at an urgent care center in the State of Maryland (the "Facility")¹ since approximately 2010.
3. On or about April 15, 2019, Board staff received a complaint from the parent (the "Complainant") of a patient ("Patient 4") of the Respondent stating that her daughter "was easily prescribed an opioid for body aches especially when not her primary complaint." Following this complaint, the Board commenced an investigation.

II. Investigation

4. In furtherance of its investigation, the Board subpoenaed ten patient medical records, including those of Patient 4, from the Facility, requested a written response to the allegations from the Respondent, and conducted an interview with the Respondent.
5. On or about May 10, 2019, Board staff received the Respondent's written response. The Respondent stated that she felt Patient 4 was "in need of more comfort because of her high pain level." The Respondent said that Patient 4 reported moderate to

¹ To ensure confidentiality and privacy, the names of individuals and entities involved in this case, other than the Respondent, are not disclosed in this document.

severe generalized body aches, so she issued a prescription for hydrocodone-acetaminophen² to address that complaint. The Respondent further stated that she does not prescribe such medications unless it is absolutely necessary and that she tries to have conversations with her patients wherein she asks them if they believe they may benefit medically from such medications. The Respondent asserted that as an adult of twenty years old, Patient 4 did not need to fill the prescription if she felt that it was too strong.

6. On or about May 26, 2020, Board staff sent the ten patient records and other relevant materials to a peer review entity to be reviewed by a licensed physician assistant. On or about August 31, 2020, Board staff received the peer review report in which the Peer Reviewer opined that the Respondent did not meet the appropriate standards for the delivery of quality medical and surgical care in ten of the ten cases reviewed. In addition, the Peer Reviewer opined that the Respondent failed to maintain adequate medical records in ten of the ten cases reviewed.
7. On or about March 31, 2020, Board staff conducted an interview with the Respondent under oath. During the interview, the Respondent stated that she had been working as a physician assistant at the Facility for approximately ten years. She stated that she worked between three and five shifts per week and would see thirty to forty patients per shift on average. The Respondent stated that most of her patients presented for urgent care due to various illnesses.

² Hydrocodone-acetaminophen is an opioid analgesic used to treat moderate to severe pain, commonly sold under the brand name Vicodin, *inter alia*. It is classified as a Schedule II controlled dangerous substance by the United States Drug Enforcement Agency.

8. The Respondent testified that she did not act as a primary care provider for any of her patients, and though she would issue a prescription for pain relief to her patients, she would always encourage them to see their pain management doctor for complaints of chronic pain. She further testified that she did not utilize drug contracts at the Facility, and that she only conducted one urine drug screen during her tenure there.
9. The Respondent stated that in regards to Patient 4, she asked the patient if she believed she would benefit from a stronger medication and failed to note that conversation in the patient chart.
10. The Respondent failed 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 in this State, in violation of Health Occ. §15-314(a)(22), with respect to all ten of the patients reviewed, and failed to keep adequate medical records in violation of Health Occ. § 15-314(a)(40), with respect to all ten of the patients reviewed³. The Peer Reviewer found that the Respondent:
 - a. Prescribed narcotic pain medication as a first line treatment without considering alternative modalities of pain relief (Patients 1 – 10);
 - b. Failed to obtain or document parental consent prior to prescribing opiates to a minor (Patients 2, 3, 8, 9, 10);
 - c. Prescribed opiates in an excessive dose and quantity (Patients 4, 5, 7, 8, 9, 10);
 - d. Prescribed opiates that, based on exam findings and patient history, were not warranted for treating the patient's condition (Patients 4, 5);
 - e. Failed to document a subjective pain score (Patients 1, 2, 4, 5, 6, 7, 8, 9, 10);
 - f. Failed to document any discussion of over-the-counter alternatives or risk/benefit of opiate medication (Patients 1, 2, 3, 4, 5, 6, 7, 8, 9, 10);

³ The specific findings of the Peer Reviewer pertaining to the ten patients reviewed are set forth completely in the Peer Review Report which is available to the Respondent.

- g. Conducted a very limited and/or inadequate physical exam (Patients 1, 3, 4, 5, 6, 7, 8, 9, 10);
- h. Failed to document whether the patient requested additional pain control measures and/or the Respondent's justification for opiate prescription (Patients 1, 3, 4, 6, 7, 8, 9).

CONCLUSIONS OF LAW

Based on the Findings of Fact, Panel B concludes as a matter of law that the Respondent failed to meet the appropriate standards for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State, in violation of Health Occ. § 15-314(a)(22); and that the Respondent failed to keep adequate medical records, in violation of Health Occ. § 15-314(a)(40).

ORDER

It is, thus, on the affirmative vote of a majority of the quorum of Board Disciplinary Panel B, hereby

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that the Respondent is placed on **PROBATION** for a minimum period of **ONE YEAR**.⁴ During probation, the Respondent shall comply with the following terms and conditions of probation:

1. Within **THREE MONTHS**, the Respondent is required to take and successfully complete courses in: (i) opioid prescribing, and (ii) medical record-keeping. The following terms apply:

(a) it is the Respondent's responsibility to locate, enroll in and obtain the disciplinary panel's approval of the courses before the courses begin;

(b) the Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the courses;

⁴ If the Respondent's license expires during the period of probation, the probation and any conditions will be tolled.

(c) the courses may not be used to fulfill the continuing medical education credits required for license renewal; and

(d) the Respondent is responsible for the cost of the courses; and

2. The Respondent is subject to a chart and/or peer review conducted by the disciplinary panel or its agents as follows:

(a) the Respondent shall cooperate with the chart and/or peer review process;

(b) the disciplinary panel, in its discretion, may change the focus of the chart and/or peer review if the Respondent changes the specialty of her practice;

(c) if the disciplinary panel, upon consideration of the chart and/or peer review and the Respondent's response, if any, determines that the Respondent is meeting the standards of quality care in her practice and keeping adequate medical records, the disciplinary panel shall consider the peer review condition of the Consent Order met;

(d) a peer and/or chart review, indicating that the Respondent has not met the standards of quality care and/or has failed to keep adequate medical records, may be deemed by a disciplinary panel a violation of probation and/or a violation of Health Occ. § 15-314(a)(22) and/or (40); and

3. The disciplinary panel may issue administrative subpoenas to the Maryland Prescription Drug Monitoring Program on a quarterly basis for the Respondent's Controlled Dangerous Substances ("CDS") prescriptions. The administrative subpoenas will request the Respondent's CDS prescriptions from the beginning of each quarter; and it is further

ORDERED that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board or her designee. The Executive Director or her designee signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order; and it is further

ORDERED that a violation of probation constitutes a violation of this Consent Order; and it is further

ORDERED that, after the Respondent has complied with all terms and conditions and the minimum period of probation imposed by the Consent Order has passed, the Respondent may

submit a written petition for termination of probation. The Respondent may be required to appear before the disciplinary panel to discuss the petition for termination of probation. After consideration of the petition, the Respondent's probation may be administratively terminated through an order of the disciplinary panel if the Respondent has complied with all probationary terms and conditions and there are no pending complaints related to the charges; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that, if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If the disciplinary panel determines there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings followed by an exceptions process before a disciplinary panel; and if the disciplinary panel determines there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before a disciplinary panel; and it is further

ORDERED that, after the appropriate hearing, if the disciplinary panel determines that the Respondent has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend Respondent's license with appropriate terms and conditions, or revoke the Respondent's license. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine on the Respondent; and it is further

ORDERED that this Consent Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

05/19/2021
Date

Signature on File

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

CONSENT

I, Maryam Messforosh, P.A.-C., acknowledge that I have consulted with legal counsel before signing this document.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 15-315 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the pending charges. I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand the language and meaning of its terms.

Signature on File

5-11-2021
Date

Maryam Messforosh, P.A.-C
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Wicomico (Salisbury)

I HEREBY CERTIFY that on this 11th day of May 2021, before me, a Notary Public of the foregoing State and City/County, appeared Maryam Messforosh, P.A.-C, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Betty B. Miller
Notary Public

My Commission expires: 11-26-2021