

IN THE MATTER OF	*	BEFORE THE MARYLAND
LEAH BASCH, PA-C	*	STATE BOARD
Respondent	*	OF PHYSICIANS
License Number: C04649	*	Case Number: 2218-0177B

CONSENT ORDER

On July 3, 2018, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board"), notified Leah Basch, PA-C (the "Respondent"), License Number C04649, of its Intent to Revoke the Respondent's license to practice as a physician assistant in the State of Maryland pursuant to the Maryland Physician Assistants Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 15-101 et seq. (2014 Repl. Vol. and 2017 Supp.).

The pertinent provisions of the Act provide:

Health Occ. § 15-314. Reprimands, probation, suspension, revocation.

- (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:
 - (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;
 - (36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine;
 - (43) Fails to submit to a criminal history records check under § 14-308.1 of this article.

Health Occ. § 14-308.1. Criminal history records check through Central Repository.

- (a) In this section, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.
- (b) An applicant, a licensee, or a certificate holder shall apply to the Central Repository for a State and national criminal history records check.
- (c) As part of the application required under subsection (b) of this section, an individual shall submit to the Central Repository:
 - (1) Two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;
 - (2) The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and
 - (3) The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

On October 17, 2018, 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 and Order.

I. FINDINGS OF FACT

Panel B finds the following:

1. At all times relevant hereto, the Respondent was and is licensed to practice as a physician assistant in the State of Maryland. The Respondent was initially licensed to practice as a physician assistant in Maryland on November 15, 2011, under License Number C04649. The Respondent's license is active through June 30, 2019.
2. On or about June 27, 2017, the Respondent submitted an online application (the "Application") for the renewal of the Respondent's license using the Board's online renewal application process.

3. When a licensee applies online to renew his or her license, a notice appears that informs the licensee that the Board may not renew a license if it has not received the licensee's Criminal History Record Check ("CHRC") information, which includes the licensee's submission of his or her fingerprints to the Criminal Justice Information Services ("CJIS") before attempting to complete the renewal application.
4. The Respondent's signed Application states, "Failure to submit to a [CHRC] may result in disciplinary action." Prior to submitting the online Application, the Respondent checked a box attesting to completing the CHRC.
5. By email dated October 12, 2017, Board staff informed the Respondent that the Board had not received the CHRC. Board staff further informed the Respondent that the Respondent had ten business days to submit the CHRC.
6. The Respondent did not reply to the email.
7. By letter dated January 16, 2018, the Board informed the Respondent that the Board opened a preliminary investigation based upon the failure to obtain a CHRC for license renewal and the attestation that the Respondent submitted to a CHRC.
8. The Respondent did not reply to the letter.
9. By letter dated July 3, 2018, Panel B issued a Notice of Intent to Revoke her Physician Assistant license and sent it to the Respondent.
10. This letter was returned to the Board as undelivered.
11. On August 8, 2018, the Board resent the Notice of Intent to Revoke to an alternate address.
12. Respondent responded to the letter and contacted the Board about rectifying her failure to provide a CHRC.

13. On October 23, 2018, the Board received the completed CHRC report pursuant to Health Occ. § 14-308.1.

II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Respondent violated Health Occ. § 15-314(a)(43) by failing to submit to a criminal history records check under Health Occ. § 14-308.1.

III. ORDER

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

ORDERED that within six months, the Respondent shall pay a civil fine of \$500. The Payment shall be by money order or bank certified check made payable to the Maryland Board of Physicians and mailed to P.O. Box 37217, Baltimore, Maryland 21297. The Board will not renew or reinstate the Respondent's license if the Respondent fails to timely pay the fine to the Board; 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 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 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 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 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 or revoke the Respondent's license to practice as a physician assistant in Maryland. 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* Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

11/21/2018

Date

Christine A. Farrelly

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

CONSENT

I, Leah Basch, PA-C, by affixing my signature hereto, acknowledge that I have consulted with counsel and I have agreed to enter into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into 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 own behalf, and to all other substantive and procedural protections provided by the law. I agree not to challenge the Findings of Fact, Conclusions of Law, and Order set forth in this Consent Order. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

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

Signature on File

11/18/18

Date

Leah Basch, PA-C

NOTARY

STATE/ DISTRICT OF Ohio

CITY/COUNTY OF: Cuyahoga

I HEREBY CERTIFY that on this 18 day of November, 2018, before me, a Notary Public of the State/District and County aforesaid, personally appeared Leah Basch, PA-C and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Anthony Miceli

Notary Public

ANTHONY MICELI
Notary Public, for the State of Ohio
My Commission Expires _____

My commission expires: 6-13-22