

IN THE MATTER OF

*

BEFORE THE

KELLY LYNN MURRAY, PA-C

*

MARYLAND STATE

Respondent

*

BOARD OF PHYSICIANS

License Number: C05322

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Case Number: 7721-0020

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TERMINATION ORDER

On August 10, 2020, Disciplinary Panel B (the "Panel") of the Maryland State Board of Physicians (the "Board") issued an Order After Show Cause Hearing, wherein the Panel found that Kelly Lynn Murray, PA-C (the "Respondent"), had violated the July 29, 2019 Consent Order she entered into with the Panel by prescribing CDS other than buprenorphine during the first year of probation. Pursuant to the Order After Show Cause Hearing, the probation and probationary terms and conditions imposed under the July 29, 2019 Consent Order were terminated and the Respondent was reprimanded, placed on probation for a minimum of two (2) years, required to pay a fine of \$5,000.00 within two (2) years, prohibited from certifying patients for the medical use of cannabis, prohibited from prescribing and dispensing all CDS, with the exception of Buprenorphine for the treatment of addiction, for a minimum of one (1) year, and was required to be supervised by her supervising physician after the first year of probation. The Order After Show Cause further stipulated that, after the first year of probation and if the Respondent has successfully complied with the conditions of probation, she may prescribe and dispense all CDS pursuant to the terms of her delegation agreement.

One (1) year has passed from the date of the Order After Show Cause Hearing, the \$5,000.00 fine has been paid, and the Respondent has complied with the terms and conditions of probation. It is thus hereby

ORDERED that the restriction on the Respondent's ability to prescribe and dispense CDS is terminated; and it is further

ORDERED that the Respondent is still prohibited from certifying patients for the medical use of cannabis for the remainder of the probationary period; and it is further

ORDERED that the reprimand remains in effect; and it is further

ORDERED that the **PROBATION** imposed by the Order After Show Cause Hearing dated August 10, 2020 remains in effect;¹ and it is further

ORDERED that the Respondent shall be subject to supervision for a minimum period of **ONE (1) YEAR**² by her supervising physician, who has been approved as her supervising physician through the Board's delegation agreement approval process:

- (a) The disciplinary panel will provide the supervising physician with a copy of this Order and the August 10, 2020 Order After Show Cause and any other documents the disciplinary panel deems relevant;
- (b) If the Respondent's supervising physician for any reason does not provide the supervision required under this order, the Respondent shall immediately notify the Board and the Respondent shall not prescribe or dispense CDS until a replacement supervising physician, with a Board-approved delegation agreement, has agreed to provide the additional supervision required under this order and the replacement supervising physician has received this order and any other documents deemed relevant by the disciplinary panel;

¹ If the Respondent's license expires during the period of probation, the probation and any condition will be tolled.

² If the Respondent is not practicing medicine, the supervision shall begin when the Respondent resumes the practice of medicine and the disciplinary panel has approved the proposed supervisor. The Respondent shall submit the name of a proposed supervisor at least 30 days before the Respondent returns to the practice of medicine and shall be subject to supervision by a disciplinary panel approved supervisor upon the return to the practice of medicine.

(c) It shall be the Respondent's responsibility to ensure that the supervising physician

- i. Reviews the records of **ten (10) patients** each month, such patient records to be chosen by the supervisor and not the Respondent, the patient records shall be from patients being prescribed CDS by the Respondent, if there are at least 10 patients being prescribed CDS by the Respondent, and the supervisor shall choose patient records from a pool of all the Respondent's patients being prescribed CDS by the Respondent;
- ii. Meets in-person (or in real-time, if in-person is not feasible) with the Respondent at least once each month and discusses with the Respondent the care the Respondent has provided for these specific patients;
- iii. Be available to the Respondent for consultations on any patient;
- iv. Maintains the confidentiality of all medical records and patient information;
- v. Provides the Board with quarterly reports which detail the quality of the Respondent's practice, any deficiencies, concerns, or needed improvements, as well as any measures that have been taken to improve patient care; and
- vi. Immediately reports to the Board any indication that the Respondent may pose a substantial risk to patients; and

(d) If the disciplinary panel, upon consideration of the supervisory reports and the Respondent's response, if any, determines that the Respondent is not meeting the standard of quality care or failing to keep adequate medical records, the disciplinary panel may find a violation of probation after a hearing.

And it is further

ORDERED that the disciplinary panel may issue administrative subpoenas to the Maryland Drug Prescription Program on a quarterly basis for the Respondent's CDS prescriptions. The administrative subpoenas will request the Respondent's CDS prescriptions from the beginning of each quarter; and it is further

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

ORDERED that, after the Respondent has complied with all terms and conditions of probation and of this Order and the minimum period of probation imposed by the August 10, 2021 Order After Show Cause Hearing has passed, the Respondent may submit to the Board a written petition for termination of probation. After consideration of the petition, the probation may be terminated through an order of the disciplinary panel. The Respondent may be required to appear before the disciplinary panel to discuss her petition for probation. The disciplinary panel may grant the petition to terminate the probation, through and order of the disciplinary panel, if the Respondent has complied with all probationary terms and conditions and there are no pending complaints relating to the charges; and it is further

ORDERED that this Termination Order goes into effect upon the signature of the Executive or Deputy Director of the Board. The Executive or Deputy Director signs the Termination Order on behalf of the Board Disciplinary Panel A; and it is further

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

ORDERED that, if the Respondent allegedly fails to comply with any term or condition imposed by this Order, the Respondent shall be given notice an opportunity for a hearing. If a

disciplinary panel determines there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge at the Office of Administrative Hearings follow by an exceptions process before a disciplinary panel; and if a 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 Termination Order, the disciplinary panel may reprimand the Respondent, place the respondent on probation with appropriate terms and conditions, or suspend with appropriate terms and conditions, or revoke the Respondent's license to practice medicine 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 Termination Order is a public document.

Signature on File

8/12/2021
Date

Ellen Douglas Smith
Deputy Director
Maryland State Board of Physicians