

IN THE MATTER OF

*

BEFORE THE

*

MARYLAND STATE

ALICIA D. BROWN, PA-C
Respondent

*

BOARD OF PHYSICIANS

LICENSE NUMBER: C05583

*

Case Number: 2219-0177A

* * * * *

CONSENT ORDER

Disciplinary Panel A of the Maryland State Board of Physicians (the "Board") charged ALICIA D. BROWN, PA-C (the "Respondent") under the Maryland Physician Assistants Act (the "Act"), Md. Code Ann., Health Occ. §§ 15--101 *et seq.* (2014 Repl. Vol. & 2018 Supp.).

The pertinent provisions of the Act provide as follows:

§ 15-314. Reprimand, 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:

- ...
- (3) Is guilty of:
 - (i) Immoral conduct in the practice of medicine; or
 - (ii) Unprofessional conduct in the practice of medicine[.]

Prior to the issuance of a charging document, the Respondent agreed to enter into the following Consent Order, consisting of Findings of Fact, Conclusions of Law, Order and Consent.

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was licensed as a physician assistant (“PA”). The Respondent was initially licensed to practice medicine in Maryland on October 2, 2014. Her license is scheduled to expire on June 30, 2021.
2. At all times relevant hereto, the Respondent was employed as a PA at an urgent care facility in LaVale, Maryland.
3. On or about December 26, 2018, the Board received a complaint regarding the Respondent from a former employee (the “Complainant”) of a member of the Respondent’s family (“Patient 1”).
4. The Complainant alleged that the Respondent incorrectly certified that Patient 1 had no medical condition on a Medical Examination Report Form, when in fact, Patient 1 had a medical condition that would require a follow-up examination from a specialist.
5. The Board conducted an investigation of the complaint, including subpoenaing Patient 1’s medical records and interviewing the Respondent under oath.
6. At the time the complaint was filed, both the Complainant and Patient 1 drove commercial motor vehicles.
7. A person who operates commercial motor vehicles is subject to the physical examination requirements of the Federal Motor Carrier Safety Administration (“FMCSA”), 49 CFR 391.41.

8. On April 12, 2018, the Complainant and Patient 1 presented to the Respondent for completion of the Medical Examination Report Form required for commercial driver medical certification
9. Patient 1's medical records documented that he has a health condition that, in April 2018, required annual assessment from specifically designated board-certified or board-eligible health care specialists and completion by the specialists of an Exemption Application.¹
10. Patient 1, however, checked "NO" on the Medical Examination Form that he did not have any medical condition that required specialist certification.
11. The Respondent signed Patient 1's Medical Examination Report Form and attested that she had personally reviewed all available records and recorded information pertaining to Patient 1's evaluation and that the information was true and accurate, even though Patient 1 incorrectly omitted that he had the health condition that required certification by a specialist.
12. When interviewed by Board staff the Respondent admitted that she was aware that Patient 1 had the health condition and did not report it.
13. The Respondent admitted that she "chose [Patient 1] over doing the right thing medically and it was wrong."

¹ Effective November 19, 2018, the regulation was changed to permit certification by the applicant's "treating clinician" rather than the previously required specialists.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, Disciplinary Panel A concludes as a matter of law that the Respondent engaged in immoral and unprofessional conduct in the practice of medicine, in violation of Health Occ. § 15-314(a)(3)(i) and (ii).

ORDER

It is thus by Disciplinary Panel A of the Board, hereby:

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

ORDERED that within **SIX (6) MONTHS**, the Respondent is required to take and successfully complete a course in medical ethics. The following terms apply:

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

(b) the disciplinary panel will not accept a course taken over the internet;

(c) the Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the course;

(d) the course may not be used to fulfill the continuing medical education credits required for license renewal;

(e) the Respondent is responsible for the cost of the course; 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 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 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 Consent Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

Signature on File

10/01/2019
Date

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Alicia D. Brown, PA-C, assert that I am aware of my right to consult with and be represented by counsel in considering this Consent Order and in any proceedings that would otherwise result from the charges currently pending. I have chosen to proceed without counsel and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

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. § 14-405 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

9/25/19
Date

Alicia D. Brown, PA-C
Respondent

NOTARY

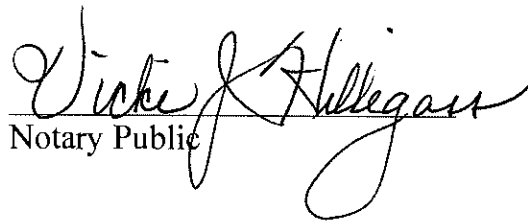
STATE OF PA

CITY/COUNTY OF Bedford

I HEREBY CERTIFY that on this 25th day of September 2019, before me, a Notary Public of the foregoing State and City/County, personally appeared Alicia D. Brown, PA-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.

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Vicki J. Hillegass, Notary Public
Harrison Twp., Bedford County
My Commission Expires Nov. 25, 2020
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES


Notary Public

My Commission expires: 11-25-2020