

**IN THE MATTER OF**

\*

**BEFORE THE**

**COLLINA O. AFRIYIE, PA-C**

\*

**MARYLAND STATE**

**Respondent**

\*

**BOARD OF PHYSICIANS**

**License Number: C05636**

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**Case Number: 2220-0002A**

\* \* \* \* \*

**CONSENT ORDER**

On March 25, 2020, Disciplinary Panel A ("Panel A") of the Maryland State Board of Physicians (the "Board") charged **COLLINA O. AFRIYIE, PA-C** (the "Respondent"), License Number C05636, under the Maryland Physician Assistants Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 15-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.) Panel A charged the Respondent with violating the following provisions of 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:

...

(3) Is guilty of:

...

(ii) Unprofessional conduct in the practice of medicine;

...

(27) Sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical reasons;

...

(41) Performs delegated medical acts beyond the scope of the delegation agreement filed with the Board or after notification from the Board that an advanced duty has been disapproved;

(42) Performs delegated medical acts without the supervision of a physician[.]

On August 12, 2020, Panel A 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 A finds:

#### **I. BACKGROUND**

1. The Respondent was and is a physician assistant (“PA”) licensed in the State of Maryland. She was initially licensed on November 24, 2014. Her license is current and is scheduled to expire on June 30, 2021.
2. At all times relevant hereto, the Respondent practiced at a group pain management practice (the “Practice”) in Hagerstown, Maryland.<sup>1</sup>
3. On or about June 28, 2019, the Board received from the Practice a Termination of Employment (Delegation Agreement) Report (the “Report”) that advised that the Respondent had been terminated effective June 21, 2019, for “Quality of Care Issues.” Specifically, the Report documented that the Respondent had not properly disposed of certain medication and had prescribed medications, including Controlled Dangerous Substances (“CDS”), to individuals who were not patients of the Respondent or the Practice.

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<sup>1</sup> Names of the practice, patients and individuals are confidential. The Respondent may obtain the information upon request to the Administrative Prosecutor

4. The Board initiated an investigation that included interviewing the Respondent, relevant personnel at the Practice, and the non-patients to whom the Respondent prescribed medications and subpoenaing the Respondent's personnel file. The personnel file documented issues regarding concerning changes in the Respondent's conduct and attendance at the Practice.<sup>2</sup>

## **II. Current Allegations**

5. The Board's investigation revealed that on or about June 20, 2019, the Respondent failed to dispose appropriately of certain medications. The medications were found in various locations in her office rather than the appropriate location.

6. The Board's investigation further revealed that the Respondent had prescribed medications, including CDS, to three (3) individuals with whom the Respondent was acquainted, but who were not patients of the Practice ("Person 1," "Person 2," and "Person 3.")

7. Pharmacy records subpoenaed by the Board documented that the Respondent had prescribed to Person 1 60 tablets of Tylenol #3 (a Schedule III CDS) in March 2019 and 60 tablets of Norco (a Schedule II CDS) in April 2019.

8. When interviewed under oath by Board staff, the Respondent admitted to prescribing to Person 1 when Person 1 was not a patient of the Practice. The Respondent admitted that she did not maintain a medical record for Person 1.

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<sup>2</sup> The specific nature of the Respondent's conduct changes is confidential.

9. Pharmacy records subpoenaed by the Board documented that the Respondent had prescribed to Person 2 the following medications:

-Adderall (a Schedule II CDS): 40 tablets in January 2017; 90 tablets in March 2018;

-Fioricet (not a CDS): 60 tablets in March 2017;

-Oxycodone 10 mg. (a Schedule II CDS): 90 tablets in May 2018 and June 2018 (two prescriptions);

-Oxycodone 10 mg: 120 tablets in September, November 2018, and February, March, April, May, June (two prescriptions) 2019.

10. When interviewed under oath by Board staff, the Respondent admitted to prescribing the above medications to Person 2 when Person 2 was not a patient of the Practice. The Respondent admitted that she did not maintain a medical record for Person 2.

11. Pharmacy records subpoenaed by the Board documented that the Respondent had prescribed to Person 3 oxycodone 10 mg in varying quantities on the following dates:

- 60 tablets in April 2018;

-30 tablets in June 2018 and 90 tablets at the end of June 2018;

-90 tablets in June 2018, January 2019 and February 2019;

-44 tablets in May 2019;

-46 tablets in June 2019.

12. When interviewed under oath by Board staff, the Respondent admitted to prescribing the above medications to Person 3 when Person 3 was not a patient of the Practice. The Respondent admitted that she did not maintain a medical record for Person 3.

## **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 15-314(a)(3)(ii); prescribed drugs for illegal or illegitimate purposes, in violation of Health Occ. § 15-314(a)(27); performed delegated medical acts beyond the scope of the delegation agreement filed with the Board, in violation of Health Occ. § 15-314(a)(41); and performed delegated medical acts without the supervision of a physician, in violation of Health Occ. § 15-314(a)(42).

## **ORDER**

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

**ORDERED** that the Respondent's license to practice as a physician assistant is **SUSPENDED<sup>3</sup>** for a minimum of **SIX (6) MONTHS.<sup>4</sup>** During the suspension, the Respondent shall comply with the following terms and conditions of the suspension:

(1) Within **SIX (6) MONTHS**, the Respondent is required to take and successfully complete **TWO (2) COURSES**: one course in Professional Ethics and one course in CDS Prescribing. The following terms apply:

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<sup>3</sup> During the suspension period, the Respondent shall not:

- (1) practice medicine;
- (2) take any actions after the effective date of this Order to hold herself out to the public as a current provider of medical services;
- (3) authorize, allow or condone the use of the Respondent's name or provider number by any health care practice or any other licensee or health care provider;
- (4) function as a peer reviewer for the Board or for any hospital or other medical care facility in the state;
- (5) prescribe or dispense medications; or
- (6) perform any other act that requires an active physician assistant license.

<sup>4</sup> If the Respondent's license expires during the period of the suspension, the suspension and any conditions will be tolled.

- (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;
- (2) The Respondent shall enroll in the Maryland Professional Rehabilitation

Program (MPRP) as follows:

- (a) Within 5 business days, the Respondent shall contact MPRP to schedule an initial consultation for enrollment;
- (b) Within 15 business days, the Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;
- (c) the Respondent shall fully and timely cooperate and comply with all MPRP's referrals, rules, and requirements, including, but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP;
- (d) the Respondent shall sign and update the written release/consent forms requested by the Board and MPRP, including release/consent forms to authorize MPRP to make verbal and written disclosures to the Board and to authorize the Board to disclose relevant information from MPRP records and files in a public order. The Respondent shall not withdraw her release/consent;
- (e) the Respondent shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of the Respondent's current therapists and treatment providers) verbal and written information concerning the Respondent and to ensure that MPRP is authorized to receive the medical records of the Respondent, including, but not limited to, mental health and drug or alcohol

evaluation and treatment records. The Respondent shall not withdraw her release/consent;

(f) the Respondent's failure to comply with any of the above terms or conditions including terms or conditions of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) constitutes a violation of this Consent Order; and it is further

**ORDERED** that the Respondent shall not apply for early termination of suspension; and it is further

**ORDERED** that after the minimum period of suspension imposed by the Consent Order has passed, the Respondent has fully and satisfactorily complied with all terms and conditions for the suspension, and if MPRP finds, and notifies the Board, that the Respondent is safe to return to the practice of medicine, the Respondent may submit a written petition to the disciplinary panel to terminate the suspension of the Respondent's license. The Respondent may be required to appear before the disciplinary panel to discuss her petition for termination. If the disciplinary panel determines that it is safe for the Respondent to return to the practice of medicine, the suspension will be terminated through an order of the disciplinary panel, and the disciplinary panel may impose any terms and conditions it deems appropriate on the Respondent's return to practice, including, but not limited to, probation and/or continuation of the Respondent's enrollment in MPRP. If the disciplinary panel determines that it is not safe for the Respondent to return to the practice of medicine, the suspension shall be continued through an order of the disciplinary panel for a length of time determined by the disciplinary panel, and the disciplinary panel may impose any additional terms and conditions it deems appropriate; 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 the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; 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 this Consent Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

09/02/2020  
Date

## *Signature on File*

Christine A. Farfelly  
Executive Director  
Maryland State Board of Physicians

### CONSENT

I, Collina Afriyie, 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***

08/21/2020  
Date

Collina Afriyie, PA-C  
Respondent

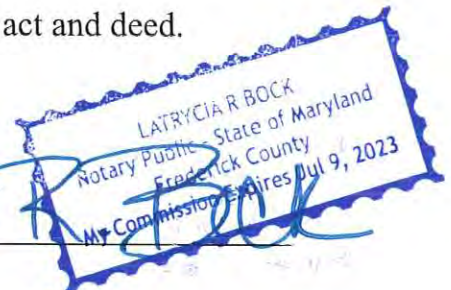
### **NOTARY**

STATE OF Maryland  
CITY/COUNTY OF Frederick

I HEREBY CERTIFY that on this 21<sup>st</sup> day of August, 2020, before me, a Notary Public of the foregoing State and City/County, did personally appear Collina Afriyie, 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 seal.

Laticyia R. Bock  
Notary Public



My commission expires July 9, 2023