

IN THE MATTER OF
JILLIAN G. GOLES, PA-C

Respondent

License Number: C06834

*** BEFORE THE**
*** MARYLAND STATE**
*** BOARD OF PHYSICIANS**
*** Case Number: 2220-0282B**

* * * * *

CONSENT ORDER

On February 8, 2021, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged Jillian G. Goles, 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:

- ...
(3) Is guilty of:
 - (ii) Unprofessional conduct in the practice of medicine;
- (8) Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article;
- (11) Willfully makes or files a false report or record in the practice of medicine;
- (33) Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel;

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

On May 26, 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 licensed to practice as a physician assistant in the State of Maryland. The Respondent was originally licensed to practice as a physician assistant in Maryland on May 31, 2018, under License Number C06834. The Respondent’s license is current through June 30, 2021.

2. At all times relevant, the Respondent practiced as a physician assistant at a health care facility (“Facility A”)¹ in Bel Air, Maryland, under the supervision of a physician licensed to practice medicine in Maryland. The Respondent worked at Facility A’s Department of Orthopedic and Spine Surgery. Her delegation agreement did not include providing mental health care.

¹ To ensure confidentiality, the names of individuals, hospitals and healthcare facilities involved in this case are not disclosed in this document.

3. The Board initiated an investigation of the Respondent after receiving a Mandated 10-Day Report on or about May 21, 2020, from Facility A stating that it had suspended the Respondent's clinical privileges pending the outcome of its investigation regarding the Respondent's violation of its human resources policies.

4. On or about June 9, 2020, the Board received a second complaint against the Respondent from a health care provider affiliated with Facility A alleging that the Respondent had altered her own medical record at Facility A, where she was also a patient, and self-prescribed psychiatric medications, including a controlled dangerous substance ("CDS"), for several months.

II. BOARD INVESTIGATION

5. In the course of its investigation, the Board obtained records from Facility A. According to the records, the Respondent was employed as a physician assistant at Facility A from in or around November 2019 to on or about May 27, 2020, when she was terminated. Previously, the Respondent was employed as a physician assistant at another health care facility ("Facility B") in Baltimore, Maryland, from June 2018 to August 2019.

6. Facility A's records revealed that in or around December 2019, the Respondent sought primary care from a practice affiliated with Facility A. An audit conducted by Facility A showed that the Respondent accessed her own electronic medical record at Facility A on March 25, 2020, March 26, 2020, and May 7, 2020, without authorization. On or about March 25 and 26, 2020, the Respondent modified her medical record by adding Adderall to her medication list. The Respondent also added Attention Deficit Disorder ("ADD") and General Anxiety Disorder ("GAD") to her problem list.

7. Facility A's audit further revealed that the Respondent through Facility A's electronic medical records system prescribed Adderall to herself on March 25, 2020, at 6:38 p.m. and March 26, 2020, at 2:33 p.m. and 3:24 p.m. None of the prescriptions, however, resulted in pharmacy dispensation.

8. Facility A's records further revealed that the Respondent had written and mailed three prescriptions for Adderall to an individual ("Individual A") located in Tennessee who was not a patient of record of Facility A. Facility A became aware of this action on or about May 21, 2020, when the envelope was returned to Facility A by the Postal Service because Individual A had moved without leaving a forwarding address. The envelope contained three prescriptions for Adderall #120 issued by the Respondent to Individual A.

9. When asked about the three prescriptions, the Respondent told Facility A staff that Individual A was a former patient of hers when she worked in Tennessee who was in need of Adderall for ADD. The Respondent also stated that she did not keep a medical record of Individual A.

10. In furtherance of its investigation, the Board reviewed drug surveys and obtained copies of all CDS prescriptions the Respondent had issued. A review of the prescriptions showed that the Respondent self-prescribed Adderall on the following dates for the following quantities:

- June 24, 2019, Adderall 10 mg (#150)
- July 30, 2019, Adderall 10 mg (#180)
- November 1, 2019, Adderall 10 mg (#150)

- December 5, 2019, Adderall 10 mg (#150)
- January 6, 2020, Adderall 10 mg (#150)
- February 4, 2020, Adderall 10 mg (#180)

11. A review of the prescriptions also revealed that the Respondent prescribed Adderall to a family member on four occasions between February 28, 2019 and April 25, 2020. The Respondent also prescribed Adderall to an individual who lived in the same building as the Respondent on three occasions between March 15, 2019 and July 15, 2019. Finally, the Respondent prescribed Adderall to Individual A living in Tennessee on March 30, 2020.

12. As part of its investigation, the Board obtained the Respondent's medical record from her former primary care physician ("Physician A"). A review of the record showed that Physician A had diagnosed the Respondent with ADD and was prescribing Adderall to her. The medical record further revealed that on or about October 9, 2019, Physician A notified the Respondent that she could no longer prescribe Adderall to the Respondent because she discovered that the Respondent had self-prescribed Adderall on two occasions. On or about October 18, 2019, Physician A notified the Respondent that she was discharging the Respondent as a patient due to the Respondent's self-prescribing.

13. On or about June 22, 2020, the Board issued a subpoena to the Respondent compelling her to produce a complete copy of Individual A's medical record within ten business days. The Respondent failed to produce Individual A's medical record within ten business days or any time thereafter.

14. On or about September 10, 2020, the Board issued a subpoena to the Respondent for a videoconference interview scheduled for September 24, 2020 at 10:00 a.m. On or about September 24, 2020, at 8:46 a.m., the Respondent emailed Board staff requesting a postponement of the interview. Board staff emailed the Respondent back at 9:31 a.m. in attempt to reschedule the videoconference interview, but the Respondent neither responded to the email nor appeared for the interview at 10:00 a.m. Board staff made an additional attempt to interview the Respondent by videoconference by sending her a videoconference link on September 28, 2020, but the Respondent failed to appear for the interview.

15. On or about October 2, 2020, the Board issued a subpoena to the Respondent compelling her to produce medical records of three individuals to whom she prescribed Adderall. The Respondent failed to produce the three individuals' medical records within ten business days or any time thereafter.

CONCLUSIONS OF LAW

Based on the Findings of Fact, Panel B 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); was addicted to, or habitually abused, any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article, in violation of Health Occ. § 15-314(a)(8); willfully made or filed a false report or record in the practice of medicine, in violation of Health Occ. § 15-314(a)(11); failed to cooperate with a lawful investigation conducted by the Board or a disciplinary panel, in violation of Health Occ. § 15-314(a)(33); performed 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, 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, on the affirmative vote of a majority of the quorum of Board Disciplinary Panel B, hereby

ORDERED that the Respondent's license to practice as a physician assistant in Maryland is **SUSPENDED** for a minimum of **ONE YEAR**, beginning on the effective date of this Consent Order.² During the suspension, the Respondent shall comply with the following conditions of suspension:

- (1) During the suspension period, the Respondent shall not:
 - (a) practice as a physician assistant;
 - (b) take any actions to hold herself out to the public as a current provider of medical services;
 - (c) 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;
 - (d) function as a peer reviewer for the Board or for any hospital or other medical care facility in the State; or
 - (e) perform any other act that requires an active license to practice as a physician assistant in Maryland; and
- (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;

² If the Respondent's license expires during the period of suspension, the suspension and any conditions will be tolled.

- (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, if the Respondent violates this Consent Order, 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 a violation of suspension constitutes a violation of the Consent Order; and it is further

ORDERED that, after the minimum period of suspension imposed by the Consent Order has passed and 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 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 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 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 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).

Signature on File

07/19/2021
Date

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

CONSENT

I, Jillian G. Goles, P.A.-C., assert that I am aware of my right to consult with and be represented by legal counsel in considering this Consent Order and in any proceedings that would otherwise result from the charges. 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. § 15-315 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the 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

7/12/2021
Date

Jillian G. Goles, P.A.-C
Respondent

NOTARY

STATE OF Florida

CITY/COUNTY OF Pinellas

I HEREBY CERTIFY that on this 12th day of July 2021, before me, a Notary Public of the foregoing State and City/County, appeared Jillian G. Goles, 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.


Notary Public Megan Marie Gray

My Commission expires: 09/08/24

