

IN THE MATTER OF	*	BEFORE THE
ALEXANDRA L. KELLY, PA-C	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: C07428	*	Case Number: 2223-0048
* * * * *	*	* * * * *

CONSENT ORDER

On March 21, 2023, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") charged **ALEXANDRA L. KELLY, PA-C** (the "Respondent"), License Number C07428, with violating the Maryland Physician Assistants Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 15-101 *et seq.* (2021 Repl. Vol. & 2022 Supp.). Panel B charged the Respondent under the following provisions of the Act:

§ 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:

...

(ii) Unprofessional conduct in the practice of medicine;
and/or

...

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

On May 24, 2023, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on the negotiations occurring as a result of this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Facts, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel B made the following factual findings:

I. Background

1. At all relevant times, the Respondent was and is a physician assistant licensed to practice in the State of Maryland. The Respondent was initially licensed in Maryland on December 9, 2019, under License Number C07428. The Respondent’s physician assistant license is active through June 30, 2023.

2. The Respondent is a physician assistant at a primary care practice (the “Practice”)¹ with locations in Maryland and the District of Columbia (“DC”). The Respondent began her employment at the Practice on August 1, 2021.

3. On July 26, 2022, the Board received a Delegation Agreement Addendum for Advanced Duties (the “Addendum”) filed by the Respondent and a primary supervising physician (the “Supervising Physician”) from the Practice. The Addendum requested approval for the Respondent to perform Intrauterine Device (IUD) insertion and removal under the supervision of an alternate supervising physician (the “ASP”).

¹ The names of facilities and individuals in this document are confidential.

4. Attached to the Addendum was a procedure log documenting that the Respondent performed ten (10) IUD insertions between April 29, 2022 and June 23, 2022, and ten (10) IUD removals between April 19, 2022 and June 22, 2022.

5. According to the procedure log, the Respondent performed only one IUD removal procedure under the supervision of the ASP on June 14, 2022.

6. The procedure log documented that the Respondent performed a majority of the procedures under the supervision of another PA-C who was not listed on the Addendum.

II. The Complaint

7. In order to process the Respondent's Addendum, the Board's Allied Health Manager reviewed the initial Delegation Agreement for Core Duties the Respondent filed, which the Board approved on December 30, 2019.²

8. The initial Delegation Agreement lists another physician ("Physician 1") as the Respondent's Board-approved supervising physician. Physician 1 was not the supervising physician or ASP listed on the Respondent's Addendum.³

9. As of the receipt of the Addendum, there were no subsequent Delegation Agreements filed by the Respondent.

² The Code of Maryland Regulations (COMAR) 10.32.03.05A provides that before a physician assistant may perform medical acts, the physician assistant and primary supervising physician shall file with the Board a delegation agreement on the Board-approved form and include core duties as well as advanced duties which are being delegated to the physician assistant.

³ Health Occ. §15-302 (1)(2) states that if there is no designated alternate supervising physician or the designated alternate supervising physician does not agree to supervise the physician assistant, the physician assistant may not practice until the physician assistant receives approval of a new delegation agreement under § 15-302.1 of this subtitle.

III. Board Investigation

10. After reviewing the above Addendum, the Board initiated an investigation. As part of its investigation, the Board subpoenaed records; reviewed filed delegation agreements; notified the Respondent of the Complaint and investigation; and requested a written response from the Respondent.

11. On August 22, 2022, the Respondent uploaded part one of a newly submitted Delegation Agreement for Core Duties to the Supervising Physician's profile.

12. The Respondent electronically signed the document which advised that the Supervising Physician needed to complete part two of the agreement. The notice states that "[the Respondent] may not begin working until [the] primary Supervising Physician completes the delegation agreement."

13. By email dated August 23, 2022, the Board notified the Respondent that it had no record of an approved Delegation Agreement for Core Duties between the Respondent and the Supervising Physician noted on the Addendum.

14. The email also notified the Respondent that the ASP noted on the Addendum was not a Board-approved primary supervising physician.

15. The Board requested that the Respondent reply to the email explaining how she was practicing as a physician assistant under the Supervising Physician's and ASP's supervision without a Board-approved Delegation Agreement for Core Duties.

16. The Respondent did not respond to the Board's inquiry.

17. On October 13, 2022, the Respondent was notified via email that the Supervising Physician had completed part two of the August 22, 2022 Delegation Agreement and that she may now work under the supervision of the Supervising Physician.

18. By letter dated November 9, 2022, the Board notified the Respondent that it received information that she “had been practicing as a physician assistant without a Board-approved Delegation Agreement and performing advanced duties that included IUD insertion and removal without a Board-approved Addendum for Advanced Duties under the supervision of the Supervising Physician and ASP.”

19. The Board directed the Respondent to address these allegations in a written response within ten (10) business days.

20. On November 22, 2022, the Respondent, through counsel, submitted a response stating that the Respondent’s initial supervising physician, Physician 1, was not part of the Practice that the Respondent joined on August 1, 2021. The letter stated,

[The Respondent] was required to submit a new Core Duties Delegation Agreement with [the Supervising Physician] serving as [the] new primary supervising physician. The [Respondent and the Supervising Physician] completed and hand-signed [a] new Delegation Agreement and gave it to the transition team contracted by the Practice credentialing department to mail it . . . in advance of [the Respondent’s] August 1st start date. According to the previous credentialing coordinator . . . the originals of [the Respondent’s] Delegation Agreement [were] mailed to the Board on July 23, 2021.

Relying on the assurance that [the Respondent’s] new Delegation Agreement had been submitted and received, [the Respondent] began treating patients under the [Supervising Physician’s] supervision after

August 1, 2021.⁴ During the next year, neither [the Respondent] nor [the Supervising Physician] received any information that the new Delegation Agreement had not been properly submitted or approved.⁵

21. The Board's investigation determined that:
 - (a) Between August 1, 2021 and October 13, 2022, the Respondent practiced as a physician assistant at the Practice without a Board-approved Delegation Agreement for Core Duties, and without the supervision of a physician; and
 - (b) Between April 19, 2022 and June 23, 2022, the Respondent performed delegated medical acts at the Practice, including IUD insertion and removals, without a Board-approved Delegation Agreement for Core Duties and without a Board-approved Delegation Agreement Addendum for Advanced Duties and without the supervision of a physician.

CONCLUSIONS OF LAW

Panel B concludes that the Respondent: is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 15-314(a)(3)(ii); and performed

⁴ Pursuant to Health Occ. § 15-302.1, a physician assistant may not practice until the physician assistant and the primary supervising physician have received written acknowledgment of the Board's receipt of the Delegation Agreement for Core Duties.

⁵ COMAR 10.32.03.06B states that the Board shall notify the primary supervising physician and the physician assistant of the Board's receipt of the delegation agreement and that upon receipt of a delegation agreement at the Board of Physicians, a physician may delegate and a physician assistant may perform delegated core medical acts.

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 is **REPRIMANDED**; and it is further

ORDERED that, within **ONE YEAR**, the Respondent shall pay a civil fine of \$1,000.00. 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, 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).

06/07/2023
Date

Signature On File

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

CONSENT

I, Alexandra L. Kelly, PA-C, acknowledge that I have consulted with counsel before signing this document.

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.

6/5/2023
Date

Signature On File

Alexandra L. Kelly, PA-C
Respondent

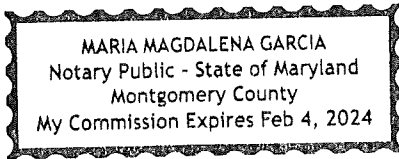
NOTARY

STATE OF Maryland

CITY/COUNTY OF Montgomery

I **HEREBY CERTIFY** that on this 5th day of June, 2023, before me, a Notary Public of the foregoing State and City/County, did personally appear Alexandra L. Kelly, PA-C, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSTH my hand and seal.



A handwritten signature in cursive script, appearing to read "Maria Garcia".

Notary Public

My commission expires: 02/04/2024