

**IN THE MATTER OF
CRAIG J. STACHEWICZ**

Applicant

*** BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case Number: 2220-0271B**

* * * * *

CONSENT ORDER

On November 2, 2020, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") notified **CRAIG J. STACHEWICZ** (the "Applicant") of its intent to deny his *Physician Assistant Application for Licensure* (the "Application"), dated December 30, 2019. Panel B took such action pursuant to the Maryland Physician Assistants Act (the "Act"), Md. Code Ann., Health Occ. §§ 15-101 *et seq.* (2014 Repl. Vol. & 2019 Supp).

The pertinent provisions of the Act provide:

Health Occ. § 15-311. Denial of license.

Subject to the hearing provisions of § 15-315 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of a quorum, may deny a license to any applicant for:

- (1) Any of the reasons that are grounds for disciplinary action under Health Occ. § 15-314 of this subtitle[.]

Reasons that are grounds for disciplinary action under Health Occ. § 15-314 include the following:

Health Occ. § 15-314(a)(3) Is guilty of: (ii) Unprofessional conduct in the practice of medicine[.]

On February 24, 2021, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring as a result of the DCCR, the Applicant agreed to enter into this Consent Order, consisting of the following Findings of Fact, Conclusions of law, and Order.

FINDINGS OF FACT

Panel B makes the following Findings of Fact:

1. On December 30, 2019, the Applicant submitted the Application to the Board, which the Board received on January 2, 2020. The Application directed the Applicant to answer “YES” or “NO” to a series of “Character and Fitness” questions and provide explanations for all “YES” responses. The Applicant responded “YES” to Question 15C, which asked:

Has any licensing or disciplinary board in any jurisdiction (including Maryland), a comparable body in the armed services or Veterans Administration, ever filed any complaints or charges against you or investigated you for any reason?

2. The Applicant provided an explanation for this affirmative response, stating:

Yes, I had a complaint filed against me for unauthorized access to Electronic Health Record (sic) in May 2019. The military conducted a comprehensive investigation and found that the complaint was founded. The complaint was adjudicated with a local written reprimand, completed additional training, and peer reviewed with no other action recommended for this finding. I continue to see patients and work at this facility and will voluntarily retire from military service in the summer of 2020.

3. Along with his Application, the Applicant included a memorandum from the United States Department of the Army, dated January 8, 2020, confirming that the Applicant, while on active duty as an Army physician assistant, was the subject of a

complaint alleging that he inappropriately accessed electronic medical records (“EMR”), which resulted in an investigation and a finding that the complaint was founded. The memorandum further stated that the Army adjudicated the matter with a local written reprimand.

4. The Board initiated an investigation of the Applicant based on the disclosures he made in his Application. The Board’s investigation determined that the Applicant, while working as an active-duty physician assistant in the United States Army:

- (a) On April 8, 2019, accessed an individual’s EMR, without permission or medical necessity, in violation of the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”);
- (b) On twelve occasions over eight different dates between March 21, 2019 and May 7, 2019, accessed a second individual’s EMR, without permission or medical necessity, in violation of HIPAA;
- (c) On May 13, 2019, accessed a third individual’s EMR, without permission or medical necessity, in violation of HIPAA;
- (d) On May 13, 2019, accessed a fourth individual’s EMR during a walk-in appointment, which was specifically not allowed under the Interservice Physician Assistant Program;
- (e) The United States Army investigated the above matters;
- (f) The United States Army adjudicated the complaint and determined that the complaint was founded;

- (g) The United States Army issued a local written reprimand against the Applicant, imposed additional training and undertook peer review; and
- (h) The Applicant acknowledged receipt of the reprimand in writing.

5. In this case, the United States Army investigated the Applicant in 2019 for impermissibly accessing the EMR of four individuals in violation of HIPAA or other military protocols to which the Applicant was subject. This investigation resulted in the issuance of a complaint, a finding that the complaint was founded and the imposition of an administrative finding against him, as set forth above.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Applicant is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 15-314(a)(3)(ii). *See* Health Occ. § 15-311.

ORDER

It is, on the affirmative vote of a majority of the quorum of Panel B, hereby:

ORDERED that the Application of **CRAIG J. STACHEWICZ** to practice as a physician assistant in Maryland, filed on December 30, 2019, is **GRANTED**; and it is further

ORDERED that the Applicant is **REPRIMANDED**; 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 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

03/17/2021
Date

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

CONSENT

I, Craig J. Stachewicz, P.A., 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. § 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

11 Mar 2021
Date

Craig J. Stachewicz, P.A.
Applicant

NOTARY

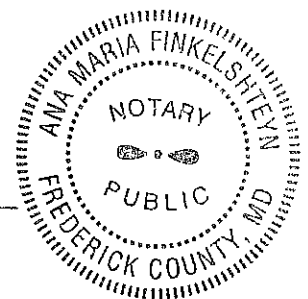
STATE OF Maryland

CITY/COUNTY OF Frederick

I HEREBY CERTIFY that on this 11 day of March 2021, before me, a Notary Public of the foregoing State and City/County, personally appeared Craig J. Stachewicz, P.A., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

[Signature]
Notary Public



My Commission expires: 3/30/2023