

IN THE MATTER OF	*	BEFORE THE
THEODORE L. WATKINS, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D22696 (Expired)	*	Case Number: 2224-0028 A

* * * * *

CEASE AND DESIST ORDER

Pursuant to the authority granted to Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) under Md. Code Ann., Health Occupations (“Health Occ.”) § 14-206(e)(1) (2021 Repl. Vol. & 2023 Supp.), Panel A hereby orders **THEODORE L. WATKINS, M.D.** (the “Respondent”), License Number D22696 (Expired), to immediately **CEASE AND DESIST** from the practice of medicine in the State of Maryland.

The pertinent provisions of the Maryland Medical Practice Act (the “Act”), Health Occ. § 14-101, *et seq.*, under which Panel A issues this Order provide the following:

§ 14-101. Definitions.

- (o) *Practice medicine.* – (1) “Practice medicine” means to engage, with or without compensation, in medical:
 - (i) Diagnosis;
 - (ii) Healing;
 - (iii) Treatment; or
 - (iv) Surgery.
- (2) “Practice medicine” includes doing, undertaking, professing to do, and attempting any of the following:

- (i) Diagnosing, healing, treating, preventing, prescribing for, or removing any physical, mental, or emotional ailment or supposed ailment of an individual:
 - 1. By physical, mental, emotional, or other process that is exercised or invoked by the practitioner, the patient, or both; or
 - 2. By appliance, test, drug, operation, or treatment[.]

§ 14-206. Judicial Powers.

....

- (e) A disciplinary panel may issue a cease and desist order or obtain injunctive relief against an individual for:
 - (1) Practicing a profession regulated under this title or Title 15 of this article without a license[.]

§ 14-601. Practicing without license.

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice medicine in this State unless licensed by the Board.

The pertinent provisions of Md. Code Regs. (“COMAR”) 10.32.05 provide as follows:

COMAR 10.32.05.02 Definitions.

....

B. Terms Defined.

....

- (10) “Telehealth practitioner” means a Maryland licensed physician or licensed allied health practitioner performing telehealth services within their respective scope of practice.

COMAR 10.32.05.03 Licensure.

Except as specified in Health Occupations Article, § 14-302, Annotated Code of Maryland, a telehealth practitioner may practice telehealth if one or both of the following occurs:

- A. The individual practicing telehealth is physically located in Maryland; or
- B. The patient is in Maryland.

COMAR 10.32.05.04 Specific Telehealth Requirements.

....

B. Except when providing store and forward telehealth services, remote patient monitoring, or other asynchronous telehealth services, a telehealth practitioner shall:

....

- (2) Confirm whether the patient is in Maryland and identify the practice setting in which the patient is located[.]

INVESTIGATIVE FINDINGS¹

Based on the investigatory information received by, made known to, and available to Panel A, there is reason to believe that the following facts are true:

¹ The statements regarding the Board's investigative findings are intended to provide the Respondent with reasonable notice of the basis of the Board's action. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

I. Background

1. The Respondent initially obtained his license to practice medicine in Maryland on August 15, 1978. On September 30, 2003, the Respondent allowed his Maryland medical license to expire without filing for a renewal.

2. The Respondent obtained his license to practice medicine in Washington, D.C. on July 24, 2002, under license number MD33780. His Washington, D.C. medical license is currently active and scheduled to expire on December 31, 2024.

3. Since approximately 2003, the Respondent has practiced medicine as the sole medical provider at a medical practice (the “Medical Practice”)² that he owns in Washington, D.C.

II. The Complaint

4. On or about June 16, 2023, the Board received a complaint (the “Complaint”) from one of the Respondent’s patients (“Patient 1”). In the Complaint, Patient 1 reported that she lives in Maryland, that she had a medical appointment with the Respondent via telemedicine on October 11, 2022, followed by another medical appointment on November 17, 2022.

5. Patient 1 attached documents to the Complaint, which included medical bills and treatment notes from the Medical Practice. The treatment notes showed that Patient 1 had appointments with the Respondent on October 11, 2022, November 17, 2022, and February 23, 2023.

² For confidentiality and privacy reasons, the names of individuals and health care facilities are not disclosed in this document. The Respondent may obtain the identity of any individual or health care facilities referenced herein by contacting the administrative prosecutor.

III. Board Investigation

6. Based on the Complaint, the Board initiated an investigation of the Respondent.

7. On or about June 22, 2023, the Board issued a *subpoena duces tecum* to the Medical Practice for a complete, unredacted copy of Patient 1's medical record.

8. On or about June 29, 2023, the Board received Patient 1's medical record from the Medical Practice.

9. The medical record for Patient 1 included the Respondent's treatment notes, which showed that the Respondent treated Patient 1 during appointments on October 11, 2022, November 17, 2022, and February 23, 2023.

10. On or about July 6, 2023, the Board issued a *subpoena duces tecum* to the Respondent for "a listing of all patients treated by you in Maryland from January 1, 2022 to the present, to include patient name, date of birth and reason for visit" to be delivered to the Board within 10 business days.

11. By letter dated August 21, 2023, Board staff informed the Respondent that the Board had still not received a response to its July 6, 2023 *subpoena duces tecum*.

12. On or about August 30, 2023, the Board received a letter from the Respondent in which he stated in part:

As you are probably aware I have not renewed my Maryland medical license in over 10 years. Therefore, I am not permitted, nor have I seen any patients in the State of Maryland in this time frame. I do see patients from Maryland and other states in my DC office on occasion under my DC license but since 2020 I have seen the majority of my patients via Telemedicine from my Maryland residence. Therefore, there are no records to submit of patients physically seen in the State of Maryland.

13. On September 12, 2023, the Board issued another *subpoena duces tecum* to the Respondent for “a complete list of any and all patients seen via telemedicine from your Maryland residence to include patient name, date of birth, address, date of service, and reason for visit from January 1, 2020 to present” to be delivered to the Board within 10 business days.

14. By email to Board staff dated October 1, 2023, the Respondent sent “a list of patient[s] seen by me since January 2020 in person as well [as] via teleconference.”

15. The Respondent’s patient list showed that the Respondent had many telemedicine appointments with Maryland patients between January 2020 and January 2023.

16. On November 2, 2023, after reviewing the Respondent’s patient list, the Board issued a *subpoena duces tecum* to the Respondent for the complete medical records for nine named patients (“Patients 2 - 10”) to be delivered to the Board within 10 business days. Patients 2 - 10 have addresses in Maryland according to the Respondent’s patient list.

17. On December 13, 2023, the Board received the medical records for Patients 2 - 10 from the Respondent.

18. The medical records include the Respondent’s treatment notes, which show that the Respondent treated these Maryland patients on several occasions between April 2016 and September 2023. The Respondent’s treatment notes include in part the patients’ complaints and current medications, as well as the Respondent’s diagnoses and plans for the patients.

19. On February 1, 2024, the Board issued a *subpoena duces tecum* to the Respondent for a complete, unredacted copy of any and all billing records for Patients 1 - 10. The Respondent provided these billing records to the Board on or about February 15, 2024.

20. Some of the patients' treatment notes and/or medical bills indicate that their appointments with the Respondent were conducted via telemedicine.

IV. The Respondent's Interview

21. On July 17, 2024, Board staff conducted an under-oath interview of the Respondent, in which he stated in part:

- a. The Respondent let his Maryland medical license expire in 2003;
- b. He started practicing medicine in Washington, D.C. around 2003;
- c. He has been providing telemedicine visits to patients since early 2020;
- d. He sees patients via telemedicine from either the Medical Practice in Washington, D.C. or from his home in Maryland;
- e. During his telemedicine visits, the Respondent does not ask his patients what state they reside in or what state they are located in;
- f. The Respondent recalls that all of his appointments with Patient 1 were telemedicine visits.

CONCLUSIONS OF LAW

Based on the foregoing Investigative Findings, Panel B concludes as a matter of law that the Respondent practiced medicine without a license in violation of Health Occ. § 14-601.

ORDER

Based on the foregoing Investigative Findings, it is, by a majority of the quorum of Panel A hereby:

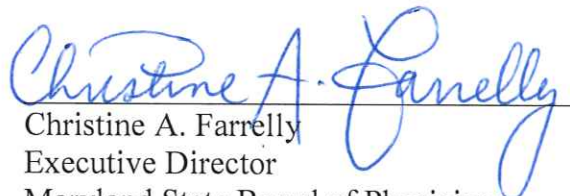
ORDERED that pursuant to the authority under the Maryland Medical Practice Act, Health Occ. § 14-206(e)(1), the Respondent, Theodore L. Watkins, M.D., shall **CEASE AND DESIST** from the practice of medicine in the State of Maryland unless and until such time that his Maryland medical license is reinstated; and it is further

ORDERED that if the Respondent violates this Cease and Desist Order, a fine, pursuant to COMAR 10.32.02.11E(4)(a), may be imposed; and it is further

ORDERED that this order is **EFFECTIVE IMMEDIATELY** pursuant to COMAR 10.32.02.11E(1)(b), and it is further

ORDERED that this is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* and COMAR 10.32.02.11E(1)(a).

10/21/2024
Date


Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

NOTICE OF OPPORTUNITY FOR A HEARING

The Respondent may challenge the factual or legal basis of this initial order by filing a written opposition, which may include a request for a hearing, within 30 days of its issuance. The written opposition and request for a hearing shall be sent to:

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, Maryland 21215

A copy also be mailed to:

Blair E. Thompson
Assistant Attorney General
Maryland Office of the Attorney General
Health Occupations Prosecution and Litigation Division
300 West Preston Street, Suite 201
Baltimore, Maryland 21201

If the Respondent files a written opposition and a request for a hearing, the Board shall consider that opposition and provide a hearing if requested. If the Respondent does not file a timely written opposition, the Respondent will lose the right to challenge this Initial Order to Cease and Desist and this Order will remain in effect.