

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE</b>
<b>CARL J. SCHLUEDERBERG, M.D.</b>	*	<b>MARYLAND STATE</b>
<b>Respondent</b>	*	<b>BOARD OF PHYSICIANS</b>
<b>License Number: D36951</b>	*	<b>Case Number: 2224-0014 B</b>
* * * * *		

**CONSENT ORDER**

On May 29, 2024, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged **Carl J. Schluederberg, M.D.** (the “Respondent”), License Number D36951, with violating the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2021 Repl. Vol. & 2023 Supp.).

Specifically, Panel B charged the Respondent with violating the following provisions of the Act under Health Occ. § 14-404:

- (a) *In general.* -- Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:
  - (22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State; [and]
  - ...
  - (40) Fails to keep adequate medical records as determined by appropriate peer review[.]

On August 28, 2024, 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 B finds the following:

#### **Background**

1. At all relevant times, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent originally was licensed to practice medicine in Maryland on June 27, 1988, under License Number D36951. The Respondent's medical license is scheduled for renewal on September 30, 2025.

2. The Respondent is board-certified in Family Medicine.

3. At all relevant times, the Respondent practiced medicine at a medical office in Harford County, Maryland.

#### **Referral from the Maryland Office of Controlled Substances Administration**

4. The Board initiated an investigation of the Respondent after receiving a referral, dated July 27, 2023, from the Maryland Office of Controlled Substances Administration (“OCSA”). In its referral, OCSA stated that in its professional judgment, the Respondent was prescribing “high doses of opioids (much higher than maximum recommended doses per CDC) and concurrently prescribed opioids with benzodiazepines (increasing the risk of overdose death).”

#### **Peer Review**

5. As part of its investigation, the Board issued a subpoena to the Respondent for ten (10) patient records and supporting materials and ordered a practice review (referred

to *infra* as “Patients 1 through 10”).<sup>1</sup> The review was performed by two physicians (the “Peer Reviewers”) who are board-certified in anesthesiology with subspecialty certifications in pain medicine.<sup>2</sup> The patients whose cases were reviewed were adult male and female patients who presented with chronic pain complaints. The Peer Reviewers independently concluded that in seven (7) of the ten (10) cases reviewed, the Respondent failed to meet appropriate standards for the delivery of quality medical care, and in nine (9) of the ten (10) cases reviewed, the Respondent failed to keep adequate medical records.

6. Specifically, the reviewers found the Respondent failed to meet appropriate standards for the delivery of quality medical care and/or failed to keep adequate medical records in that the Respondent:

- (a) failed to offer non-opioid pharmacologic and non-pharmacologic therapies, such as outside referrals to pain management, psychiatry, or orthopedics (Patients 2, 3 and 4);
- (b) failed to address or document addressing with patients the risks and benefits of chronic opioid therapy at the initial visit (Patients 1, 2, 3, 4, 7, 8 and 10);
- (c) failed to reevaluate periodically the risks and benefits of chronic opioid therapy with patients (Patients 1, 3 and 4);

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<sup>1</sup> For confidentiality reasons, the names of patients are not disclosed in this Consent Order.

<sup>2</sup> The specific findings of both of the reviewers pertaining to the ten patients reviewed are set forth completely in the Peer Review Reports which have been provided to the Respondent.

- (d) failed to check on a regular basis the Prescription Drug Monitoring Program (“PDMP”) (Patients 1 and 2);
- (e) failed to offer Naloxone to patients on chronic opioid therapy (Patients 1, 2, 3, 4 and 10);
- (f) failed to order toxicology screens and check for non-compliance (Patients 1, 2, 3, 4, 7, 8 and 10);
- (g) failed to use caution when combining opioids with benzodiazepines and other nervous system depressants (Patient 1, 2, 3, 4 and 10); and
- (h) failed to document medical records legibly (Patients 1, 2, 3, 4, 6, 7, 8, 9 and 10).

#### **CONCLUSIONS OF LAW**

Based on the foregoing findings of fact, Disciplinary Panel B concludes as a matter of law that the Respondent failed to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or other location in this State, in violation of Health Occ. § 14-404(a)(22); and failed to keep adequate medical records as determined by appropriate peer review, in violation of Health Occ. § 14-404(a)(40).

#### **ORDER**

It is thus, on the affirmative vote of a majority of the quorum of Panel B, hereby:  
**ORDERED** that Respondent is **REPRIMANDED**; and it is further

**ORDERED** that the Respondent is **ORDERED** that the Respondent is placed on probation for a minimum period of **ONE (1) YEAR**.<sup>3</sup> During the probationary period, the Respondent shall comply with the following probationary terms and conditions:

1. The Respondent shall not prescribe any Controlled Dangerous Substances (“CDS”).
2. Within **THIRTY (30) DAYS** of the effective date of this Consent Order, the Respondent shall pay a civil fine of **TWENTY-FIVE HUNDRED DOLLARS (\$2,500.00)**. 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.
3. Within **SIX (6) MONTHS** of the effective date of this Consent Order, the Respondent is required to take and successfully complete courses in CDS prescribing and medical record keeping. The following terms apply:
  - (a) it is the Respondent’s responsibility to locate, enroll in and obtain the disciplinary panel’s approval of the course before the course has begun;
  - (b) the Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the course;
  - (c) the course may not be used to fulfill the continuing medical education credits required for license renewal;
  - (d) the Respondent is responsible for the cost of the course.

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<sup>3</sup> If the Respondent’s license expires during the period of probation, the probation and any conditions of probation, will be tolled.

4. The Respondent agrees that the CDS Registration issued by the Office of Controlled Substances Administration will be restricted as limited by this Order.

5. The Respondent's Delegation Agreement shall be modified to prohibit the Respondent from supervising Physician Assistants in their prescribing of CDS as limited by this Order.

6. The Respondent is prohibited from certifying patients for the medical use of cannabis.

7. The disciplinary panel may issue administrative subpoenas to the Maryland Prescription Drug Monitoring Program on a quarterly basis for the Respondent's Controlled Dangerous Substances ("CDS") prescriptions. The administrative subpoenas will request the Respondent's CDS prescriptions from the beginning of each quarter; and it is further

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

**ORDERED** that after the Respondent has complied with all terms and conditions of probation, and the minimum period of probation imposed by the Consent Order has passed, the Respondent may submit to the Board a written petition for termination of probation. The Respondent may be required to appear before the disciplinary panel to discuss his petition for termination. After consideration of the petition, the disciplinary panel may grant the petition to terminate the probation, through an order of the disciplinary panel, if the Respondent has complied with all probationary terms and conditions and there

are no pending complaints relating to the charges; and it is further

**ORDERED** that a violation of probation constitutes a violation of the 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 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).

## *Signature On File*

9/12/2024  
Date

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Ellen Douglas Smith, Deputy Director  
Maryland State Board of Physicians

### CONSENT

I, Carl J. Schluederberg, M.D., 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 the 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

09/06/2024  
Date

Carl J. Schluederberg, M.D. *o*

## NOTARY

STATE OF Maryland  
CITY/COUNTY OF Harcford

I HEREBY CERTIFY that on this 6<sup>TH</sup> day of September 2024, before me, a Notary Public of the foregoing State and City/County, personally appeared Carl J. Schluederberg, M.D., 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.

Deborah L. King  
Notary Public

**DEBORAH L. KINGHAM**  
Notary Public  
Cecil County  
Maryland  
My Commission Expires May 16, 2026

My Commission expires: 5/16/26