

IN THE MATTER OF
BENJAMIN FRIZNER, M.D.

Respondent

License Number: D61886

*** BEFORE THE MARYLAND**
*** STATE BOARD OF**
*** PHYSICIANS**

*** Case Number: 2223-0132 B**

* * * * *

CONSENT ORDER

On August 8, 2024, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged **BENJAMIN FRIZNER, M.D.** (the “Respondent”), License Number D61886, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2021 Repl. Vol. & 2023 Supp.).

Panel B charged the Respondent with violating 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:

.....

(3) Is guilty of:

(ii) Unprofessional conduct in the practice of medicine;

.....

(11) Willfully makes or files a false report or record in the practice of medicine; [and]

.....

(23) Willfully submits false statements to collect fees for which services are not provided[.]

On October 23, 2024, 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 Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel B finds the following:

I. Background

1. The Respondent was originally issued a license to practice medicine in Maryland on June 11, 2004, under License Number D61886. The Respondent’s license expires on September 30, 2024, subject to renewal.

2. The Respondent is also licensed to practice medicine in Washington, D.C. and Pennsylvania.

3. The Respondent is board certified in internal medicine.

4. At all relevant times, the Respondent was employed by a staffing agency (the “Staffing Agency”)¹ and assigned to a nursing home (the “Nursing Home”) in Baltimore, Maryland.

5. Patients at the Nursing Home included short stay residents receiving rehabilitation therapy and long-term care residents with serious health conditions.

II. The Complaint

6. On or about May 12, 2023, the Board received a complaint (the “Complaint”)

¹ For confidentiality reasons, the names of health care entities and individuals referenced herein are not disclosed in this document.

from a Nursing Home representative. The Complaint alleged that in March and April of 2023, the Respondent entered and signed electronic medical records stating that he conducted physician visits with Nursing Home residents when the Respondent was not physically present at the Nursing Home.

7. The Board conducted an investigation into the Complaint and based on the investigation, the Board made determinations as detailed below.

III. The Board Investigation

8. On eighteen (18) dates between March 1, 2023, to April 5, 2023, the Respondent entered and signed a total of 383 electronic medical records (the “Medical Records”) stating that he performed physical assessments on Nursing Home patients when the Respondent was not physically present at the Nursing Home to perform the physical assessments.²

9. The Respondent submitted the Medical Records for billing.

10. The Respondent also failed to evaluate seven (7) Nursing Home patients upon their admission to the Nursing Home, as he was required to do.

11. The Staffing Agency subsequently terminated the Respondent’s assignment to the Nursing Home.

12. In the Respondent’s under oath interview with the Board, the Respondent admitted that for approximately fifteen (15) months between 2022 and 2023, he treated patients at the Nursing Home via audio calls with Nursing Home staff, without a

² The Nursing Home did not authorize the Respondent to perform the physical assessments via telemedicine.

conversation or visual encounter with the patients.

CONCLUSIONS OF LAW

Based on the Findings of Fact, Disciplinary Panel B of the Board concludes as a matter of law that the Respondent: is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii); willfully made or filed a false report or record in the practice of medicine, in violation of Health Occ. § 14-404(a)(11); and willfully submitted false statements to collect fees for which services were not provided, in violation of Health Occ. § 14-404(a)(23).

ORDER

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

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that the Respondent is placed on **PROBATION** for a minimum of **ONE YEAR**.³ During probation, the Respondent shall comply with the following terms and conditions of probation:

1. Within **ONE YEAR**, the Respondent shall pay a civil fine of **\$15,000**. 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
2. Within **SIX MONTHS**, the Respondent is required to take and successfully complete a course in **ethics**. 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 begins;
 - (b) the disciplinary panel will not accept a course taken over the internet;
 - (c) the Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the course;

³ If the Respondent's license expires during the period of probation, the probation and any conditions will be tolled.

- (d) the course may not be used to fulfill the continuing medical education credits required for license renewal;
- (e) the Respondent is responsible for the cost of the course; and it is further

ORDERED that a violation of probation constitutes a violation of this Consent Order; and it is further

ORDERED that the Respondent shall not petition for early termination of probation; 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 a disciplinary panel determines that 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 a disciplinary panel determines that 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 further probation with appropriate terms and conditions, impose a suspension of the Respondent's medical license with appropriate terms or 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 this Consent Order goes into effect upon the signature of the Executive Director of the Board or her designee. The Executive Director or her designee signs the Consent Order on behalf of Panel B, 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

12/09/2024
Date

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

CONSENT

I, Benjamin Frizner, M.D. 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

12/9/2024
Date

Benjamin Frizner, M.D.
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 9th day of December 2024, before me, a Notary Public of the foregoing

State and City/County, Benjamin Frizner, M.D., personally appeared and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSTH my hand and notarial seal.

Twana Hughes
Notary Public

My commission expires: 9/30/28

TWANA M. HUGHES
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES 09/30/20 28