

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 A finds:

I. BACKGROUND

1. At all relevant times, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on February 12, 2014, under license number D77249. His license is currently active through September 30, 2025, subject to renewal.

2. The Respondent is board certified in Physical Medicine and Rehabilitation, and Sports Medicine.

3. From January 2016 through November 2017, the Respondent was employed at a pain and rehabilitation center (the "Center") in Maryland. In December of 2017, the Respondent opened a solo practice (the "Practice") in Maryland. The Respondent also provided consultations for several subacute facilities in Maryland.

4. On May 1, 2024, the Respondent began a new position and closed his private practice. In his new position, he is a Medical Director with a company of skilled nursing facilities, where his role is one of a consulting physician.

II. THE REFERRAL

5. On or about April 24, 2023, the Board received a referral (the "Referral") from the Office of Controlled Substances Administration ("OCSA") "based on OCSA's professional judgment for regularly prescribing opioids in excessive doses and quantities."

The Referral stated that “[the Respondent’s] patients regularly receive opioids in daily doses exceeding 90 MME...also regularly receive opioids combined with benzodiazepines and/or carisoprodol.”

6. The Board opened an investigation into the Referral. In furtherance of the investigation, the Board notified the Respondent of its investigation, directed him to submit a written response to the Referral, and issued a *subpoena duces tecum* for the medical records of ten (10) specific patients (“Patients 1-10”).¹ The Board also obtained a peer review of the Respondent’s practice and conducted an under-oath interview of the Respondent.

III. THE INVESTIGATION

7. On July 9, 2023, the Respondent submitted a response to the Referral. The Respondent stated, “Regarding the patients that I wrote opiates for, they are all patients whose care was transferred to me from another physician... It is my strong preference not to prescribe opiates whenever possible... I do believe that when it is employed, that the main goal should be ensuring the patient is able to maintain adequate functioning while using the overall lowest dosing. For many of the patients I had, maintaining low morphine milliequivalent dosing was challenging due to years of opiate prescription [use] prior to seeing me, resulting in a significant tolerance effect.”

¹ For confidentiality reasons, the patients in this case will not be identified by name in this Consent Order.

IV. PEER REVIEWS

8. In furtherance of its investigation, the Board submitted the medical records for Patients 1-10 for a peer review. Two peer reviewers who are board-certified in Physical Medicine and Rehabilitation independently reviewed the materials and submitted their reports to the Board.

9. In their reports, the two peer reviewers concurred that the Respondent failed to meet appropriate standards for the delivery of quality medical care in nine (9) out of the ten (10) patients reviewed.

10. Specifically, the peer reviewers found that for the nine (9) patients, the Respondent failed to meet appropriate standards for the delivery of quality medical care for reasons including but not limited to the following areas:

- a. The Respondent prescribed opioids in excess of 90 morphine milligram equivalents (MME) per day without appropriate rationale, and/or documentation of pathology, and/or safety measures (Patients 1, 2, 6, 7, 8, 9 and 10).
- b. The Respondent failed to properly document and/or recommend attempts at weaning or tapering high dose opioid medications (Patients 1, 2, 3, 4, 6, 8, 9 and 10).
- c. The Respondent failed to document, recommend, and/or encourage non-pharmacological, non-opioid, or other treatments utilizing a multimodality approach for the management of pain (Patients 1, 2, 3, 7 and 10).
- d. The Respondent continued to prescribe and refill medications without proper documentation and follow up, and failed to properly document and/or evaluate the patients continued need for medications (Patients 1, 2, 3, 4, 6, 7, 8, 9 and 10).

e. The Respondent prescribed opioids in excess of 90 MME's in addition to benzodiazepines² and, in some situations, carisoprodol.³ (Patients 1, 2, 3, 4, 7, 8, 9 and 10).

11. On October 2, 2023, Board staff conducted an under-oath interview of the Respondent. During the interview, the Respondent provided a letter to the Board staff dated January 9, 2020 wherein he informed his patients that his "new policy will avoid prescribing any opiate dosages [*sic*] that are above 90 milliequivalents (mEq) of morphine or any combination of the following opiates." The letter states that this is "in line with the CDC 2016 opiate prescribing guidelines as well as the recommendations of several other regulatory bodies and recent research studies."

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, Disciplinary Panel A 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).

ORDER

It is, by Disciplinary Panel A of the Board, hereby:

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

² Benzodiazepines are depressants and schedule IV controlled dangerous substances.

³ Carisoprodol is a muscle relaxant and schedule IV controlled dangerous substance.

ORDERED that the Respondent is placed on **PROBATION**⁴ until he fully and satisfactorily complies with the following terms and conditions of probation:

During the probationary period, the Respondent is required to take and successfully complete courses in (i) CDS prescribing; and (ii) medical documentation/recordkeeping.

The following terms apply:

- (a) it is the Respondent's responsibility to locate, enroll in and obtain the disciplinary panel's approval of the courses before the courses have begun;
- (b) the Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the courses;
- (c) the courses 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 courses;
- (e) The Respondent may not take and complete the courses until this Consent Order has been executed; it is further

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

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

ORDERED that, after the Respondent has complied with all terms and conditions of probation, the Respondent may submit to the Board a written petition for termination of probation. After consideration of the petition, the Respondent's probation may be

⁴ If the Respondent's license expires during the period of probation, the probation and any conditions will be tolled.

administratively terminated through an order of the 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, 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).

08/21/2024
Date

Signature on file

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

CONSENT

I, Justin D. Waltrous, M.D., acknowledge that I have consulted with counsel before signing this document.

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

8/15/24

Date

Justin D. Waltrous, M.D.

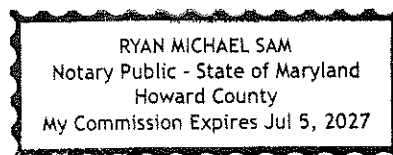
NOTARY


STATE OF MARYLAND

CITY/COUNTY OF HOWARD

I HEREBY CERTIFY that on this 15th day of AUGUST 2024, before me, a Notary Public of the foregoing State and City/County, personally appeared Justin D. Waltrous, 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.





Notary Public

My Commission expires: 07/05/2027