

IN THE MATTER OF	*	BEFORE THE MARYLAND
TROY L. POTTHOFF, M.D.	*	STATE BOARD OF
Respondent	*	PHYSICIANS
License Number: D0087635	*	Case Number: 2225-0074B

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

The Maryland Board of Physicians (the “Maryland Board”) received information that Troy L. Potthoff, M.D., (the “Respondent”) License Number D0087635, was disciplined by the Connecticut Medical Examining Board (the “Connecticut Board”). In an Order dated November 21, 2023, the Connecticut Board reprimanded the Respondent, imposed a civil penalty, ordered the Respondent’s license be subject to terms and conditions.

Based on the above referenced Connecticut Board sanction, the Maryland Board has grounds to charge the Respondent with violating the following provisions of the Maryland Medical Practice Act (the “Act”), under H. O. § 14-404(a):

- (a) 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:
 - (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veteran’s Administration for an act that would be grounds for disciplinary action under this section,

Disciplinary Panel B (“Panel B”) has determined that the acts for which the Respondent was disciplined in Connecticut would be grounds for disciplinary action under H.O. § 14-404(a). The grounds for disciplinary action under H.O. § 14-404(a) are as follows:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or another;
- (36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine;

Based on the action taken by the Connecticut Board, the Respondent agrees to enter into this Consent Order with Panel B, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order and Consent.

FINDINGS OF FACT

Panel B makes the following findings of fact:

1. At all times relevant hereto, the Respondent was a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed in Maryland on or about June 5, 2019.
2. On May 26, 2023, the Respondent entered into a Stipulation to Informal Disposition (the “Stipulation”) in which he was bound to certain terms and conditions. The Stipulation stemmed from the Respondent referring three patients for genetic testing whom he did not examine prior to the referral.
3. On or about May 22, 2023, the Respondent improperly answered “No” to the question on his Connecticut license renewal application regarding any disciplinary action taken against him, or any such disciplinary actions pending by any state licensing/certification authority.

4. By Order dated November 21, 2023, the Connecticut Board reprimanded the Respondent, imposed a civil penalty, and ordered the Respondent's license be subject to terms and conditions.

A copy of the Connecticut Board Order is attached hereto.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Respondent is subject to discipline under Health Occ. § 14-404(a)(21) for the disciplinary action taken by the Connecticut Board against the Respondent for an act or acts that would be grounds for disciplinary action under Health Occ. §14-404(a)(1) and (36).

ORDER

It is, thus, by Panel B, hereby:

ORDERED that the Respondent is hereby **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 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).

11/14/2024
Date

Signature On File

Christine A. Farrelly
Executive Director
Maryland Board of Physicians

NOTARY

STATE OF HAWAII

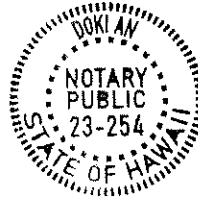
CITY/COUNTY OF MONOVALU

I HEREBY CERTIFY that on this 08 day of November, 2024, before me, a Notary Public of the State and City/County aforesaid, personally Troy L. Potthoff, MD, and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Doki An

Notary Public



My Commission expires: 10/01/2027

NOTARY CERTIFICATE

NOTARY NAME: DOKI AN FIRST CIRCUIT

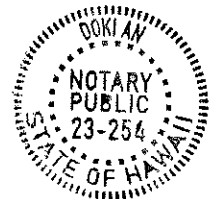
DOC DATE: 11/08/2024 # PAGES: 5

DOC DESC: Consent order

Procedural Background

Doki An 11/08/2024 10/01/2027

SIGNATURE DATE COMM EXP



CONSENT

I, Troy L. Potthoff, MD, acknowledge that I am aware of my right to consult with and be represented by counsel in considering this Consent Order. I have chosen to proceed without counsel and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

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

11/8/24
Date

— Troy L. Potthoff, MD
Respondent

Attachment 1

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Troy Lane Potthoff, M.D.

Petition No. 2023-685

CONSENT ORDER

WHEREAS, Troy Lane Potthoff ("respondent") has been issued license number 063941 to practice as a physician and surgeon by the Department of Public Health ("the Department") pursuant to Chapter 370 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. On or about May 26, 2023, the Washington Medical Commission ("the Commission") accepted a Stipulation to Informal Disposition ("Stipulation") in The Matter of Troy L. Potthoff, M.D., License No. IMLC.MD. 60837263 that requires respondent to, without limitation, complete a minimum of eight (8) hours of continuing education in telehealth best practices ("CME") and subsequently submit a paper related to the CME to the Commission addressing ethical considerations of telehealth.
2. The Stipulation is an order of public discipline against respondent's Washington medical license number 60837263.
3. The Stipulation stems from incidents where respondent was providing telehealth services to three (3) patients who he referred for genetic testing that each patient thought was free. Each patient's insurance company was billed thousands of dollars for the testing. Respondent never examined the three patients, did not maintain medical records for any of

them, and was unable to provide any clinical rationale for the genetic testing of any of the three patients.

4. In or about May and/or June 2019, respondent failed to meet the standard of care for one or more patients in that respondent:
 - a. failed to appropriately assess the patient(s) and/or document an assessment;
 - b. inappropriately ordered or referred the patient(s) for genetic testing; and/or
 - c. failed to maintain appropriate medical records.
5. On or about May 22, 2023, respondent improperly answered “No” to the question on his Connecticut license renewal application which asks whether, since his last renewal, he has had any disciplinary action taken against him, or any such disciplinary actions pending by any state licensing/certification authority.
6. The above-described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §§19a-17(f) and/or 20-13c, including, but not limited to §20-13c(4).

WHEREAS, respondent is employed as a physician at Transcarent (formerly 98point6), a Seattle, Washington based primary care telemedicine company. In that role, respondent treats patients who are located throughout the United States and respondent holds a medical license in all fifty states and in the District of Columbia.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Connecticut Medical Examining Board ("the Board"), this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and 20-13c of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-13c of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent waives respondent's right to a hearing on the merits of this petition.
2. Respondent's license number 063941 to practice as a physician and surgeon in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of ten thousand dollars (\$10,000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check and shall be payable at the time respondent submits the executed Consent Order to the Department.
4. Respondent's Connecticut physician and surgeon license is subject to the following terms and conditions:
 - a. Respondent shall provide the Commission with a copy of this Consent Order within ten (10) days of its effective date. Respondent shall cause his monitor at the Commission to confirm receipt of the Consent Order, in writing to the Department, within fifteen (15) days of receipt. Respondent and his monitor with the Commission shall provide immediate notice to the Department if respondent violates any terms of the Stipulation or if further disciplinary action is taken against respondent's license to practice medicine in the State of Washington. Any violation of the Stipulation, a copy of which is attached hereto as Attachment "A," shall be deemed to be a violation of this Consent Order and may subject respondent's Connecticut physician and surgeon license to further disciplinary action, including, but not limited to, revocation.
 - b. Respondent shall provide the Department with documentation, satisfactory to the Department, that he successfully completed the CME required by the Stipulation and

respondent shall submit to the Department a copy of the paper that he is required to submit related to the CME, within thirty (30) days of the completion thereof.

c. Respondent and his monitor with the Commission shall provide written notice to the Department when respondent successfully completes the terms and conditions of the Stipulation, within fifteen (15) days of successful completion.

5. All correspondence and reports are to be addressed to:

Practitioner Compliance and Monitoring Unit
Department of Public Health
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

6. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.

7. Respondent shall comply with all state and federal statutes and regulations applicable to respondent's licensure.

8. Respondent shall pay all costs necessary to comply with this Consent Order.

9. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:

a. *The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.*

b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.

c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 9a above to demonstrate to the satisfaction of the

Department that respondent has complied with the terms of this Consent Order or, in the alternative, that respondent has cured the violation in question.

- d. If respondent does not demonstrate compliance or cure the violation within the fifteen (15) days specified in the notification of violation to the satisfaction of the Department, respondent shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
10. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of respondent's license before the Board.
 11. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Quality and Safety Branch of the Department.
 12. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
 13. Respondent understands and agrees that this Consent Order is a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Board in which respondent's compliance with this Consent Order or with §20-13c of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank maintained by the United States Department of Health and Human Services and that all disciplinary actions will appear on respondent's physician profile pursuant to Connecticut General Statutes §20-13j.

14. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a physician and surgeon, upon request by the Department, for a period not to exceed forty-five (45) days. Respondent further agrees that failure to cooperate with the Department in its investigation during said forty-five (45) day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall be considered by the Board and shall, as a matter of law, constitute a clear and immediate danger as required pursuant to Connecticut General Statutes §§4-182(c) and 19a-17(c). Respondent understands that the Board has complete and final discretion as to whether a summary suspension is ordered.
15. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from acting at a later time. The Department shall not be required to grant future extensions of time or grace periods.
16. *This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum.* Respondent agrees that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure authorities and respondent waives any right to seek reconsideration or modification of this Consent Order pursuant to §4-181a of the General Statutes of Connecticut without the express consent and agreement of the Department. Respondent assumes all responsibility for assessing such actions prior to executing this Consent Order. Further, this Consent Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that respondent may have under the laws of the State of Connecticut or of the United States.

17. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
18. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted. Respondent hereby waives any claim of error that could be raised that is related to or arises during the course of the Board's discussions regarding whether to approve or reject this Consent Order and/or a Board member's participation during this process, through the Board member's review or comments, including but not limited to bias or reliance on evidence outside the administrative record if this matter proceeds to a hearing on a statement of charges resulting in a proposed decision by the Board and/or a panel of the Board and a final decision by the Board.
19. Respondent understands and agrees that respondent is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which respondent is away from respondent's residence.
20. Respondent has been advised that he has the right to consult with an attorney at any time, including prior to signing this Consent Order.
21. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the State's Attorney's Office where the allegation occurred or Bureau Chief of the applicable unit in the Chief State's Attorney's Office. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only and is not intended to affect any civil or criminal liability or defense.

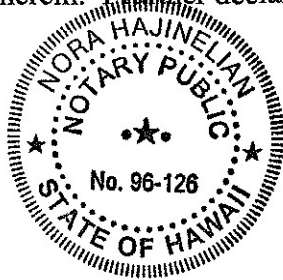
22. This Consent Order embodies the entire agreement of the parties with respect to this petition. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

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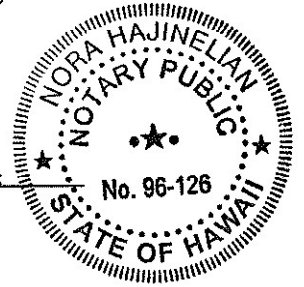
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I, Troy Lane Potthoff, M.D., have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



Troy Lane Potthoff
Troy Lane Potthoff, M.D.



Subscribed and sworn to before me this 26th day of October 2023.

NOTARY PUBLIC CERTIFICATION
Nora Hajinelian
Dist. Judicial Circuit
Doc. Description: Consent Order

Nora Hajinelian
Nora Hajinelian
Notary Public/Commissioner Superior Court

No. of Pages: 9 Date of Doc. 10/26/2023 My commission expires: May 2, 2024

Nora Hajinelian
Notary Signature Date: 10/26/2023

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 7th day of November 2023, it is hereby accepted.

Christian D. Andresen

Christian D. Andresen, MPH, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

The above Consent Order having been presented to the Connecticut Medical Examining Board on the 21st day of November 2023, it is hereby ordered and accepted.

Kathryn Emmett

Kathryn Emmett, Esq., Chairperson
Connecticut Medical Examining Board