

IN THE MATTER OF	*	BEFORE THE
ANNA GABRIELIAN, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D0088610	*	Case Number: 2224-0117B

CONSENT ORDER

On September 24, 2024, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged **ANNA GABRIELIAN, M.D.** (the “Respondent”), License Number D0088610, under the Maryland Medical Practice Act, Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2021 Repl. Vol. & 2023 Supp.).

Panel B charged the Respondent with violating the following provisions of Health Occ. § 14-404 and underlying laws and regulations:

Health Occ. § 14-404. Denials, reprimands, probations, suspensions, and revocations – Grounds.

(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;

...

(43) Except for the licensure process described under Subtitle 3A of this title, violates any provision of this title, any rule or

regulation adopted by the Board, or any State or federal law pertaining to the practice of medicine[.]

Pursuant to Health Occ. § 14-404(a)(43), cited above, the underlying federal and State laws and regulations are as follows:

45 CFR 164.514 - Other requirements relating to use and disclosures of protected health information.

- (h) (1) Standard: Verification requirements. Prior to any disclosure permitted by this subpart, a covered entity must:
 - (i) Except with respect to disclosures under § 164.510, verify the identity of a person requesting protected health information and the authority of any such person to have access to protected health information under this subpart, if the identity or any such authority of such person is not known to the covered entity; and
 - (ii) Obtain any documentation, statements, or representations, whether oral or written, from the person requesting the protected health information when such documentation, statement, or representation is a condition of the disclosure under this subpart.
- (2) Implementation specifications: Verification.
 - (i) Conditions on disclosures. If a disclosure is conditioned by this subpart on particular documentation, statements, or representations from the person requesting the protected health information, a covered entity may rely, if such reliance is reasonable under the circumstances, on documentation, statements, or representations that, on their face, meet the applicable requirements.
 - (A) The conditions in § 164.512(f)(1)(ii)(C) may be satisfied by the administrative subpoena or similar processor by a separate written statement that, on its face, demonstrates that the applicable requirements have been met.

- (B) The documentation required by § 164.512(i)(2) may be satisfied by one or more written statements, provided that each is appropriately dated in accordance with § 164.512(i)(2)(i) and (v).
- (ii) Identity of public officials. A covered entity may rely, if such reliance is reasonable under the circumstances, on any of the following to verify identity when the disclosure of protected health information is to a public official or a person acting on behalf of the public official:
 - (A) If the request is made in person, presentation of an agency identification badge, other official credentials, or other proof of government status;
 - (B) If the request is in writing, the request is on the appropriate government letterhead; or
 - (C) If the disclosure is to a person acting on behalf of a public official, a written statement on appropriate government letterhead that the person is acting under the government's authority or other evidence or documentation of agency, such as a contract for services, memorandum of understanding, or purchase order, that establishes that the person is acting on behalf of the public official.
 - (iii) Authority of public officials. A covered entity may rely, if such reliance is reasonable under the circumstances, on any of the following to verify authority when the disclosure of protected health information is to a public official or a person acting on behalf of the public official:
 - (A) A written statement of the legal authority under which the information is requested, or, if a written statement would be impracticable, an oral statement of such legal authority;
 - (B) If a request is made pursuant to legal process, warrant, subpoena, order, or other legal process

issued by a grand jury or a judicial or administrative tribunal is presumed to constitute legal authority.

- (iv) Exercise of professional judgment. The verification requirements of this paragraph are met if the covered entity relies on the exercise of professional judgment in making a use or disclosure in accordance with § 164.510 or acts on a good faith belief in making a disclosure in accordance with § 164.512(j).

45 CFR 164.530 – Administrative requirements.

(c)(2)(i) Implementation specification: Safeguards. A covered entity must reasonably safeguard protected health information from any intentional or unintentional use or disclosure that is in violation of the standards, implementation specifications or other requirements of this subpart.

(ii) A covered entity must reasonably safeguard protected health information to limit incidental uses or disclosures made pursuant to an otherwise permitted or required use or disclosure.

45 CFR 164.306 – Security standards: General rules.

- (a) General requirements. Covered entities and business associates must do the following:
 - (1) Ensure the confidentiality, integrity, and availability of all electronic protected health information the covered entity or business associate creates, receives, maintains, or transmits.
 - (2) Protect against any reasonably anticipated threats or hazards to the security or integrity of such information.
 - (3) Protect against any reasonably anticipated uses or disclosures of such information that are not permitted or required under subpart E of this part.
 - (4) Ensure compliance with this subpart by its workforce.

- (c) Standards. A covered entity or business associate must comply with the applicable standards as provided in §§ 164.308, 164.310, 164.312, 164.314, and 164.316 with respect to all electronic protected health information.

**45 CFR 164.502 – Uses and disclosures of protected health information:
General rules.**

- (a) Standard. A covered entity or business associate may not use or disclose protected health information, except as permitted or required by this subpart or by subpart C of part 160 of this subchapter.

(1) Covered entities: Permitted uses and disclosure. A covered entity is permitted to use or disclose protected health information as follows:

- (i) To the individual;
- (ii) For treatment, payment, or health care operations, as permitted by and in compliance with § 164.506;
- (iii) Incident to a use or disclosure otherwise permitted or required by this subpart, provided that the covered entity has complied with the applicable requirements of §§ 164.502(b), 164.514(d), and 164.530(c) with respect to such otherwise permitted or required use or disclosure;
- (iv) Except for uses and disclosures prohibited under § 164.502(a)(5)(i), pursuant to and in compliance with a valid authorization under § 164.508;
- (v) Pursuant to an agreement under, or as permitted by § 164.510; and
- (vi) As permitted and in compliance with any of the following:
 - (A) This section.

(B) Section 164.512 and, where applicable, § 164.509.

(C) Section 164.514(e), (f), or (g).

- (h) Standard: Confidential communications. A covered health care provider or health plan must comply with the applicable requirements of § 164.522(b) in communicating protected health information.

Health Gen. § 4-302. Confidentiality of medical records; disclosure.

- (a) A health care provider shall:
- (1) Keep the medical record of a patient or recipient confidential; and
 - (2) Disclose the medical record only:
 - (i) As provided by this subtitle; or
 - (ii) As otherwise provided by law.

On November 20, 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. Introduction

1. The Board conducted an investigation into the Respondent after receiving a report from a healthcare facility located in Baltimore, Maryland (the “Hospital”)¹ stating that the Respondent had resigned her employment from the Hospital while under investigation for inappropriate access and disclosure of protected health information (“PHI”). The Board’s investigation confirmed that the Respondent did, in fact, inappropriately access and disclose PHI of two patients.

II. Licensing Information

2. The Board initially issued the Respondent a license to practice medicine in the State of Maryland on December 10, 2019. Her license is scheduled to expire on September 30, 2026.

3. The Respondent also has an active medical license in Pennsylvania.

4. From in or around February 2020 until her resignation on or about October 31, 2023, and at all relevant times, the Respondent was employed as an anesthesiologist at the Hospital.

III. Board Investigation

5. The Board’s investigation of the Respondent included, but was not limited to, obtaining the Respondent’s relevant personnel records from the Hospital and other

¹ To ensure confidentiality and privacy, the names of individuals and entities involved in this case, other than the Respondent, are not disclosed in this document.

pertinent documents in addition to interviewing the Respondent and other witnesses. The Board's investigation revealed the following information:

IV. Interview with the Respondent

6. On or about May 9, 2024, the Board conducted an under-oath interview with the Respondent who, in part, stated the following:

- a. After the commencement of the Russian-Ukrainian conflict in February 2022, the Respondent initiated contact with the Russian embassy and the Moscow School of Medicine to offer her and her spouse's assistance. Her spouse is also a physician.
- b. In or around August 2022, an individual (the "Individual") approached the Respondent on the Hospital's property. The Respondent believed the Individual was from the Russian embassy and agreed to meet with the Individual at a nearby hotel later that evening (the "Hotel Meeting").
- c. During the Hotel Meeting, the Respondent began to suspect that the Individual was actually a member of Russian intelligence.² The Individual "asked [the Respondent] for classified or secret information."

² Specifically, the Respondent believed that the Individual was a member of the Federal Security Service ("FSB") which is a Russian internal security service and one of the successor agencies of the Soviet-era KGB. The agency is responsible for counterintelligence, antiterrorism, and surveillance of the military.

- d. Over the course of approximately two weeks in August 2022, the Respondent met with the Individual approximately five times, including the Hotel Meeting. During another of those meetings, the Individual requested “four to five military records.”
- e. The Respondent admitted to disclosing two patient records during the fifth meeting which occurred on or about August 31, 2022.

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); and that the Respondent violated certain laws pertaining to the practice of medicine, in violation of Health Occ. § 14-404(a)(43). The laws and regulations the Respondent violated underlying the Health Occ. § 14-404(a)(43) violation are as follows: Health Occ. § 4-302, 45 C.F.R. § 164.514, 45 C.F.R. § 164.530, 45 C.F.R. § 164.306, 45 C.F.R. § 164.502, as charged.

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, within **ONE YEAR**, the Respondent shall pay a civil fine of **\$5000**. 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 it is further

ORDERED that the Respondent is placed on **PROBATION** until the Respondent completes the following terms and conditions of probation:

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 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; and it is further

ORDERED that a violation of probation or a violation of any other term or condition of this Order 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).

12/18/2024
Date

Signature On File

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

CONSENT

I, Anna Gabrielian, 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, 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.

12/6/24
Date

Signature On File

Anna Gabrielian, M.D.
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 6th day of December 2024, before me, a Notary Public of the foregoing State and City/County, Anna Gabrielian, M.D., personally appeared and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSTH my hand and notarial seal.



Stephanie A. Sohn
Notary Public

My commission expires: 4/17/27