

IN THE MATTER OF

*

BEFORE THE

RICHARD M. HUNT, JR., M.D.

*

MARYLAND STATE

Respondent

*

BOARD OF PHYSICIANS

License Number: D13619

*

Case Number: 2219-0179 A

* * * * *

CONSENT ORDER

On September 27, 2019, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged **RICHARD M. HUNT, JR., M.D.** (the “Respondent”), License Number D13619, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2014 Repl. Vol. and 2018 Supp.).

The pertinent provisions of the Act provide:

Health Occ. § 14-404. License, denial, suspension, or revocation.

(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;

...

(6) Abandons a patient;

...

- (13) On proper request, and in accordance with the provisions of Title 4, Subtitle 3 of the Health-General Article, fails to provide details of a patient's medical record to the patient, another physician, or hospital[.]

Title 4, Subtitle 3 of the Health -General Article states:

Health-Gen. § 4-303. Authorization to disclose medical record.

- (a) *In general.* -- A health care provider shall disclose a medical record on the authorization of a person in interest in accordance with this section.

In addition, a physician is required to comply with the provisions of Health-Gen. §4-403 pertaining to the destruction of medical records, and the procedures after retirement or discontinuation of the practice of the health care provider, which states as follows:

Health-Gen. § 4-403. Destruction of medical records.

...

- (b) Except for a minor patient, unless a patient is notified, a health care provider may not destroy a medical record or laboratory or X-ray report about a patient for 5 years after the record or report is made.

...

- (c) After the death, retirement, surrender of the license, or discontinuation of the practice or business of a health care provider, the health care provider, the administrator of the estate, or a designee who agrees to provide for the maintenance of the medical records of the practice or business and who states, in writing to the appropriate health occupation board within a reasonable time, that the records will be maintained in compliance with this section, shall:

- (1) Forward the notice required in this section before the destruction or transfer of medical records; or

- (2) Publish a notice in a daily newspaper that is circulated locally for two consecutive weeks;

- (i) stating the date that the medical records will be destroyed or transferred; and

- (ii) Designating a location, date, and time where the medical records may be retrieved, if wanted.

The Board's regulations, for the purpose of Mandated Reporting to the Board, define "abandon" as follows:

COMAR 10.32.22.02. Definitions.

B. Terms Defined.

- (1) 'Abandon' means a health care provider's withdrawal from the care and treatment of a patient during the course of treatment without giving a reasonable notice to the patient or providing a competent replacement.

On December 4, 2019 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, and Order.

FINDINGS OF FACT

Disciplinary Panel A finds:

I. Background

1. At all times relevant, 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 January 27, 1972, under License Number D13619. The Respondent's license is active through September 30, 2020.

2. Until August 2018, the Respondent was a solo practitioner in an internal medicine office located at 2300 Garrison Boulevard, Suite 220, Baltimore, MD 21216. The Respondent closed his practice on or about August 2018.

II. Complaints

3. On November 7, 2018, the Board received a complaint from one of the Respondent's patients, Patient 1.¹ Patient 1 stated that he called the Respondent's office to obtain a refill of his blood pressure medication and was informed by the woman who answered the telephone that the Respondent had retired and left no forwarding contact information. According to the complaint, the woman also reported that she had been "flooded with calls" from the Respondent's patients. Patient 1 stated he was very concerned about the confidentiality of his medical records.

4. On December 17, 2018, the Board received a complaint from Patient 2. Patient 2 was unable to reach the Respondent, her primary care physician, by telephone to obtain medical authorization for a sonogram. Because Patient 2 was unable to reach the Respondent, her sonogram had to be cancelled and rescheduled. Patient 2 stated she last saw the Respondent for an office visit on July 30, 2018 and was not notified of the Respondent's retirement and never received a list of alternative doctors. Patient 2 needed her medical records transferred to her new doctor.

5. On or about January 3, 2019, the Board received a complaint from Patient 3. Patient 3 stated that his orthopedic specialist, Patient 3's primary care specialist who had attempted to contact the Respondent, who was Patient 3's primary care physician, notified Patient 3 that the Respondent's telephone had been disconnected. Patient 3 stated he had a check-up visit with the Respondent in 2018, three weeks prior to his

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

specialist's attempted contact, and the Respondent did not notify Patient 3 at that time that he was retiring. Patient 3 stated he needed a copy of his medical records.

6. On February 7, 2019, the Board received a complaint from Patient 4. She was unable to contact the Respondent to obtain a copy of her medical records. Patient 4 stated that the Respondent's telephone was not in service and that there was no sign on his office door that he had retired or moved. Patient 4 stated she had been a patient of the Respondent for over 20 years and had not received any notification from the Respondent that he was no longer practicing at that location.

III. Board Investigation

7. In response to Patient 1's complaint, the Board sent a letter, dated December 3, 2018, to the Respondent. In the letter, the Board notified the Respondent of Patient 1's complaint and requested a written response within 10 days.

8. On January 7, 2019, the Board received a letter from the Respondent. The Respondent stated that he had closed his internal medicine practice, after 43 years of practice. The Respondent stated that Patient 1's paper chart was placed in a box along with "several others" so that they could be notified of the office's closing. However, these charts were then "inadvertently shredded" and he had no way of knowing which patients' charts were inadvertently shredded. As a result, he was unable to notify the patients, including Patient 1, of the closing of the practice.

9. In response to Patient 2's complaint, the Board sent a letter, dated January 9, 2019, to the Respondent notifying the Respondent of Patient 2's complaint and requesting a written response within 10 days. Also, on January 9, 2019, the Board sent to

the Respondent a Subpoena Duces Tecum for a complete copy of any, and all, medical records for Patient 2.

10. In response to Patient 3's complaint, the Board sent a letter, dated January 17, 2019, to the Respondent notifying the Respondent of Patient 3's complaint and requesting a written response within 10 days. Also, on January 17, 2019, the Board sent to the Respondent a Subpoena Duces Tecum for a complete copy of any, and all, medical records for Patient 3.

11. On January 23, 2019, the Board received a letter from the Respondent in response to Patient 2's complaint. The letter stated that due to "personal health issues" and "economic factors," he closed his practice in August 2018. The Respondent stated:

In the process of notifying my patients of the closing of the office a significant number (40-50) of paper patient charts were inadvertently shredded. I had no way of knowing whose charts were shredded and as such was unable to notify them of my closing my practice.

Respondent stated this occurred as a result of "miscommunication between [the Respondent] and staff."

12. On January 23, 2019, the Board received a second letter from the Respondent, in response to Patient 3's complaint, containing the same explanation he provided in response to Patient 2's complaint.

13. By letter dated January 30, 2019, the Board requested a detailed explanation from the Respondent regarding the manner in which he notified his patients of the practice closing, as well as any documentation of this, including dates and copies of any newspaper publications. The Board also requested documentation of any contact

with the complainants regarding the unavailability of the patients' records, following receipt of their complaints.

14. On February 13, 2019, the Board received a letter from the Respondent, dated February 8, 2019. The Respondent stated that he started notifying patients that the practice would be closing in August 2018, during their office visits beginning in June 2008 [*sic*]. Patients were given names and contact information of other practicing physicians and physician groups "by word of mouth" by him and his office staff. The majority of his patients were notified in this manner. However, 40 to 50 patient paper charts which were intended to be notified, were "inadvertently shredded" and these patients were not notified of the Respondent's retirement nor the unavailability of their medical records. Specifically, the Respondent stated that he did not notify Patient 2 or Patient 3 because he did not have their telephone numbers or addresses. The Respondent also stated that he did not have any electronic records.

15. By letter dated February 8, 2019, the Board notified the Respondent of Patient 4's complaint and requested a written response within 10 days.

16. The Respondent did not respond to the letter regarding Patient 4's complaint.

17. The Respondent did not provide to the Board the medical records of Patients 2 or 3 that were required pursuant to its subpoenas.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes that Respondent violated Health Occ. § 14-404(a)(3)(ii)(unprofessional conduct); Health Occ. § 14-404(a)(6)(abandons a patient); and Health Occ. § 14-404(a)(13)(fails to provide details of a medical record).

ORDER

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

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

ORDERED that within **ONE YEAR**, the Respondent shall pay a civil fine of **\$1,500**.

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 Respondent shall, within **30 DAYS** from the date of this Consent Order submit to the Board for Board approval:

- (1) a letter to be sent to the complainant patients listed in this Consent Order stating the Respondent closed his medical practice in August 2018 and he has destroyed all medical records that were not already obtained by the patients; and
- (2) a newspaper advertising notice for publication stating that the Respondent closed his medical practice in August 2018 and that he has destroyed all medical records that were not already obtained by the patients; and it is further

ORDERED that within **30 DAYS** after the approval of the letter and the newspaper advertising notice from the Board, the Respondent shall:

- (1) publish the notice for two consecutive weeks in a daily newspaper that is circulated locally in the area of his former medical practice; and
- (2) send by first class mail to the last known address of the 4 patients who filed complaints with the Board who are referenced in this Consent Order; 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, 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 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); and it is further

01/06/2020
Date

Signature on File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Richard M. Hunt, Jr., 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 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.

Dec 30, 2019
Date

Signature on File

Richard M. Hunt, Jr., M.D.,
Respondent

NOTARY

STATE OF Maryland
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 30th day of December 2019, before me, a Notary Public of the foregoing State and City/County, personally appeared Richard M. Hunt, Jr., 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.

Yvette R. Graham
Notary Public

My Commission expires: 02/06/2021

YVETTE R GRAHAM
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
My Commission Expires 02-06-2021