

IN THE MATTER OF	*	BEFORE THE
ADOLFO LOPEZ, M.D.	*	MARYLAND STATE BOARD OF
Respondent	*	PHYSICIANS
License Number: D14811	*	Case Number: 2218-0046B

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### CONSENT ORDER

On February 27, 2018, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") charged Adolfo Lopez, M.D. (the "Respondent"), License Number D14811, with violating the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") § 14-101 *et seq.* (2014 Repl. Vol. & 2017 Supp.). The pertinent provision of the Act provides the following:

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[.]

### **CENTERS FOR DISEASE CONTROL AND PREVENTION GUIDELINES**

The U.S. Department of Health and Human Services Centers for Disease Control and Prevention provides in pertinent part the best practices for Vaccine Storage and Handling:<sup>1</sup>

- Food and beverages should never be stored in the unit<sup>2</sup> with vaccines;

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<sup>1</sup> Vaccine Storage and Handling Toolkit (2016, 2018).

<sup>2</sup> Unit refers to a vaccine refrigerator or freezer.

- If other medications and biological products must be stored in the same unit as vaccines, always store them below vaccines and on a different shelf. This prevents contamination and reduces the likelihood of medication errors; and
- Check expiration dates on vaccines and diluents...and immediately remove any expired vaccines and diluents to avoid inadvertently administering them.

On May 23, 2018, Panel B 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.

## **I. FINDINGS OF FACT**

Panel B finds:

### **BACKGROUND**

1. At all times relevant, the Respondent was and is a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice on or about February 1, 1973, and his license is currently scheduled to expire on September 30, 2018.
2. The Respondent is board-certified in Allergy and Internal Medicine. At all times relevant to these charges, he was employed as a solo practitioner in Towson, Maryland (“Practice A”).

### **DISCIPLINARY HISTORY**

3. On or about October 26, 2017, the Respondent entered into a Consent Order with Panel B resolving charges of unprofessional conduct in the practice of medicine, that imposed a reprimand, one year of probation and a \$5,000.00 fine. The charges were

based on allegations the Respondent had engaged in unprofessional conduct by borrowing \$5,000 from a former patient.

### **THE PRESENT COMPLAINT**

4. On or about June 20, 2017, the Board received a complaint from a former patient that cited general allegations regarding the unacceptable state of the Respondent's medical practice.

5. On receipt of the complaint, the Board initiated an investigation into the complainant's allegations including an unannounced on-site office visit that took place on October 12, 2017, the pertinent results of which are set forth below.

### **OCTOBER 12, 2017 OFFICE VISIT**

6. On October 12, 2017, two Board staff conducted an unannounced site visit of the Respondent's practice located in Towson, Maryland. The office inspection revealed the following pertinent findings:

- Potable water and yogurt were in the office refrigerator alongside vaccine serum and allergy testing serum;
- Vials of allergy testing serum and vaccine serum were located on the same shelf in the refrigerator unit;
- Approximately four vials containing vaccine serum were marked with expiration dates of 1985 through 1987; and
- Several vials of allergy testing serum were marked with expiration dates of 2011-2012.

### **EXPERT REVIEW**

7. The Board requested that its medical consultant review the photographs and relevant documents relating to the October 12, 2017 site visit.

8. The medical consultant opined that the finding of expired vaccines and allergy test serum constituted unprofessional conduct and stated in part in a written report:

...A system should be in place that ensures that medication samples are stored in accordance with manufacturers' labeling requirements, that those medications stored be inspected for outdated products and that those outdated products be safely disposed of... Doing so, decreases the chance of physician/staff error wherein an outdated product is inadvertently administered to a patient. The fact that Dr. Lopez had vaccines dating back to 1985 raises significant concern about his ability to properly monitor and maintain safe practice.

## **CHARGES**

9. The Respondent's failure to appropriately store and maintain vaccines and/or allergy testing serum as outlined in pertinent part above, in whole or in part, constitutes evidence of unprofessional conduct in the practice of medicine in violation of Health Occ. § 14-404(a)(3)(ii).

## **II. CONCLUSION OF LAW**

Based on the Findings of Fact, Panel B concludes as a matter of law that the Respondent's conduct constitutes unprofessional conduct in the practice of medicine in violation of Health Occ. § 14-404(a)(3)(ii),

## **III. ORDER<sup>3</sup>**

It is, on the affirmative vote of a majority of the quorum of Board Disciplinary Panel B, hereby:

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

**ORDERED** that the minimum of one year of probation imposed in the October 26, 2017, Consent Order is extended for a minimum period of one year.<sup>4</sup> Thus, the Respondent is placed on **PROBATION** for a minimum period of **TWO (2) YEARS** starting

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<sup>3</sup> This Consent Order incorporates by reference all of the probationary terms and conditions of the October 26, 2017 Consent Order, including the payment of a \$5,000 fine on or before October 26, 2019, and the completion of a Panel-approved ethics course. As of the date of this Consent Order, completion of both terms and conditions are pending.

<sup>4</sup> If the Respondent's license expires while the Respondent is on probation, the probation and any probationary conditions will be tolled.

from October 26, 2017. During the probationary period the Respondent shall comply with the following conditions:

- a. Within three (3) months, the Respondent shall successfully complete a Board disciplinary panel-approved course in CDC Guidelines on Universal Precautions. The course may not be used to fulfill the continuing medical education credits required for license renewal. The Respondent must provide documentation to the Board that the Respondent has successfully completed the course;
- b. After the Respondent successfully completes the remedial course, he shall be subject to an inspection of his office by Board staff;
- c. The Respondent shall successfully complete a 1 on 1 tutorial with a Panel-approved infection control practitioner. Within 30 calendar days, the Respondent shall provide the Panel with the name and professional background information of the practitioner whom he is offering for approval. The tutorial shall include a walk-through inspection of the Respondent's office. The Respondent must provide documentation to the Board that the Respondent has successfully completed the training;
- d. The Respondent shall comply with the Maryland Medical Practice Act, Md. Code Ann., Health Occ. §§ 14-101—14-702, and all laws and regulations governing the practice of medicine in Maryland; and it is further

**ORDERED** that, unless stated otherwise in the order, any time period prescribed in this order begins when the Consent Order goes into effect. The Consent Order goes into effect upon the signature of the Board's Executive Director, who signs on behalf of Panel B, and it is further

**ORDERED** that if the Respondent allegedly fails to comply with any term or condition of probation or this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If 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. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board or Panel B; and it is further

**ORDERED** that, after the appropriate hearing, if the Board or Disciplinary Panel determines that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Board or Disciplinary Panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice medicine in Maryland. The Board or Disciplinary Panel may, in addition to one or more of the sanctions set forth above, impose an additional civil monetary fine upon the Respondent; and it is further

**ORDERED** that there shall be no early termination of **PROBATION**; 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 is a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 & 2016 Supp.).

June 15, 2018

Date

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

#### CONSENT

I, Adolfo Lopez, M.D., by affixing my signature hereto, acknowledge that I am representing myself in these proceedings. I have been advised of my right to be represented by the attorney of my choice throughout proceedings before Disciplinary Panel B, including the right to counsel with an attorney prior to signing this Consent Order. I have knowingly, willfully and intelligently waived my right to be represented by an attorney before entering into this Consent Order. By this Consent and for the purpose of

resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into 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 own behalf, and to all other substantive and procedural protections provided by law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of Disciplinary Panel B to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of a disciplinary panel of the Board that I might have filed after any such hearing.

I sign this Consent Order after knowingly, willfully and intelligently waiving my right to be represented by an attorney, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of the Consent Order.

6-5-18  
Date

**Signature on File**

Adolfo Lopez, M.D.

STATE/ DISTRICT OF

CITY/COUNTY OF:

I HEREBY CERTIFY that on this 5th day of June, 2018, before me, a Notary Public of the State/District and County aforesaid, personally appeared Adolfo Lopez, M.D., and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

My Commission expires: 8/3/2019

Veronica A. Stone Elder  
Notary Public

