

IN THE MATTER OF	*	BEFORE THE
EASTON L. MANDERSON, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D21599	*	Case Number: 2218-0235A

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On October 24, 2018, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) notified **EASTON L. MANDERSON, M.D. (the “Respondent”)**, License Number **D21599**, of its **INTENT TO REVOKE** the Respondent’s license to practice medicine in the State of Maryland. The basis for Panel A’s action was pursuant to the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.), and COMAR 10.32.02.14(A).

The pertinent provisions of the Act provide:

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:
 - (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
 - (3) Is guilty of:
 - (ii) Unprofessional conduct in the practice of medicine;

- (33) Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel;
- (36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine;
- (42) Fails to submit to a criminal history records check under § 14-308.1 of this title[.]

Health Occ. § 14-308.1. Criminal history records check through Central Repository.

- (a) In this section, “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.
- (b) An applicant, a licensee, or a certificate holder shall apply to the Central Repository for a State and national criminal history records check.
- (c) As part of the application required under subsection (b) of this section, an individual shall submit to the Central Repository:
 - (1) Two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;
 - (2) The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and
 - (3) The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

The pertinent provisions of the Board’s regulations under COMAR 10.32.02 provide:

.14 Proposed Orders; . . .

- A. Nothing in this chapter prohibits the issuance of a charging document with a proposed order which will go into effect if the respondent fails to request a hearing.

On or about February 13, 2019, a Disciplinary Committee for Case Resolution ("DCCR") was held at the Board's office, and the Respondent attended. Following the DCCR, the Respondent agreed to enter into the following Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order, Consent, and Notary.

FINDINGS OF FACT

Panel A finds the following:

1. At all times relevant hereto, 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 16, 1978, under License Number D21599. The Respondent's license is active through September 30, 2019.
2. On or about September 29, 2017, the Respondent submitted an online application (the "Application") for the renewal of the Respondent's license using the Board's online renewal application process.
3. When a licensee applies online to renew his or her license, a notice appears that informs the licensee that the Board may not renew a license if it has not received the licensee's Criminal History Record Check ("CHRC") information, which includes the licensee's submission of his or her fingerprints to the Criminal Justice Information Services ("CJIS") before attempting to complete the renewal application.

4. The Respondent's signed Application states, "Failure to submit to a [CHRC] may result in disciplinary action." When submitting the online Application, the Respondent checked a box attesting to completing the CHRC.

5. By email dated November 1, 2017, Board staff informed the Respondent that the Board had not received the CHRC. Board staff further informed the Respondent that the Respondent had ten business days to submit the CHRC.

6. To date, the Respondent has not replied to the email.

7. By letter dated January 16, 2018, the Board informed the Respondent that the Board opened a preliminary investigation based upon the failure to obtain a CHRC for license renewal and the attestation that the Respondent submitted to a CHRC.

8. On or about January 29, 2018, the Respondent contacted the Board by phone and stated that he had not yet submitted his CHRC, but that he would do so soon.

9. On or about March 15, 2018, the Board sent an email to the Respondent informing him that it had not yet received his CHRC and that his failure to submit the CHRC could result in the revocation of his license.

10. The Respondent failed to reply to the email.

11. Panel A's investigation determined that the Respondent failed to submit his fingerprints to CJIS in compliance with the CHRC process, as set forth in Health Occ. § 14-308.1, and misrepresented to the Board in the Application that the Respondent completed the CHRC.

12. On or about October 12, 2018, the Board received the Respondent's completed CHRC.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent violated Health Occ. §§ 14-404(a)(1)(42). Panel A dismisses the charges under Health Occ. §§ 14-404(a)(1), (3)(ii), (33), and (36).

ORDER

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

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

ORDERED that within **SIX (6) MONTHS**, the Respondent shall pay a civil fine of **FIVE HUNDRED DOLLARS (\$500.00)**. The payment shall be made 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 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 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 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 of this Consent Order, the 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 disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; and it is further

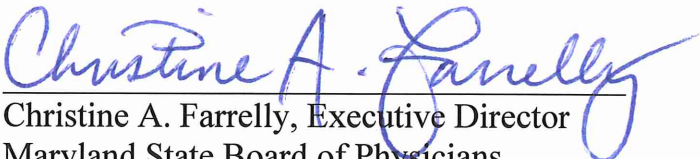
ORDERED that Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that the Respondent shall comply with the Maryland Medical Practice Act, Md. Code Ann., Health Occ. §14-101 - §14-702, and all federal and state laws and regulations governing the practice of medicine in Maryland; 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 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* Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. §§ 4-333(b)(6) (2014 & Supp. 2017).

03/11/2019
Date


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

I, Easton L. Manderson, M.D., acknowledge that I have had the opportunity to consult with counsel at this and all stages of this matter. I understand that this Consent

Order will resolve the *Notice of Intent to Revoke Medical License* issued against me in the above referenced case. By this Consent and for the sole purpose of resolving the issues raised by Disciplinary Panel A of the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions. I acknowledge that the Findings of Fact and the Conclusions of Law contained in this Consent Order will be treated as proven 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 the law. I agree to forego my opportunity to challenge these Findings of Fact and Conclusions of Law. I acknowledge the legal authority and jurisdiction of the Disciplinary Panel A to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I waive my right to any appeal in this matter. I affirm that I have asked and received satisfactory answers to all my questions regarding the language, meaning, and terms of this Consent Order. I sign this Consent Order, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, and terms of this Consent Order.

3/6/2019
Date

Signature on File

Easton L. Manderson, M.D.
The Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Silver Spring / Montgomery

I HEREBY CERTIFY that on this 6th day of March 2019,
2019, before me, a Notary Public of the foregoing State and City/County personally
appeared Easton L. Manderson, 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 notary seal.



Notary Public

My commission expires:

SHURLA A SAMUEL
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
My Commission Expires 09-02-2022