

IN THE MATTER OF

\*

BEFORE THE

RAYMOND J. ALTIERI, M.D.

\*

MARYLAND STATE

Respondent

\*

BOARD OF PHYSICIANS

License Number: D24602

Case Number: 7716-0094B

\* \* \* \* \*

### CONSENT ORDER

On June 11, 2018, Disciplinary Panel B of the Maryland State Board of Physicians (“Panel B”) charged Raymond Altieri M.D., (the “Respondent”), license number D24602, with violating a condition of probation set forth in the Consent Order (Board Case Number: 7713-0071B) into which he had entered with the Board effective June 8, 2016 (“2016 Consent Order”). Specifically, the peer review of the Respondent’s practice that was ordered as a term and condition of probation in the 2016 Consent Order found that the Respondent had failed to keep adequate medical records.

Panel B also charged the Respondent under the Maryland Medical Practice Act, Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2014 Repl. Vol. & 2016 Supp.).

The pertinent provisions of the Act under H.O. § 14-404(a) provide as follows:

#### **§ 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:

...

- (40) Fails to keep adequate medical records as determined by appropriate peer review[.]

On August 22, 2018, a conference with regard to this matter was held

before a panel of the Board's Disciplinary Committee for Case Resolution ("DCCR"). As a result of the DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

### **FINDINGS OF FACT**

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was originally licensed to practice medicine in Maryland on February 11, 1980. His license is scheduled to expire on September 30, 2018.
2. The Respondent maintains an office for the practice of medicine in Dundalk, Maryland.
3. The Respondent is not board-certified in any medical specialty recognized by the American Board of Medical Specialties.

### **Prior disciplinary history**

4. On June 8, 2016, the Respondent entered into a Consent Order with Panel B to resolve allegations that he failed to meet standards of quality medical care and failed to keep adequate medical records with regard to his Suboxone<sup>1</sup> practice and that he misrepresented on his 2012 and 2014 Applications for Renewal of Medical License that he was board-certified.
5. Under the terms and conditions of the 2016 Consent Order, the Respondent was reprimanded and was placed on probation for a minimum of one year. For at least

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<sup>1</sup> Suboxone is the trade name for buprenorphine/naloxone.

the first six months of the Respondent's probationary period, his practice was required to be supervised by a panel-approved peer supervisor. The Respondent was further required to take a panel-approved remedial course in Suboxone prescribing and a separate panel-approved course in medical documentation and was subject to a chart or peer review.

6. The Panel received confirmation that the Respondent completed both of the required courses by October 25, 2016.
7. On May 24, 2017, the Panel voted to terminate the probationary condition that the Respondent be supervised based on positive reports by the supervisor.

### **Current Findings**

8. The peer reviewers were instructed to review the Respondent's practice after October 25, 2016.
9. The Respondent's practice consists in large part of treating opioid-dependent patients with Suboxone (buprenorphine/naloxone).
10. The peer reviewers determined that the Respondent failed to maintain adequate medical records in all six of the patient records they reviewed for reasons including but not limited to the following:
  - a. The Respondent's documentation is minimal and does not reflect individualized care;
  - b. The Respondent's progress notes consist of rows of checked boxes with one column of boxes representing a patient's visit;

- c. The Respondent documents at least six visits on each page of notes; there is limited space to document important aspects of treatment;
- d. The Respondent typically did not document any narrative in the progress notes. The Respondent failed to document mental status exams, emergency contacts or discussions regarding adverse effects or overdose risks;
- e. Although most of the patients appeared stable, the Respondent's note format contains inadequate space to address modifications to treatment plans, changes to medical conditions, psychological stressors or other treatment-related issues;
- f. For several visits for each of the patients, the Respondent merely wrote the generic remarks "no change" or "same as" [the prior visit] as his entire documentation for that visit;
- g. In one instance, a patient (identified in the charging document as "Patient 4") had returned to the Respondent for Suboxone treatment after an unspecified length of absence. Patient 4's first toxicology screen was positive for an unidentified opiate, a benzodiazepine and oxycodone. The Respondent incorrectly documented the result as normal. The Respondent failed to document what drugs Patient 4 had taken and failed to address Patient 4's risk for overdose. On Patient 4's initial visit, the Respondent noted "+" in the "cravings" box. The Respondent did not further document Patient 4's cravings or a plan to address them.

## CONCLUSIONS OF LAW

Based on the foregoing findings of fact, Disciplinary Panel A concludes as a matter of law that the Respondent violated the terms and conditions of his June 8, 2016 Consent Order and failed to keep adequate medical records, in violation of Health Occ. § 14-404(a)(40).

## ORDER

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 Respondent's **PROBATION**<sup>2</sup> is extended for a minimum period of **ONE (1) ADDITIONAL YEAR** from the date that this Consent Order goes into effect. During the extended probationary period, the Respondent shall comply with all of the following probationary terms and conditions:

- (1) The Respondent shall modify his documentation to address the peer reviewers' concerns, including, but not limited to: adding narrative comments for each patient at each visit. The narrative shall include, but is not limited to: a discussion of adverse effects and/or overdose; psychological stressors; changes in treatment plan; changes in medical condition; a mental status examination; and emergency contacts;
- (2) During the extended probationary period, the Respondent may be subject to a chart and/or peer review conducted by the Board or a disciplinary panel or its agents at the discretion of the Board or panel. An unsatisfactory chart and/or peer review shall constitute a violation of probation; 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

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<sup>2</sup> If the Respondent's license expires while the Respondent is on probation, the probationary period and any probationary conditions will be tolled.

**ORDERED** that, after the appropriate hearing, if the Board or a 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 a civil monetary fine upon the Respondent; and it is further

**ORDERED** that, after a minimum period of **ONE (1) YEAR**, the Respondent may submit a written petition to the Board or Panel B requesting termination of probation. The Respondent may be required to appear before the panel to discuss his petition. After consideration of the petition, the probation may be terminated through an order of the Board or Panel B. The Board or Panel B will grant the petition to terminate the probation if the Respondent has complied with all of the probationary terms and conditions and there are no pending complaints related to the charges; and it is further

**ORDERED** that the Respondent shall not apply for early termination of probation; and it is further

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

**ORDERED** that the Respondent shall comply with the Maryland Medical Practice Act, Md. Code Ann., Health Occ. II §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 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 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).

09/11/2018  
Date

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

### CONSENT

I, Raymond J. Altieri, M.D., acknowledge that I was represented by counsel before entering 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 and enforceability 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 the law. I waive these substantive and procedural protections. 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 acknowledge the legal authority and 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 sign this Consent Order voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of the Consent Order.

***Signature on File***

9/5/18  
Date

Raymond J. Altieri, M.D.

**NOTARY**

**STATE OF MARYLAND**

**CITY/COUNTY OF** Baltimore

I HEREBY CERTIFY that on this 5<sup>th</sup> day of September 2018, before me, a Notary Public of the foregoing State and City/County, personally appeared Raymond J. Altieri, 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.



Karen J. Miller  
Notary Public

My commission expires: 12/2/19