

IN THE MATTER OF
KOFI SHAW-TAYLOR, M.D.

Respondent

License Number: D26832

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case Number 2219-0034

* * * * *

FINAL DECISION AND ORDER

PROCEDURAL HISTORY

On March 2, 2018, Kofi Shaw-Taylor, M.D. entered a plea of “Guilty” to one count of Conspiracy to Commit Medicaid Fraud¹ and one count of Medicaid Fraud, in violation of Maryland Code Ann., Crim. Law § 8-509², in the Circuit Court for Anne Arundel County (Case No. C-02-CR-17-002822). On August 2, 2018, Dr. Shaw-Taylor was sentenced to five years of incarceration on each count, to run concurrently, and ordered to pay a monetary judgment in the amount of \$118,077. Dr. Shaw-Taylor did not appeal his convictions and the time for filing an appeal has passed.

On July 15, 2019, the Office of the Attorney General filed with the Board a Petition to Revoke Dr. Shaw-Taylor’s license to practice medicine, pursuant to section 14-404(b)(2) of the Health Occupations Article, which provides:

After completion of the appellate process if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, a disciplinary panel shall order the revocation of a license on the certification by the Office of the Attorney General.

¹ The elements of the offense of conspiracy to Commit Medicaid Fraud include that the Defendant agreed with at least one other person to commit the crime of Medicaid Fraud and the Defendant entered into the agreement with the intent that the crime be committed.

² The elements of Medicaid Fraud are that the Defendant defrauded a State health plan, in this case, Medicaid, in connection with the delivery of a health care service and that the Defendant did so knowingly and willfully.

Attached to the Petition were certified copies of the indictment, plea agreement, sentencing hearing transcript, criminal hearing sheets for the plea hearing and sentencing hearing and a show cause order mandating that Dr. Shaw-Taylor show cause in writing, on or before August 19, 2019, if there were any reason why his license to practice medicine should not be revoked. On August 12, 2019, the Board received a letter from Dr. Shaw-Taylor stating that he wished to surrender his license.³

Having reviewed and considered the entire record in these § 14-404(b)(2) proceedings, Panel B issues this Final Decision and Order.

FINDINGS OF FACT

Panel B finds the following facts by a preponderance of the evidence:

1. Dr. Shaw-Taylor was originally licensed to practice medicine in the State of Maryland on August 18, 1981, having been issued License Number D26832. Dr. Shaw-Taylor's license expired on September 30, 2017.⁴
2. On December 1, 2017, Dr. Shaw-Taylor was indicted in the Circuit Court for Anne Arundel County in State of Maryland v. Kofi Shaw Taylor, case number C-02-Cr-17-002822, on 118 counts of Conspiracy to Commit Drug Distribution, Conspiracy to Commit Medicaid Fraud, Medicaid Fraud, and other related charges.
3. On February 23, 2018, Dr. Shaw-Taylor entered into a plea agreement with the State which included the following agreed factual basis for the offenses:

The Drug Distribution Conspiracy

At all times relevant to the Indictment, the Defendant was a medical doctor who held a Maryland medical license and a registration number with the U.S. Drug Enforcement Administration. As such, the Defendant was qualified to prescribe

³ Pursuant to Section 14-403 of the Health Occupations Article, an individual may not surrender a license while the individual is under investigation or while charges are pending unless a disciplinary panel agrees to accept the surrender of the license. Disciplinary Panel B did not accept the surrender of Dr. Shaw-Taylor's license in this case.

⁴ Pursuant to Section 14-403 of the Health Occupations Article, the license of an individual regulated by the Board "may [not] lapse by operation of law while the individual is under investigation or while charges are pending." Md. Code, Ann., Health Occ. § 14-403(a). Dr. Shaw-Taylor's license was summarily suspended on May 9, 2017 and charges were pending; therefore, the Board retained its jurisdiction over Dr. Shaw-Taylor's license.

controlled dangerous substances for legitimate medical purposes and in the usual scope of professional practice.

From as late as on or about June 2015 through on or about April 2017, the Defendant worked at both [Office A] and [Office B]. Both [Office A] and [Office B] operated as, in part, a "Pill Mill." A Pill Mill is a physician's office, clinic, or health care facility that routinely engages in the practice of prescribing and dispensing controlled substances, such as oxycodone and other pain medication, outside the scope of professional practice, and without a legitimate medical purpose.

Ample evidence existed, which the Defendant either knew about or intentionally ignored, that both [Office A] and [Office B] were operating as Pill Mills. For example: patients were paying hundreds of dollars in cash to receive prescriptions for controlled dangerous substances; patients were receiving prescriptions for controlled dangerous substances even after urinalysis results in the patient files documented the presence of a substance abuse disorder and/or diversion; and during one extended period of time while Dr. Shaw-Taylor was absent from [Office A] and/or [Office B], patients continued to receive prescriptions for controlled dangerous substances that were signed by Dr. Shaw-Taylor but completed by other individuals who were not qualified to prescribe controlled dangerous substances.

At all times relevant to the Indictment, Medicaid was a State health plan that would pay qualifying, licensed, health care providers—such as the Defendant—for certain approved costs associated with the care of beneficiaries. In order to become a Medicaid provider, a licensed, health care provider must complete and submit an application and enter into an agreement with the Maryland Department of Health (formerly known as the Department of Health and Mental Hygiene) (hereinafter, "MDH"), agreeing to be responsible for knowing and to comply with the standards of practice set forth in federal and state laws, regulations, and other policies. A licensed, health care provider must further recognize that the submission of a false claim would create the potential for criminal prosecution and expulsion from the Medicaid program.

At all times relevant to the indictment, Defendant was an approved Medicaid provider such that Medicaid would have unwittingly paid for the costs of interalia qualifying prescriptions for controlled dangerous substances written by Defendant and given to a Medicaid beneficiary at one of these Pill Mills. Ample evidence also existed to establish that Defendant knew that patients receiving prescriptions for controlled dangerous substances were beneficiaries of Medicaid as a State health plan. For example: patient files contained forms, completed by patients, that identified Medicaid as the "insurance coverage"; patient files contained photocopies of various identification cards denoting affiliation with the Medicaid program; and patient files contained reference to certain Medicaid billing codes.

Additionally, throughout the time period alleged in the Indictment, the Defendant prescribed certain controlled dangerous substances outside the scope of professional practice and without a legitimate medical purpose during this period. On or about June 1, 2016, for example, the Defendant wrote a prescription to E.F. for 120 pills of Alprazolam (benzodiazepine), 2 mg (2 refills), a Schedule IV controlled dangerous substance; and 180 pills of tramadol, 50 mg, a Schedule IV controlled dangerous substance. The defendant did so despite evidence in the patient's file of both drug diversion and a substance abuse disorder, and knowing the significant risk that a patient taking benzodiazepine and oxycodone could suffer respiratory failure. E.F. was a Medicaid beneficiary.

Other Instances of Medicaid Fraud

A Medicaid provider that seeks reimbursement from Medicaid for services must have submitted a claim for reimbursement. Medicaid claims were submitted or otherwise subject to oversight by MDH with payment made by the Comptroller of Maryland, headquartered in Anne Arundel County. In order to receive payment, providers must have complied with applicable federal and state law, regulations, and other policies. Medicaid would not have paid for services that were not medically necessary, that were provided in violation of federal or state law, or that were otherwise fraudulent.

During the times relevant to the Indictment, Defendant knowingly and willfully caused to be submitted claims to Medicaid for office visit reimbursements that he knew to be fraudulent. For example, between on or about December 29, 2015 and January 16, 2016, Defendant traveled to Africa. Nonetheless, the Defendant knowingly and willfully submitted 169 Medicaid claims for office visits that were purportedly with Defendant during that period. Medicaid paid approximately \$18,232 for office visits for 138 beneficiaries based on those fraudulent submissions and approximately \$72,000 for prescriptions purportedly written by Defendant during on or about that period. As another example, between on or about January 11, 2017 and on or about January 12, 2017, Defendant was an inpatient undergoing back surgery and was not working during this time period. Nonetheless, the Defendant knowingly and willfully caused to be submitted 40 Medicaid claims for office visits that were purportedly with Defendant Shaw-Taylor during that period. Medicaid paid approximately \$4,421 for office visits based on those fraudulent submissions and \$23,424 for prescriptions purportedly written by Defendant on or about that period.

The Defendant further agrees that these facts are sufficient to prove each of the elements of conviction set forth above beyond a reasonable doubt.

4. On March 2, 2018, Dr. Shaw-Taylor entered a plea of guilty to one count of Conspiracy to Commit Medicaid Fraud and one count of Medicaid Fraud.

5. On August 2, 2018, Dr. Shaw-Taylor was sentenced to five years of incarceration on each count, to run concurrently, and ordered to pay a monetary judgment in the amount of \$118,077. At the sentencing hearing, Dr. Shaw-Taylor admitted that he violated the standards of professional practice and the law.
6. Dr. Shaw-Taylor did not appeal his convictions and the time for filing an appeal has passed.

CONCLUSIONS OF LAW

Dr. Shaw-Taylor does not dispute that he pled guilty to crimes involving moral turpitude. In response to the petition to revoke his license, Dr. Shaw-Taylor wrote a letter to the Board stating that he wished to surrender his license.⁵

Maryland appellate courts have repeatedly held that if dishonesty, fraud, or intent to deceive is an essential element of a statute under which a defendant is convicted, the crime involves moral turpitude as a matter of law. *See Board of Physician Quality Assurance v. Felsenberg*, 351 Md. 288, 295 (1998) (crimes involving fraud are crimes involving moral turpitude); *Attorney Grievance Comm'n v. Klauber*, 289 Md. 446, 457-59, *cert. denied*, 451 U.S. 1018 (1981) (the term "moral turpitude" connotes a fraudulent or dishonest intent); *Attorney Grievance Comm'n v. Walman*, 280 Md. 453, 459-60 (1977) (a crime of moral turpitude is characterized by dishonesty, fraud, or deceit); *Oltman v. Maryland State Bd. of Physicians*, 162 Md. App. 453, 485-87, *cert. denied*, 389 Md. 125 (2005) (crime was one of moral turpitude because it was dishonest, and characterized by fraud).

Dr. Shaw-Taylor's plea of guilty to, and subsequent conviction for, Medicaid Fraud, a felony, in violation of Crim. Law § 8-509, constitutes a crime involving moral turpitude *per se*. The essential elements of the crime include the intent to defraud Medicaid, a State health plan. Dr. Shaw-Taylor admitted that he knowingly and willfully defrauded Medicaid in connection with the delivery of a health care service. Dr. Shaw-Taylor's plea of guilty to the charge of

⁵ As discussed above, Panel B did not accept Dr. Shaw-Taylor's request to surrender his license.

conspiracy to commit Medicaid fraud is also a crime involving moral turpitude *per se*. See, e.g., *Attorney Grievance Comm'n of Maryland v. Molovinsky*, 300 Md. 291, 296 (1984) (the fact “that the conviction was for conspiracy rather than the substantive offense is of little significance”).

Dr. Shaw-Taylor knowingly and willfully defrauded Medicaid and prescribed controlled dangerous substances outside the scope of professional practice and without a legitimate medical purpose. Panel B concludes that Dr. Shaw-Taylor was convicted of a crime involving moral turpitude and the time for filing an appeal has passed, thus the revocation of Dr. Shaw-Taylor’s license to practice medicine is required under Health Occ. § 14-404(b)(2).

ORDER

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

ORDERED that the license of Kofi Shaw-Taylor, M.D. to practice medicine in Maryland, license number **D26832**, is **REVOKED**, as mandated by Health Occ. §14-404(b)(2); and it is further

ORDERED that the summary suspension imposed on May 9, 2017, and affirmed on June 29, 2017, is terminated as moot; and it is further

ORDERED that this final decision and order is a **PUBLIC DOCUMENT**.

Date

01/06/2020

Signature on File

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

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Md. Code Ann., Health Occ. § 14-408, Dr. Shaw-Taylor has the right to seek judicial review of this Final Decision and Order. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of his Final Decision and Order. The cover letter accompanying this final decision and order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If Dr. Shaw-Taylor files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

**Maryland State Board of Physicians
Christine A. Farrelly, Executive Director
4201 Patterson Avenue
Baltimore, Maryland 21215**

Notice of any petition should also be sent to the Board's counsel at the following address:

**Stacey M. Darin
Assistant Attorney General
Maryland Department of Health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201**