

IN THE MATTER OF
JOHN K. YACOUB, M.D.

Respondent

License Number: D30010

*** BEFORE THE**
*** MARYLAND STATE**
*** BOARD OF PHYSICIANS**
*** Case Number: 7720-0021**

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ORDER AFTER SHOW CAUSE HEARING

On September 3, 2019, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (“Board”) issued an Order of Reinstatement with Conditions (“Order of Reinstatement”) that reinstated the license of John K. Yacoub, M.D. and placed him on probation for a minimum of five (5) years with certain terms and conditions. On January 30, 2020, Panel B issued a Violation of Order of Reinstatement and Notice to Show Cause, charging Dr. Yacoub with violating the September 3, 2019 Order of Reinstatement. On May 27, 2020, Panel B held a show cause hearing where Dr. Yacoub had the opportunity to argue why his license should not be subject to further discipline.

FINDINGS OF FACT

Background

In 2013, the Board’s investigation into Dr. Yacoub began when the Board received a report from a hospital that Dr. Yacoub had been terminated from the hospital for reasons including failing to comply with standard protocols relating to the storage, procurement, and dispensing of prescription drugs, including Controlled Dangerous Substances (“CDS”). On October 3, 2013, the Board issued a Cease and Desist Order prohibiting Dr. Yacoub from prescribing CDS and from performing medical and surgical procedures. On October 8, 2013, the Board summarily suspended Dr. Yacoub’s license to practice medicine. On October 24, 2013, the Board charged Dr. Yacoub with unprofessional conduct in the practice of medicine; being

addicted to or habitually abusing a narcotic or controlled dangerous substance; selling, prescribing, giving away, or administering drugs for illegal or illegitimate purposes; and failing to comply with the dispensing provisions of the Maryland Pharmacy Act, in violation of Maryland Code Annotated, Health Occupations Article § 14-404(a)(3)(ii), (8), (27), and (28), respectively. On November 20, 2013, Dr. Yacoub surrendered his license to practice medicine in Maryland to avoid further prosecution of the Board's disciplinary charges against him.

On February 26, 2016, Dr. Yacoub applied to the Board for reinstatement of his medical license. By Decision and Order on Application for Reinstatement, dated September 9, 2016, Panel B denied Dr. Yacoub's application for reinstatement.¹ Panel B expressed serious concerns about Dr. Yacoub's judgment and understanding about the dangers involved in CDS and his own substance use. The Panel was not convinced at that time that their concerns were resolved and the Panel, therefore, found that it was not in the interest of the health and welfare of the general public nor consistent with the best interest of the profession to reinstate Dr. Yacoub's license.

September 3, 2019 Order of Reinstatement

On January 23, 2019, Dr. Yacoub reapplied for the reinstatement of his license. Dr. Yacoub also submitted an evaluation addressing his fitness to practice medicine. On June 26, 2019, Dr. Yacoub and the Administrative Prosecutor appeared before Panel B to discuss the reinstatement of Dr. Yacoub's license. On September 3, 2019, Panel B issued an Order of Reinstatement which reinstated Dr. Yacoub's license subject to a series of terms and conditions. The Panel believed that Dr. Yacoub's attitude and insight seemed genuine and that he was sincere about preventing a recurrence. The Panel determined that it was safe for Dr. Yacoub to return to the practice of medicine under certain conditions to ensure that Dr. Yacoub was

¹ In 2013, the Board was divided into two disciplinary panels to handle disciplinary matters, Md. Code Ann., Health Occ. § 14-401 (2014 Repl. Vol.). Consideration of Dr. Yacoub's reinstatement applications, both of which occurred after 2013, were considered by Panel B and not the full Board.

appropriately monitored to prevent his past conduct from recurring. Dr. Yacoub was permanently prohibited from prescribing and dispensing CDS and permanently prohibited from certifying patients for medical cannabis treatment. In addition, the Order of Reinstatement placed Dr. Yacoub on probation for a minimum period of five years with terms and conditions that included:

3. Dr. Yacoub shall enroll in the Maryland Professional Rehabilitation Program ("MPRP") for evaluation, and if MPRP deems necessary, treatment.

* * *

6. Dr. Yacoub shall fully and timely cooperate and comply with all of MPRP's referrals, rules, and requirements, including but not limited to, the terms and conditions of MPRP's Agreement(s) and Plan(s) entered into with MPRP, and shall fully participate and comply with all therapy, treatment and evaluations as directed by MPRP.

The Order of Reinstatement further stated:

ORDERED that, if Dr. Yacoub allegedly fails to comply with any term or condition imposed by this order, Dr. Yacoub shall be given notice and an opportunity for a hearing. If a 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 a disciplinary panel determines there is no genuine dispute of fact, Dr. Yacoub shall be give a show cause hearing before a disciplinary panel; and it is further

ORDERED that, after the appropriate hearing, if the disciplinary panel determines that Dr. Yacoub has failed to comply with any term or condition of this order, the disciplinary panel may reprimand Dr. Yacoub, place Dr. Yacoub on further probation with appropriate terms and conditions, or suspend with appropriate terms and conditions, or revoke Dr. Yacoub'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 him[.]

Violation of September 3, 2019 Order of Reinstatement

On September 23, 2019, Dr. Yacoub enrolled in MPRP and signed a Participant Rehabilitation Agreement and an Addendum to the Rehabilitation Agreement. On October 8,

2019 and October 14, 2019, MPRP notified the Board that Dr. Yacoub had violated the terms of his Rehabilitation Agreement.² While Dr. Yacoub claimed that his violation was unintentional, he did not challenge the fact that he violated the Order of Reinstatement less than a month after being reinstated.

Show Cause Hearing

On January 30, 2020, Panel B issued a Violation of Board Order and Notice to Show Cause, alleging a violation of the terms and conditions of the September 3, 2019 Order of Reinstatement for failing to comply with the terms of the Rehabilitation Agreement he entered into with MPRP.

On May 27, 2020, Dr. Yacoub appeared at a show cause hearing before Panel B. During the hearing, Dr. Yacoub admitted that there were two violations of his Rehabilitation Agreement, even though he claimed that the violations were unintentional. He stated that he was committed to MPRP and would comply with any conditions imposed by the Panel.

In response, the Administrative Prosecutor recapped Dr. Yacoub's lengthy disciplinary history with the Board and emphasized that Dr. Yacoub was already given a second chance when the Panel agreed to reinstate his license. The Administrative Prosecutor asked the Panel to revoke Dr. Yacoub's license.

CONCLUSION OF LAW

Panel B finds that Dr. Yacoub violated the terms of the probation imposed by the September 3, 2019 Order of Reinstatement with Conditions by failing to comply with the requirements of the Rehabilitation Agreement he entered into with MPRP.

²The nature of Dr. Yacoub's violations is confidential.

SANCTION

Pursuant to the September 3, 2019 Order of Reinstatement, upon a finding of a violation, the Panel may reprimand Dr. Yacoub, place Dr. Yacoub on further probation with appropriate terms and conditions, or suspend or revoke Dr. Yacoub's license to practice medicine in Maryland. Dr. Yacoub's disciplinary history with the Board began in 2013 when he was ordered to cease and desist from prescribing CDS and performing surgical procedures. At that time, Dr. Yacoub was charged with unprofessional conduct in the practice of medicine, being addicted to or habitually abusing a narcotic or controlled dangerous substance, selling, prescribing, giving away, or administering drugs for illegal or illegitimate purposes, and failing to comply with the dispensing provisions of the Maryland Pharmacy Act, and he surrendered his license at that time to avoid further prosecution. In 2016, the Panel declined to reinstate Dr. Yacoub's license because he had not demonstrated judgment and understanding about his own substance use. When the Panel reinstated Dr. Yacoub's license to practice medicine in 2019, the Panel relied on Dr. Yacoub's assurances that he was sincere about preventing a recurrence and that he appeared to take responsibility for his actions. The Panel believed that any remaining concerns it had regarding Dr. Yacoub could be addressed with appropriate monitoring and restrictions on his CDS practice and, therefore, the Panel gave Dr. Yacoub the opportunity to resume the practice of medicine under certain conditions in order to protect the public. However, within one month of Dr. Yacoub enrolling in MPRP, he violated his Rehabilitation Agreement with MPRP on two occasions. The Panel believes that revocation is warranted.

ORDER

It is, thus, by Board Disciplinary Panel B, hereby

ORDERED that the license of John K. Yacoub, M.D., license number D30010, to practice medicine in Maryland, is **REVOKED**; and it is further

ORDERED that this 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).

07/13/2020
Date

Signature on File

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