

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

**Applicant for Reinstatement  
After Surrender of License.**

**\* BEFORE THE  
\* MARYLAND STATE BOARD  
\* OF PHYSICIANS  
\* Case Number 8819-0005B**

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**ORDER OF REINSTATEMENT WITH CONDITIONS**

On November 20, 2013, John K. Yacoub, M.D. surrendered his license to practice medicine in Maryland to avoid further prosecution of the charges issued by the Maryland State Board of Physicians (the “Board”).

In 2016, Dr. Yacoub applied for the reinstatement of his license. In an order, dated September 9, 2016, Board Disciplinary Panel B<sup>1</sup> (“Panel B” or the “Panel”) denied his application. On January 23, 2019, Dr. Yacoub reapplied for the reinstatement of his license. On June 26, 2019, Panel B met with Dr. Yacoub and the administrative prosecutor on his reinstatement application. Pursuant to § 14-409(a)(1)(ii) of the Health Occupations Article and Code of Maryland Regulations (COMAR) 10.32.02.06B(4), Panel B, hereby, reinstates Dr. Yacoub’s license with terms and conditions.

**Dr. Yacoub's Disciplinary History**

On October 3, 2013, the Board issued a Cease and Desist Order prohibiting Dr. Yacoub from prescribing Controlled Dangerous Substances (“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

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<sup>1</sup> In 2013, for disciplinary matters, the Board was divided into two disciplinary panels, Md. Code Ann., Health Occ. § 14-401 (2014 Repl. Vol.). Therefore, consideration of Dr. Yacoub’s reinstatement applications, both of which occurred after 2013, were considered before a Panel rather than before the full Board.

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 provision of the dispensing requirements under the Pharmacy Practice Act. Md. Code Ann., Health Occ. § 14-404(a)(3)(ii), (8), (27), and (28). The summary suspension, cease and desist order, and charges were based on information that Dr. Yacoub had purchased large quantities of CDS from a drug wholesaler and maintained the drugs in his office. Dr. Yacoub did not have a dispensing permit, and a staff member had concerns that Dr. Yacoub had been selling CDS from his office. The Board orders were also based on Dr. Yacoub's positive test for cocaine in a toxicology screening arranged by the Board. Finally, an investigation by the U.S. Drug Enforcement Administration ("DEA") revealed that Dr. Yacoub began mailing CDS without a legitimate medical purpose to a female patient with whom he had a sexual relationship. On November 20, 2013, Dr. Yacoub surrendered his license to practice medicine in lieu of further prosecution by the Board.

On May 28, 2014, Dr. Yacoub pled guilty in the United States District Court for the District of Maryland to one count of conspiracy to distribute and possess with intent to distribute fentanyl, hydrocodone, oxycodone, morphine, and methadone in violation of Title 21, U.S. Code, Section 846. On November 3, 2014, Dr. Yacoub was sentenced to one year and one day of imprisonment with two years of supervision upon release, and he was ordered to pay \$2,375.93 in restitution. Dr. Yacoub was imprisoned on December 15, 2014, and released on October 28, 2015.

On September 9, 2016, in a Decision and Order on Application for Reinstatement, the Panel denied Dr. Yacoub's Application for the Reinstatement of Medical License. Though denying his application for reinstatement, the Panel noted that it was "encouraged by Dr.

Yacoub's sobriety, genuine remorse, and candidness." The Panel did not impose a time period before which Dr. Yacoub had to wait before filing a subsequent reinstatement application. The Panel further suggested that before applying for reinstatement, "Dr. Yacoub obtain from an appropriate entity or health care professional a thorough evaluation of his fitness to practice medicine . . . and that he develop a practice plan setting forth oversight measures and safeguards that would prevent any improper prescribing or dispensing." Prior to receiving Dr. Yacoub's Application for Reinstatement of Medical Licensure, the Board received an evaluation of Dr. Yacoub from addiction psychiatrist (the "Evaluator"), M.D., dated January 30, 2018, addressing Dr. Yacoub's fitness to practice medicine. On January 23, 2019, the Board received Dr. Yacoub's second reinstatement application.

#### **Reinstatement Determination**

As stated in the Board's previous Order denying his reinstatement, Dr. Yacoub's conduct that resulted in the surrender of his license raises serious concerns about his judgment, his understanding of the dangers involved in CDS, and his own substance use. The questions now before the Panel are whether Dr. Yacoub has adequately taken responsibility for his actions and whether the Panel has enough information to give the Panel confidence that he will be able to practice medicine competently, maintain his sobriety, and act professionally without engaging in improper prescribing practices.

Since the revocation, Dr. Yacoub has worked as a HVAC technician. He has maintained his sobriety since September 2013 and continues to attend meetings addressing his substance use. He has also kept up with his required credit hours for continuing medical education.

At the time of his previous application for reinstatement, the Panel suggested that "Dr. Yacoub obtain from an appropriate entity or health care professional a thorough evaluation of his

fitness to practice medicine, which takes into account his improper prescribing history and his own substance use, and that he develop a practice plan setting forth oversight measures and safeguards that would prevent any improper prescribing or dispensing.” The Board received an evaluation of Dr. Yacoub from the Evaluator, dated January 30, 2018. In the evaluation, the Evaluator stated that random toxicology screens “would be definitely encouraged and surely requisite under these circumstances.” The Evaluator recommended intermittent monitoring by a professional familiar with substance use disorders for the purpose of monitoring Dr. Yacoub’s reentry into the medical arena. The Evaluator concluded that he has “no reason to state that Dr. Yacoub is not capable of performing the duties of being a physician, provided that he has clear boundaries and limits established in the introductory period of reinstatement, which is likely to be for a number of years.” In addition to the evaluation, Dr. Yacoub submitted a business plan for his reinstatement application on June 12, 2019.

Dr. Yacoub’s attitude and insight seem genuine and demonstrate that he has taken responsibility for his past behavior and is sincere about preventing a recurrence. He has admitted responsibility for his past conduct, and the Panel has determined that it is safe for him to return to the practice of medicine.

The Panel is confident that with appropriate conditions and monitoring, its concerns can be appropriately addressed while Dr. Yacoub is licensed. The Panel is thus reinstating Dr. Yacoub’s license, but, in order to protect the public, the Panel is placing him on probation for a minimum period of five years and ordering that he enroll in the Maryland Professional Rehabilitation Program for evaluation and treatment, if indicated. In addition, the Panel is imposing supervision as well as oversight of his surgical procedures because Dr. Yacoub has been out of surgical practice for over five years. Finally, the Panel is also imposing permanent

conditions prohibiting Dr. Yacoub from prescribing or dispensing controlled dangerous substances or certifying patients for cannabis treatment.

It is thus, by Panel B, pursuant to § 14-409(a)(1)(ii) of the Health Occupations Article and COMAR 10.32.02.06B(4), hereby

**ORDERED** that John K. Yacoub, M.D.'s license to practice medicine in Maryland (License Number D30010) is **REINSTATED**; and it is further

**ORDERED** that Dr. Yacoub is **PERMANENTLY**:

1. Prohibited from prescribing and dispensing any controlled dangerous substance;<sup>2</sup>
2. Prohibited from delegating to any physician assistant the prescribing or dispensing of any controlled dangerous substance; and
3. Prohibited from certifying patients for medical cannabis treatment; and it is further

**ORDERED** that Dr. Yacoub is placed on **PROBATION** for a minimum period of **FIVE YEARS**.<sup>3</sup> During the probationary period, Dr. Yacoub shall comply with all of the following probationary terms and conditions:

1. A Board-certified physician in an appropriate specialty shall directly oversee and monitor Dr. Yacoub's performance of surgical procedures, in person, for a period of 18 months;
2. Dr. Yacoub shall be subject to supervision for six months by a disciplinary panel-approved supervisor as follows:

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<sup>2</sup> The definition of controlled dangerous substance is set forth in Title 5 of the Criminal Law Article, Annotated Code of Maryland.

<sup>3</sup> If Dr. Yacoub's license expires while he is on probation, the probationary period and any probationary conditions will be tolled.

- (a) The Board will approve the physician listed in Dr. Yacoub's proposed business plan as Dr. Yacoub's initial supervisor. Dr. Yacoub shall provide written notice to the disciplinary panel from the supervisor confirming his acceptance of the supervisory role to Dr. Yacoub;
- (b) The disciplinary panel will provide the supervisor with a copy of this Consent Order and any other documents the disciplinary panel deems relevant;
- (c) Dr. Yacoub shall grant the supervisor access to patient records selected by the supervisor;
- (d) If the supervisor for any reason ceases to provide supervision, Dr. Yacoub shall immediately notify the Board and shall not practice medicine beyond the 30th day after the supervisor has ceased to provide supervision and until Dr. Yacoub has submitted the name and professional background, and written notice of confirmation, from a proposed replacement supervisor to the disciplinary panel;
- (e) It shall be Dr. Yacoub's responsibility to ensure that the supervisor:
  - (i) reviews the records of 10 patients each month, such patient records to be chosen by the supervisor and not Dr. Yacoub;
  - (ii) meets in-person with Dr. Yacoub at least once each month and discuss in-person with Dr. Yacoub the care Dr. Yacoub has provided for these specific patients;
  - (iii) is available to Dr. Yacoub for consultations on any patient;
  - (iv) maintains the confidentiality of all medical records and patient information;

(v) provides the Board with monthly reports which detail the quality of Dr. Yacoub's practice, any deficiencies, concerns, or needed improvements, as well as any measures that have been taken to improve patient care; and

(vi) immediately reports to the Board any indication that Dr. Yacoub may pose a substantial risk to patients.

(f) If the disciplinary panel, upon consideration of the supervisory reports and Dr. Yacoub's response, if any, has a reasonable basis to believe that Dr. Yacoub is not meeting the standard of quality care or failing to keep adequate medical records in his practice, the disciplinary panel may find a violation of probation after a hearing;

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

4. Within 5 business days, Dr. Yacoub shall contact MPRP to schedule an initial consultation for enrollment.

5. Within 15 business days, Dr. Yacoub shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP.

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 the Participant Rehabilitation Agreements(s) and Participant Rehabilitation Plan(s) entered into with MPRP, and shall fully participate and comply with all therapy, treatment, and evaluations as directed by MPRP.

7. Dr. Yacoub shall sign and update the written release/consent forms requested by the Board and MPRP, including release/consent forms to authorize MPRP to make verbal

and written disclosures to the Board, including release/consent forms to authorize MPRP to make verbal and written disclosures to the Board and to authorize the Board to disclose relevant information from MPRP records and files in a public order. Dr. Yacoub shall not withdraw his release/consent.

8. Dr. Yacoub shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of Dr. Yacoub's current treatment providers) verbal and written information concerning Dr. Yacoub and to ensure that MPRP is authorized to receive the medical records of Dr. Yacoub, including, but not limited to, mental health and drug or alcohol treatment records. Dr. Yacoub shall not withdraw his release/consent. It is further

**ORDERED** that, if Dr. Yacoub has complied with all term and conditions of probation and the minimum period of probation has passed, Dr. Yacoub may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated through an order of the Board or a disciplinary panel. Dr. Yacoub may be required to appear before the Board or a disciplinary panel to discuss his petition for termination. The Board or a disciplinary panel will grant the petition to terminate the probation if Dr. Yacoub has complied with all of the probationary terms and conditions and there are no pending complaints; and it is further

**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 as to a material fact, Dr. Yacoub 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 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; and it is further

**ORDERED** that a violation of probation constitutes a violation of this order; and it is further

**ORDERED** that Dr. Yacoub is responsible for all costs incurred in fulfilling the terms and conditions of this order; and it is further

**ORDERED** that this order goes into effect on the date this order is signed by the Executive Director of the Board. The Executive Director signs this order on behalf of Panel B.

**ORDERED** that this is a public document.

09/03/2019  
Date

*Signature on File*

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