

IN THE MATTER OF	*	BEFORE THE
HOWARD J. HOFFBERG, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS

CONSENT ORDER

The pertinent provision of the Act under Health Occ. § 14-404(a) provides as follows:

(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:

Prior to the issuance of Charges Under the Maryland Medical Practice Act, the Respondent agreed to enter into the following Consent Order, consisting of Findings of Fact, Conclusions of Law, Order and Consent.

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in Maryland. The Respondent was initially licensed to practice medicine in Maryland on June 25, 1984. The Respondent's license is scheduled to expire on September 30, 2018.
2. The Respondent is board-certified in Physical Rehabilitation Medicine.
3. At all times relevant to the charges, the Respondent was the co-owner of a group pain management practice in Towson, Maryland.
4. Beginning in October 2009 and at all times relevant to the charges, the Respondent was the supervising physician of a physician assistant ("PA 1").
5. Pursuant to the Maryland Physician Assistants Act, a "primary supervising physician" is defined in pertinent part as a physician who acts as the physician responsible to ensure that a physician assistant practices medicine in accordance with the Maryland Physician Assistants Act and regulations adopted under the Act. Health Occ. § 15-101(r)(2).
6. On or about December 16, 2015, the Board received a complaint alleging that PA 1 overprescribed Controlled Dangerous Substances.
7. On November 14, 2017, Disciplinary Panel B charged PA 1 with failing to meet appropriate standards for the delivery of quality medical care, in violation of Health Occ. § 15-314(a)(22). A review of PA 1's CDS prescribing practice revealed that PA 1 failed to meet the standard of quality care in nine of the ten patients reviewed. PA 1's practice deficiencies included but were not limited to: prescribing excessive quantity of opioids in the absence of medical necessity;

prescribing opioids in conjunction with benzodiazepines; failing to order updated images; and failing to address “red flags” associated with opioid abuse.

8. On May 10, 2018, PA 1 entered into a Consent Order with terms and conditions to resolve Disciplinary Panel B’s charges. Disciplinary Panel B concluded as a matter of law that PA 1 had failed to meet appropriate standards for the delivery of quality medical care, in violation of Health Occ. § 15-314(a)(22). Under the terms of the Consent Order, PA 1 was reprimanded, placed on probation for a minimum of six months and was required to successfully complete a Panel-approved remedial course in CDS prescribing.
9. Pursuant to the Board’s authority under Health Occ. § 15-302(g), on December 7, 2017, the Board initiated an investigation of the Respondent to determine whether, in light of the standard of care violation by PA 1, he properly supervised patient care provided by PA 1.
10. On January 15, 2018, the Respondent transmitted to the Board his response to the Board’s investigation. The Respondent stated in part that he directly supervised all the care provided by PA 1 to the patients under review in her case.
11. Disciplinary Panel B’s finding that PA 1 violated the standard of care is evidence that the Respondent failed to adequately supervise the practice of PA 1 and ensure that PA 1 practiced medicine in accordance with the Maryland Physician Assistants Act.

CONCLUSION OF LAW

Based on the forgoing Findings of Fact, Disciplinary Panel B of the Board concludes as a matter of law that the Respondent is guilty of unprofessional conduct in

the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii), for failing to provide proper supervision to PA 1.

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 this Consent Order is a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014).

August 13, 2018
Date

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

CONSENT

I, Howard J. Hoffberg, 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 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 agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. 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 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

Aug 5, 2018
Date

Howard J. Hoffberg, M.D.
Respondent

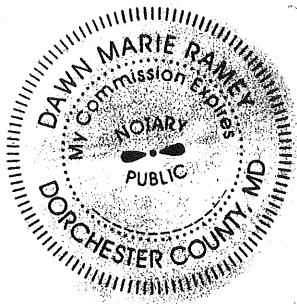
NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Dorchester

I HEREBY CERTIFY that on this 8th day of August 2018, before me, a Notary Public of the foregoing State and City/County, personally appeared Howard J. Hoffberg, M.D. and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.



Dawn Marie Ramey

Notary Public

My commission expires:

8/6/19

