

IN THE MATTER OF

*

BEFORE THE

JUDITH M. VEIHMEYER, M.D.

*

MARYLAND STATE

Respondent

*

BOARD OF PHYSICIANS

License Number: D31024

*

Case Number: 2017-0206A

* * * * *

CONSENT ORDER

On March 2, 2017, Disciplinary Panel A ("Panel A") of the Maryland State Board of Physicians (the "Board") charged **JUDITH M. VEIHMEYER, M.D.**, License Number D31024 (the "Respondent"), with violating the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-101 *et seq.* (2014 Repl. Vol. & 2015 Supp.).

Specifically, Panel A charged the Respondent with violating the following provisions of the Act:

Health Occ. § 14-316. Term and renewal of licenses; notice of change of physician's address.

(d) (1) In addition to any other qualifications and requirements established by the Board, the Board may establish continuing education requirements as a condition to the renewal of licenses under this section.

...

(5) The Board may impose a civil penalty of up to \$100 per continuing medical education credit in lieu of a sanction under § 14-404 of this title, for a first offense, for the failure of a licensee to obtain the continuing medical education credits required by the Board.

Health Occ. § 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:

- (3) Is guilty of: (ii) Unprofessional conduct in the practice of medicine;

- (36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine[.]

The Board's regulations further provide:

MD Code Regs. 10.32.01. General Licensure Regulations.

...

08. Renewals.

- G. A licensee applying for renewal shall complete the continuing medical education requirements for each renewal period as defined in Regulation .10 of this chapter.

10. Continuing Medical Education.

B. Requirements.

- (1) A physician applying for renewal or reinstatement shall earn at least 50 credit hours of Category I CME during the 2-year period immediately preceding the licensee's submission of the renewal or reinstatement application.

- C. On the application form for renewal or reinstatement, a physician shall attest to the fact that the physician has completed the continuing medical education requirement.

On May 10, 2017, 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

BACKGROUND/LICENSING INFORMATION

1. At all times relevant to these charges, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on July 3, 1984, under License Number D31024. The Respondent's license is currently active and is scheduled for renewal on September 30, 2017.

2. The Respondent is board-certified in anesthesiology.

INVESTIGATIVE FINDINGS OF FACT

3. On or about September 28, 2015, the Respondent submitted an online renewal of licensure application (the "Application") to the Board. In the Application, the Respondent stated that she earned 50 credit hours of Category I continuing medical education ("CME") credits during the two years prior to this renewal.

4. At the conclusion of the Application, the Respondent certified that all of the information she provided was true and correct to the best of her knowledge and that any false information provided in the Application may be cause for the denial of the Application.

5. When the Respondent filed her Application, the Board notified her electronically that it had selected her for a random audit to determine if she was in compliance with the Board's CME regulations. The Board directed the Respondent to provide documentation that she had earned at least 50 Category I CME credit hours for the two-year period preceding her license renewal. The Board instructed the

Respondent to provide this information within 15 days after submission of her Application. The Respondent did not respond to the Board's directive.

6. By letter to the Respondent's address of record dated June 23, 2016, sent by first class mail, the Board again notified the Respondent that it had selected her randomly for an audit to determine her compliance with its CME requirements for the two years immediately preceding her last renewal of licensure (*i.e.*, for the two year period ending September 28, 2015). The Board's letter, which was marked "SECOND REQUEST," instructed the Respondent to provide "documentation of at least 50 CME credit hours for the two years immediately preceding renewal of [her] license." The Board instructed the Respondent to provide documentation to the Board by July 25, 2016. The Board informed the Respondent that if she failed to provide the documentation to the Board, it would consider her failure to respond to be an act of "non-compliance," and that her case would be referred for possible disciplinary action.

7. By letter dated July 25, 2016, the Respondent notified the Board that she was unable to provide the requested documentation, citing personal reasons.

8. By letter to the Respondent's address of record, dated October 7, 2016, sent by first class mail, the Board again notified the Respondent that it had opened a case against her for failing to obtain 50 hours of Category I CME credits required for renewal of licensure, in violation of Health Occ. II § 14-316 and COMAR 10.32.01.08G and 10.32.01.10. The Board informed the Respondent that if she did not respond to its letter, it would continue its investigation, which might result in its issuance of disciplinary charges against her. The Respondent did not respond to the Board's October 14, 2016, letter. The letter was not returned to the Board as undeliverable.

9. By letter to the Respondent's address of record, dated October 28, 2016, sent by first class mail, the Board requested that the Respondent respond to its October 7, 2016, letter. The Board notified the Respondent that if she did not respond to the Board on or before November 15, 2016, it would continue its investigation, which might result in disciplinary charges against her.

10. By letter dated November 15, 2016, the Respondent admitted that she was not in possession of documentation of 50 hours of CME credit hours because of "extenuating circumstances."

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, 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) and willfully making a false representation when seeking or making an application for licensure, in violation of Health Occ. § 14-404(a)(36);

ORDER

It is, on the affirmative vote of a majority of the quorum of Board, hereby

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that within one year from the date of the Consent Order, the Respondent shall pay a civil fine in the amount of \$5,000.00 by money order or bank certified check made payable to the Maryland Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297 for deposit into the General Fund of Maryland; and it is further

ORDERED that the Respondent shall obtain the required 50 credit hours of Category I CME credits mandatory for the 2017 renewal and the outstanding 50 credit hours of Category I CME credits that were not obtained during the two-year period immediately preceding the 2015 renewal, a total of 100 Category I CME credits; and it is further

ORDERED that the Respondent shall send verification of all CME credits prior to submitting her 2017 renewal application to the Board. Board staff will verify the 100 hours of Category I CME credits. All 100 hours of Category I CME credits must be ACCME-approved; and it is further

ORDERED that if the Board or Panel A determines, after notice and an opportunity for a hearing before an Administrative Law Judge of the Office of Administrative Hearings if there is a genuine dispute as to a material fact or a show cause hearing before the Board or Panel A if there is no genuine dispute as to a material fact, that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Board or Panel A 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 Panel A 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 the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; 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 A; and it is further

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

07/07/2017
Date

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

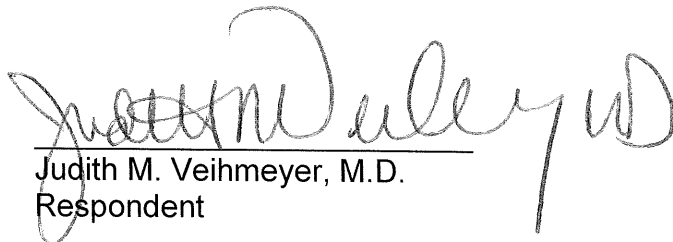
CONSENT

I, Judith M. Veihmeyer, M.D., acknowledge that I had the opportunity to be 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.

7/5/17
Date



Judith M. Veihmeyer, M.D.
Respondent

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 05th day of July 2017, before me, a Notary Public of the foregoing State and City/County, personally appeared Judith M. Veihmeyer, 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.



Notary Public

My commission expires: July 22nd 2020

BAO THUAN LE
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 22, 2020