

IN THE MATTER OF

\*

BEFORE THE MARYLAND

Raymon Nelson, M.D.

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STATE BOARD OF

Respondent

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PHYSICIANS

License Number: D31173

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Case Number: 2218-0165B

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**CONSENT ORDER**

On June 7, 2018, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board"), notified Raymon Nelson, M.D., (the "Respondent"), License Number D31173, of its Intent to Revoke the Respondent's license to practice medicine in the State of Maryland pursuant to the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") § 14-101 et seq. (2014 Repl. Vol. and 2017 Supp.).

The pertinent provisions of Health Occ. provide:

**Health Occ. § 14-404.**

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:

...

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (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;
- (42) Fails to submit to a criminal history records check under § 14-308.1 of this title[.]

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**Health Occ. § 14-308.1. Criminal history records check through Central Repository.**

- (a) In this section, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.
- (b) An applicant, a licensee, or a certificate holder shall apply to the Central Repository for a State and national criminal history records check.
- (c) As part of the application required under subsection (b) of this section, an individual shall submit to the Central Repository:
  - (1) Two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;
  - (2) The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and
  - (3) The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

On September 26, 2018, Panel B was convened as a Disciplinary Committee for Case Resolution ("DCCR") in this matter. Based on negotiations occurring as a result of this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

**I. FINDINGS OF FACT**

Panel B finds the following:

1. At all times relevant hereto, 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 August 1, 1984, under License Number D31173. The Respondent's license is active through September 30, 2019.

2. On or about July 21, 2017, the Respondent initiated the process of applying for renewal of his medical license for the 2017 renewal period using the Board's online renewal application process. When a licensee applies online to renew his/her license, a notice appears that informs the licensee that the Board may not renew a license if it has not received the licensee's Criminal History Record Check ("CHRC") information, which includes the licensee's submission of his/her fingerprints to the Criminal Justice Information Services ("CJIS") before attempting to complete the renewal application.

3. The Respondent submitted his online application (the "Application") on or about July 21, 2017, along with the required renewal fee. The Application the Respondent signed states, "Failure to submit to a . . . [CHRC] . . . may result in disciplinary action." When submitting his online Application, the Respondent checked a box attesting that he had completed his CHRC (Question 29d.).

4. By email dated November 1, 2017, Board staff informed the Respondent that the Board had not received the CHRC he had attested to completing prior to filing the renewal application. In part, the email stated, "The Board cannot use CHRC results from another state or elsewhere in Maryland. Each entity/agency/employer has a unique authorization code from CJIS and the FBI and those results sent directly to the appropriate agency. The above codes are unique to the Board of Physicians. If you are out of state or out of the country, please contact CJIS directly about how to obtain a CHRC." Board staff further informed the Respondent that he had ten business days to submit the CHRC.

5. To date, the Respondent has not replied to the email.

6. By letter dated January 16, 2018, the Board informed the Respondent that the Board opened a preliminary investigation based upon his failure to obtain a CHRC for license renewal and his attestation that he submitted to a CHRC.

## **II. CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Respondent violated Health Occ. § 14-404(a)(42), fails to submit to a criminal history records check under § 14-308.1 of this title.

## **III. ORDER**

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

**ORDERED** that within **THIRTY (30) DAYS** from the effective date of this Consent Order, the Respondent shall pay a civil fine in the amount of **\$500.00** by money order or bank certified check made payable to the Maryland State Board of Physicians, and mailed to P.O. Box 37217, Baltimore, Maryland 21297-3217; and it is further

**ORDERED** that if the Respondent allegedly fails to comply with any term or condition of this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If 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. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board or a disciplinary panel; and it is further

**ORDERED** that, after the appropriate hearing, if the Board or a disciplinary panel determines that the Respondent has failed to comply with any term or condition of this Consent Order, the Board or a disciplinary panel 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 a disciplinary panel 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 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 B; 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 the Respondent shall comply with the Maryland Medical Practice Act Md. Code Ann., Health Occ. § 14-101- §14-702, and all federal and state laws and regulations governing the practice of medicine in Maryland; and it is further

**ORDERED** that this Consent Order is a public document pursuant to Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2), and Gen. Prov. § 4-333(b)(6) (2014 & Supp. 2017).

10/30/2018

Date

Christine A. Farrelly

Christine A. Farrelly, Executive Director

Maryland State Board of Physicians

### CONSENT

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I, Raymon Nelson, M.D., by affixing my signature hereto, acknowledge that I have consulted with counsel and I have agreed to enter into 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 not to challenge the Findings of Fact, Conclusions of Law, and Order set forth in this Consent Order. 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 the Board that might have followed 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 this Consent Order.

10/24/18

Date

***Signature on File***

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Raymon Nelson, M.D.

**NOTARY**

STATE/DISTRICT OF

Maryland

CITY/COUNTY OF:

I HEREBY CERTIFY that on this 24 day of OCTOBER, 2018, before me, a

Notary Public of the State/District and County aforesaid, personally appeared Raymon Nelson, M.D., and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Cheryl Youngblood  
Notary Public

My commission expires:

