

IN THE MATTER OF

*

BEFORE THE

ROBERT P. WILLIAMS, M.D.

*

MARYLAND STATE

Respondent

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BOARD OF PHYSICIANS

License Number: D32611

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Case Number: 2220-0113

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ORDER OF DEFAULT

On January 16, 2020, Disciplinary Panel A of the Maryland State Board of Physicians (“Board”) charged Robert P. Williams, M.D. with unprofessional conduct in the practice of medicine, failure to provide details of a patient’s medical record to the patient, another physician, or a hospital, and failure to cooperate with a lawful investigation conducted by the Board or a disciplinary panel. *See* Md. Code Ann., Health Occ. § 14-404(a)(3)(ii), (13), and (33) (2014 Repl. Vol. & 2020 Supp.). On June 5, 2020, the case was referred to the Office of Administrative Hearings (“OAH”) for an evidentiary hearing.

On June 29, 2020, the Administrative Law Judge (“ALJ”) held a telephone scheduling conference. The administrative prosecutor appeared on behalf of the State and Dr. Williams appeared and represented himself. Following the scheduling conference, the ALJ issued a scheduling order that notified the parties of the date, time, and location for the hearing on the merits, which was scheduled for an in person hearing on November 4, 2020 at 9:30 a.m. at OAH. On July 6, 2020, OAH mailed the hearing notice to the parties. On October 6, 2020, the ALJ held a telephone prehearing conference. The administrative prosecutor appeared on behalf of the State and Dr. Williams appeared and represented himself. Following the prehearing conference, the ALJ issued correspondence to the parties, again, stating the date, time, and location for the

November 4, 2020 hearing on the merits. None of the hearing notices or correspondence were returned to OAH as undeliverable.

On October 26, 2020, the State filed a request for a remote hearing, citing the public health risk of an in-person hearing due to the COVID-19 pandemic. On October 28, 2020, the ALJ granted the State's request for a remote hearing and notified the parties of the decision in written correspondence sent to their email addresses. Included in the email were instructions about the Google Meet platform, instructions on how to join the hearing, and a list of answers to frequently asked questions. The email also stated that a failure to join the hearing by video or telephone would be considered a failure to appear and could result in a default judgment. The email was not returned as undeliverable, and Dr. Williams did not request a postponement or otherwise object to the hearing being conducted remotely.

On November 4, 2020, the ALJ convened the hearing on the Google Meet platform at 9:30 a.m., as scheduled. The administrative prosecutor joined the hearing, on behalf of the State. Dr. Williams did not join the hearing and did not notify OAH of any technical problems or other reason for his failure to attend the hearing. At approximately 9:45 a.m., fifteen minutes past the scheduled start time of the hearing, the administrative prosecutor moved for an Order of Default.

Under OAH's rules of procedure, "[i]f, after receiving proper notice, a party fails to attend or participate in a prehearing conference, hearing, or other stage of a proceeding, the judge may proceed in that party's absence or may, in accordance with the hearing authority delegated by the agency, issue a final or proposed default order against the defaulting party." COMAR 28.02.01.23A.

On November 17, 2020, the ALJ issued a Proposed Default Order. The ALJ found that Dr. Williams had proper notice of the November 4, 2020 remote evidentiary hearing and that he

failed to appear or participate without good cause. The ALJ proposed that the Panel find Dr. Williams in default, adopt as findings of fact the statements set out in the allegations of fact section of the charges and conclude as a matter of law that Dr. Williams violated Health Occ. § 14-404(a)(3)(ii), (13), and (33) in the manner set forth in the charges. The ALJ proposed that Dr. Williams be reprimanded, ordered to pay a \$1,500.00 fine, required to provide documentary evidence that he provided the patient who filed the complaint with the Board with the medical records she requested within 30 days of the order, and be subject to any other disciplinary action that the Board determines is appropriate.

The ALJ mailed copies of the Proposed Default Order to Dr. Williams, the administrative prosecutor, and the Board at the parties' respective addresses of record. The Proposed Default Order notified the parties that they may file written exceptions to the proposed order but must do so within 15 days of the date of the Proposed Default Order. The Proposed Default Order stated that any exceptions and request for a hearing must be sent to the Board with a copy provided to the opposing party. Neither party filed exceptions. On January 27, 2021, this case came before Disciplinary Panel B ("Panel B") of the Board for final disposition.

FINDINGS OF FACT

Because Panel B concludes that Dr. Williams has defaulted and has not filed exceptions to the ALJ's Proposed Default Order, the following findings of fact are adopted from the allegations of fact in the January 16, 2020 charges and are deemed proven by the preponderance of the evidence:

1. At all times relevant, Dr. Williams was, and is, a physician licensed to practice medicine in the State of Maryland. Dr. Williams was initially licensed to practice on

or about July 26, 1985, and his license is currently scheduled to expire on September 30, 2021.

2. At all times relevant to these charges, Dr. Williams was the owner of a solo practice in Prince George's County, Maryland.¹
3. On or about August 12, 2019, the Board received a complaint from one of Dr. Williams's patients (the "Patient"). The Patient state that her "physician has gone missing in action and I'm trying to get my medical records."
4. On receipt of the complaint, the Board initiated an investigation into the allegations.
5. In response to the Patient's complaint, the Board sent a letter, dated August 26, 2019, to Dr. Williams's address of record. In the letter, the Board notified Dr. Williams that a complaint had been filed against him, the Board had opened a preliminary investigation based on the Patient's complaint, and requested a written response within 10 business days from the date of the letter.
6. Dr. Williams failed to respond to the Board's August 26, 2019 letter.
7. By email dated September 20, 2019, the Board notified Dr. Williams that the Board had not received a response to the August 26, 2019 letter.² The Board instructed Dr. Williams to submit a written response to the Board by September 25, 2019. The Board also notified Dr. Williams that if he failed to submit a written response to the Board, the Board may issue a subpoena requiring his appearance at the Board.
8. Dr. Williams failed to respond to the Board's September 20, 2019 email.

¹ In order to maintain confidentiality, the names of patients and facilities will not be used in this document, but will be provided to Dr. Williams upon request.

² Board staff used the e-mail address Dr. Williams provided as his "Official Email Address" for "official correspondence" on his Application for Reinstatement of license received August 23, 2017 and on his September 18, 2019 Renewal Application.

9. On October 7, 2019, the Board sent a Subpoena ad Testificandum to Dr. Williams via email, regular mail, and certified mail to Dr. Williams's address of record, requiring Dr. Williams "to provide a written response [to the] Board . . . on October 23, 2019 at 10:00 a.m." The subpoena further notified Dr. Williams that for failure to comply with the subpoena, a disciplinary panel of the Board may charge him with failure to cooperate with a lawful investigation conducted by the Board pursuant to Health Occ. § 14-404(a)(33).
10. Dr. Williams failed to respond to the Board's October 7, 2019 subpoena.
11. As part of the Board's investigation, the Patient reported that after submitting the complaint to the Board, the Patient submitted a signed release form to Dr. Williams via fax on or about October 2, 2019, requesting that her medical records be sent to her new provider ("New Doctor").
12. As of January 14, 2020, the New Doctor informed the Board's investigator that Dr. Williams has not sent the Patient's medical records to the New Doctor's office.

CONCLUSIONS OF LAW

Panel B finds Dr. Williams in default based upon his failure to appear at the OAH for the Google Meet evidentiary hearing scheduled for November 4, 2020. *See* State Gov't § 10-210(4). Based upon the foregoing findings of fact, Panel B concludes that Dr. Williams is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii); failed, on proper request, and in accordance with the provisions of Title 4, Subtitle 3 of the Health-General Article, to provide details of a patient's medical record to the patient, another physician, or hospital, in violation of Health Occ. § 14-404(a)(13); and failed to cooperate with a lawful

investigation conducted by the Board or a disciplinary panel, in violation of Health Occ. § 14-404(a)(33).

SANCTION

Panel B adopts the sanction recommended by the ALJ to impose a reprimand; however, the Panel is also very concerned that Dr. Williams has still not provided the patient with her medical records and that he failed to respond to the Board's communications. Accordingly, in lieu of the recommended fine and 30 days for Dr. Williams to provide the documentation, Panel B will order the suspension of Dr. Williams's license to practice medicine until the time when the Board receives documentation from Dr. Williams confirming that he has provided the medical records requested by the Patient in this case.

ORDER

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

ORDERED that Robert P. Williams, M.D., is **REPRIMANDED**; and it is further

ORDERED that Dr. Williams's license to practice medicine is **SUSPENDED** until the time when the Board receives documentation that Dr. Williams has provided the Patient with the medical records that she had requested; and it is further

ORDERED that upon the Board's receipt of documentation that the medical records have been provided to the patient complainant in this case, the disciplinary panel may administratively terminate Dr. Williams's suspension through an order of the disciplinary panel; and it is further

ORDERED that this is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

04/09/2021
Date

Signature on File

Christine A. Farrelly, Executive Director
Maryland Board of Physicians

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Md. Code Ann., Health Occ. § 14-408, Dr. Williams has the right to seek judicial review of this Order of Default. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Order of Default. The cover letter accompanying this Order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If Dr. Williams files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

**Maryland State Board of Physicians
Christine A. Farrelly, Executive Director
4201 Patterson Avenue
Baltimore, Maryland 21215**

Notice of any petition should also be sent to the Board's counsel at the following address:

**Stacey Darin
Assistant Attorney General
Maryland Department of Health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201**