

IN THE MATTER OF * **BEFORE THE MARYLAND**
FRANCIS PALERMO, M.D. * **STATE BOARD OF**
Respondent * **PHYSICIANS**
License Number: D33420 * **Case Number: 2222-0130**

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

The Maryland Board of Physicians (the “Maryland Board”) received information that Francis Palermo, M.D., (the “Respondent”) License Number D33420, was disciplined by the Delaware Board of Medical Licensure and Discipline (the “Delaware Board”). In an Order dated April 5, 2022, the Delaware Board reprimanded the Respondent and required additional continuing education hours.

Based on the above referenced Delaware Board sanction, the Maryland Board has grounds to charge the Respondent with violating the following provisions of the Maryland Medical Practice Act (the “Act”), under H. O. § 14-404(a):

- (a) 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:
 - (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veteran’s Administration for an act that would be grounds for disciplinary action under this section,

Disciplinary Panel B (“Panel B”) has determined that the acts for which the Respondent was disciplined in Delaware would be grounds for disciplinary action under

H.O. § 14-404(a). The ground for disciplinary action under H.O. § 14-404(a) is as follows:

- (40) Fails to keep adequate medical records as determined by appropriate peer review.

Based on the action taken by the Delaware Board, the Respondent agrees to enter into this Consent Order with Panel B, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order and Consent.

FINDINGS OF FACT

Panel B makes the following findings of fact:

1. At all times relevant hereto, the Respondent was a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed in Maryland on or about March 24, 1986.
2. In its April 5, 2022 Order, the Delaware Board found that the Respondent, while self-employed with a medical practice, failed to adequately maintain and properly document patient records for his brother whom he treated in 2019.
3. As a result, the Delaware Board reprimanded the Respondent and required that he complete three continuing education hours in the area of medical record documentation.

A copy of the Delaware Board Order is attached hereto.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Respondent is subject to discipline under Health Occ. § 14-404(a)(21) for the disciplinary action taken by the Delaware Board against the Respondent for an act or acts that would be grounds for disciplinary action under Health Occ. §14-404(a)(40).

ORDER

It is, thus, by Panel B, hereby:

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

ORDERED that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board or her designee. The Executive Director or her designee signs the Consent Order on behalf of the disciplinary panel; and it is further

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

05/24/2022
Date

Signature on File

Christine A. Farrelly
Executive Director
Maryland Board of Physicians

CONSENT

I, Francis Palermo, MD, acknowledge that I am aware of my right to consult with and be represented by counsel in considering this Consent Order. I have chosen to proceed without counsel and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the pending charges. I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered 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 behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand the language and meaning of its terms.

Signature on File

5/6/22

Date

Francis Palermo, MD
Respondent

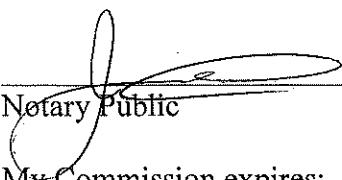
NOTARY

STATE OF Delaware

CITY/COUNTY OF New Castle

I HEREBY CERTIFY that on this 6 day of May, 2022, before me, a Notary Public of the State and City/County aforesaid, personally Francis Palermo, MD, and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and notarial seal.


Notary Public

My Commission expires: 12/18/2025

JOANNE DOUGHERTY
Notary Public
STATE OF DELAWARE
My Commission Expires 12/18/2025

**BEFORE THE DELAWARE BOARD OF
MEDICAL LICENSURE AND DISCIPLINE**

IN RE: FRANCIS PALERMO

LICENSE NO.: C1-0002867

) Case No. 10-92-19

)

CONSENT AGREEMENT

A written Complaint was filed with the Delaware Board of Medical Licensure and Discipline ("Board") alleging that Francis Palermo ("Respondent"), a licensed physician, engaged in conduct that constituted grounds for discipline pursuant to Delaware's *Medical Practice Act.* (24 Del. C. Ch. I7)

The State of Delaware and Respondent submit this Consent Agreement for approval by the Board as a means of resolving the pending administrative prosecution against Respondent pursuant to 24 Del. C. § 1731.

IT IS UNDERSTOOD AND AGREED THAT:

1. Respondent is a licensed physician in the State of Delaware. Respondent's license, number C1-0002867, was issued on January 6, 1987 and expires on March 31, 2023. His license is currently active.
2. At all times relevant, Respondent was self-employed with a medical practice located in Newark, DE.
3. On April 12, 2019, R.P. became ill while at Respondent's office. Reportedly, R.P. was lethargic, diaphoretic, and hypotensive. R.P. is Respondent's brother.
4. On the same day, Respondent instructed another employee to administer fluids through an I.V. to R.P. because his symptoms were indicative of hypoglycemia and dehydration.
5. Respondent was present when this treatment was administered.

6. Respondent did not document or ensure documentation of this treatment in R.P.'s medical records.

7. Respondent violated 24 Del. C. § 1731(b)(3) and Board of Medical Licensure and Discipline Regulation 8.1.13 in that he failed to adequately maintain and properly document patient records for R.P.

8. Respondent admits that the facts set forth in paragraphs one (1) through seven (7) herein are true and accurate.

9. Respondent avers the following in mitigation of his conduct:

- a. Respondent was in the room with R.P. when he instructed another employee to administer fluids through I.V.;
- b. Respondent believed the I.V. was necessary to treat R.P. for hypoglycemia and dehydration;
- c. After the IV was administered, Respondent remained in the room with R.P. to monitor his condition;
- d. R.P. fully recovered from all adverse symptoms immediately after infusion of the I.V. fluids. His wife and son picked him up and drove him home.

10. Respondent and the State agree that the appropriate disciplinary sanctions shall be as follows:

- a. Respondent shall be issued a letter of reprimand; and
- b. Within ninety days (90) days of the Board's Order accepting this Consent Agreement, Respondent shall complete three continuing education hours in the area of medical record documentation. These continuing education hours shall be in addition to, and not in lieu of, the hours required for

licensure renewal.

11. The parties to this Consent Agreement are the State of Delaware and Respondent.
12. The parties agree and acknowledge that nothing contained in this Consent Agreement shall affect any rights or interests of any person not a party to this Agreement.
13. Respondent acknowledges that he is waiving his rights under 24 Del. C. Ch. 17 and 29 Del. C. Ch. 101 to a hearing before the Board prior to the imposition of disciplinary sanctions.
14. Respondent acknowledges and agrees that he has carefully read and understands this Consent Agreement and is entering into this Consent Agreement freely, knowingly, voluntarily, and after having received or having been afforded the opportunity to receive the advice of counsel.
15. Respondent acknowledges that this Consent Agreement is a public record within the meaning of 29 Del. C. § 10002 and will be available for public inspection and copying as provided for by 29 Del. C. § 10003.
16. The parties acknowledge and agree that this Consent Agreement is subject to approval by the Board.
17. The parties acknowledge and agree that if the Board does not accept this Consent Agreement, it shall have no force or effect, except as follows:
 - a. Neither Respondent, nor anyone on his behalf, will in any way or in any forum challenge the ability of the Board or any of its members to conduct an evidentiary hearing relating to the allegations in the subject Complaint;
 - b. The Consent Agreement, or conduct or statements made in negotiating the Consent Agreement, will be inadmissible at any administrative, civil, or criminal legal proceeding; and

- c. No provision contained in the Consent Agreement shall constitute or have the effect of an admission by Respondent as to any fact alleged in the Complaint in this matter or in this Consent Agreement.
18. If the Board accepts the Consent Agreement and enters it as an Order, the Consent Agreement shall be admissible as evidence at any future proceedings before the Board.
19. Respondent acknowledges and agrees that the Board will report this Consent Agreement to the licensing authority of any other state in which he is licensed to practice.
20. Respondent acknowledges this is a public disciplinary action reportable to the national practitioner databank.
21. The parties acknowledge and agree that this Consent Agreement, along with any exhibits, addendums, or amendments hereto, encompasses the entire agreement of the parties and supersedes all previous understandings and agreements between the parties, whether oral or written. There are no other terms, obligations, covenants, representations, statements, or conditions, or otherwise, of any kind whatsoever concerning this agreement.
22. This Consent Agreement shall be effective upon acceptance by the Board and entry of the Board's Order.

Francis Palermo
Francis Palermo
Respondent

Date: 3/28/2022

Keisha S. Lydia-Moore
Keisha S. Lydia-Moore (ID No. 6369)
Deputy Attorney General
Delaware Department of Justice

Date: 3/29/22

BEFORE THE DELAWARE BOARD OF MEDICAL LICENSURE AND DISCIPLINE

IN RE: FRANCIS PALERMO

LICENSE NO.: C1-0002867

)
Case No. 10-92-19
)

ORDER

WHEREAS, the Board of Medical Licensure and Discipline has reviewed this matter;
and

WHEREAS, the Board of Medical Licensure and Discipline approves the Consent
Agreement of the parties and intends to enter it as an Order of the Board;

IT IS HEREBY ORDERED this 5th day of April, 2022

/s/ Stephen Lawless

Stephen Lawless, M.D., President

/s/ Joseph Rubacky

Joseph Rubacky, D.O., Vice-President

/s/ Randeep Kahlon

Randeep Kahlon, M.D., Secretary

/s/ Bryan Villar

Bryan D. Villar, M.D.

/s/ Joseph Parise

Joseph M. Parise, D.O.

Garrett H. Colmorgen, M.D.

Sharon Williams-Mayo, Public Member

Madelyn Nellius, Public Member

/s/ Lauren Davey

Lauren Davey, PA

/s/ Barry Bakst

Barry L. Bakst, D.O.

/s/ Georges Dahr

Georges A. Dahr, M.D.

/s/ Melissa Warren

Melissa Warren, Public Member

Karyl Rattay, M.D.

Janice Truitt, Public Member

/s/ Mary Lomax

Mary Lomax, Ed.D., Public Member

/s/ Bethany Melo

Bethany Melo, PA