

IN THE MATTER OF
ISSAM DAYAH, M.D.

Respondent

License Number: D33938

*** BEFORE THE**
*** MARYLAND STATE**
*** BOARD OF PHYSICIANS**
*** Case Number: 2220-0018A**

* * * * *

CONSENT ORDER

On January 15, 2020, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged **ISSAM DAYAH, M.D.** (the “Respondent”) with violating the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.).

The pertinent provisions of the Act provide the following:

Health Occ. § 14-404. Denials, reprimands, probations, suspension, 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:

...

(33) Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel.

Health Occ. § 14-308.1. Criminal history records check.

(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 April 8, 2020, Panel A and the Respondent participated in a settlement conference at the Board. Following the settlement conference, the Panel and the Respondent agreed to enter into this Consent Order to resolve the case described below.

FINDINGS OF FACT

Panel A finds the following facts:

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 July 15, 1986, under License Number D33938. The Respondent's license is currently active through September 30, 2020.

2. On or about August 16, 2018, the Respondent submitted an online application (the "Application") for the renewal of the Respondent's license using the Board's online renewal application process.

3. When a licensee applies online to renew his or her license, the licensee checks a box attesting that he or she has completed a Criminal History Record Check ("CHRC") and acknowledges on the same application that a licensee faces disciplinary action if the licensee fails to comply with the CHRC requirement.

4. Prior to completion of the application a pop-up screen appears that informs the licensee that the Board may not renew a license if the Board has not received the licensee's CHRC information, which includes the licensee's submission of his or her fingerprints to the Criminal Justice Information Services ("CJIS") before attempting to complete the renewal application. The pop-up notice also notifies the licensee that failure to submit to a CHRC may result in disciplinary action.

5. The Respondent's signed Application contains two acknowledgments /affirmations by the Respondent that the Respondent had completed a CHRC.

6. By e-mail dated on or about January 22, 2019, Board staff informed the Respondent that the Board had not received the CHRC.¹ Board staff further informed the Respondent that the Respondent had ten business days to submit the CHRC.

7. The Respondent did not reply to the e-mail.

¹ Board staff used the e-mail address provided by the Respondent on the Application as the "Official Email Address . . . the board will use for official correspondence."

8. By letter dated March 6, 2019, sent to the Respondent's address of record, the Board informed the Respondent that it opened a preliminary investigation based upon the failure to obtain a CHRC for license renewal and the attestation that the Respondent submitted to a CHRC. The letter notified Respondent that he was subject to potential disciplinary action and requested that the Respondent submit documentation to the Board to support that the Respondent obtained a CHRC within ten business days.

9. The Respondent did not reply to the letter.

10. By letter dated May 28, 2019, sent to the Respondent's address of record, the Board again notified the Respondent that he was subject to potential disciplinary action and instructed the Respondent to contact the Board and submit evidence that the Respondent obtained a CHRC.

11. The Respondent did not reply to the letter and did not provide documentation to the Board that the Respondent obtained a CHRC before Panel A voted to issue charges.

12. On or about December 6, 2019, the Board received the completed CHRC report pursuant to Health Occ. § 14-308.1.

CONCLUSIONS OF LAW

Based on the Findings of Fact, Panel A concludes as a matter of law that the Respondent failed to cooperate with a lawful investigation by the Board or disciplinary panel, in violation of Health Occ. § 14-404(a)(33). Panel A dismisses the charges under Health Occ. § 14-404(a)(1), (3)(ii), (36), and (42).

ORDER

It is, thus, by Panel A hereby:

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

ORDERED that, within one year, the Respondent shall pay a civil fine of \$500.00.

The payment shall be by money order or bank certified check made payable to the Maryland Board of Physicians and mailed to P.O. Box 37217, Baltimore, Maryland 21297.

The Board will not renew or reinstate the Respondent's license if the Respondent fails to timely pay the fine to the Board; 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 which has imposed the terms and conditions of this Consent Order; 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, if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If the disciplinary panel determines 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 followed by an exceptions process before a disciplinary panel; and if the disciplinary panel determines there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before a disciplinary panel; and it is further

ORDERED that, after the appropriate hearing, if the disciplinary panel determines that the Respondent has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend with appropriate terms and conditions, or revoke the Respondent's license to practice medicine in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine on the Respondent; 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).

05/15/2020
Date

Signature on File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Issam Dayah, M.D., acknowledge that I have consulted with legal counsel before signing this document.

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 voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. 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

5/16/2020
Date

Issam Dayah, M.D.
Respondent

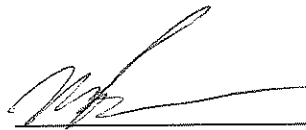
NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 6 day of MMX 2020, before me, a Notary Public of the foregoing State and City/County, appeared Issam Dayah, M.D., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.



Notary Public

My Commission expires: 12-06-2020

MARIO ANTONIO BUSCEMI
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
My Commission Expires 12-06-2020