

IN THE MATTER OF	*	BEFORE THE
ABDEL AZIZ BASHA EL-SAID, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D34140	*	Case Number: 2219-0032A
* * * * *		* * * * *

CONSENT ORDER

On February 12, 2020, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged Abdel Aziz Basha El-Said, 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 Respondent was charged with violating the following provision of the Act:

Health Occ § 14-404:

- (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:
 - (22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State[.]

On May 13, 2020, Panel A 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.

FINDINGS OF FACT

Panel A finds the following:

1. At all times relevant, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was originally licensed to practice medicine in Maryland on August 25, 1986. His license is active through September 30, 2020.
2. At all times relevant, the Respondent practiced surgery at a hospital (“Hospital A”) in Southern Maryland.¹ The Respondent is board-certified in general surgery.
3. On or about October 17, 2017, Hospital A sent a mandated 10-day report (the “Report”) to the Board notifying the Board of a physician’s (“Physician A’s”) voluntary resignation of his hospital privileges.
4. The Board initiated an investigation of Physician A’s practice which included reviewing Hospital A’s investigative findings regarding an incident where a patient (the “Patient”) was injured during a surgery that preceded Physician A’s decision to resign.
5. As a result of the Report, the Board initiated an investigation into the actions of the Respondent during the surgery.
6. The Board’s investigation revealed that on or about October 17, 2017, a male Patient, who was undergoing surgery for the removal of a skin lesion from his nose,

¹ To maintain confidentiality, the name of the hospital or patients will not be identified in this document. The Respondent may obtain the identity of the hospital or patients referenced herein by contacting the assigned administrative prosecutor.

suffered first degree burns following a flash fire caused by the use of an electrosurgical device while oxygen was being administered. During the surgery, Physician A, an anesthesiologist, administered oxygen to the Patient through a nasal prong. The Respondent, who was the surgeon, used an electrosurgical device, known as a Bovie, to address bleeding through cauterization. While the Respondent was using the Bovie on Patient A, a flash fire occurred due to the flow of oxygen. As a result of the flash fire, the Patient sustained first-degree burns to his mouth and nose. The Respondent terminated the procedure due to the flash fire, and Physician A intubated the Patient. As a consequence of the burns, the Patient was admitted to the Intensive Care Unit of Hospital A.

7. The Board's investigation included referring the matter for a peer review. The two peer reviewers, board-certified in general surgery, were asked to review the records produced by Hospital A to the Board.

8. Both peer reviewers concurred that the Respondent's conduct failed to meet the appropriate standards for the delivery of quality medical or surgical care for the following reasons:

- Respondent failed to confirm that the anesthesiologist (Physician A) stopped oxygen before the Respondent used electrocautery; and
- Inadequate communication between the Respondent and the anesthesiologist (Physician A) resulted in a flash fire, harming the Patient.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Disciplinary Panel A of the Board concludes as a matter of law that the Respondent failed to meet appropriate standards as

determined by appropriate peer review for the delivery of quality medical or surgical care in the State, in violation of Health Occ. § 14-404(a)(22).

ORDER

It is, thus, on the affirmative vote of a majority of the quorum of Board Disciplinary Panel A, hereby

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

ORDERED that, within **SIX (6) MONTHS**, the Respondent shall take and successfully complete a course in Workplace Communication. The following terms apply:

(a) it is the Respondent's responsibility to locate, enroll in and obtain the disciplinary panel's approval of the course before the course is begun;

(b) the Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the course;

(c) the course may not be used to fulfill the continuing medical education credits required for license renewal;

(d) the Respondent is responsible for the cost of the course.

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).

06/05/2020
Date

Signature on File

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

CONSENT

I, Abdel Aziz Basha El-Said, M.D., acknowledge that I have consulted with 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.

6/2/2020
Date

Signature on File

Abdel AZIZ Basha El-Said, M.D.

NOTARY

STATE OF: Maryland

CITY/COUNTY OF: Charles

I HEREBY CERTIFY that on this 2nd day of June, 2020,
before me, a Notary Public of the State and City/County aforesaid, personally appeared
Abdel Aziz Basha El-Said, M.D. and made oath in due form of law that the foregoing
Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.


Notary Public

My commission expires: 07/19/2023

NATALIE R. SIMPSON
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires: 07/19/2023