

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE MARYLAND</b>
<b>MICHAEL ABIDIN, M.D.</b>	*	<b>STATE BOARD OF</b>
<b>Respondent</b>	*	<b>PHYSICIANS</b>
<b>License Number: D38973</b>	*	<b>Case Number: 2221-0073</b>

\* \* \* \* \*

**CONSENT ORDER**

**PROCEDURAL BACKGROUND**

The Maryland Board of Physicians (the “Maryland Board”) received information that Michael Abidin, M.D., (the “Respondent”) License Number D38973, was disciplined by the Virginia Board of Medicine (the “Virginia Board”). In an Order dated December 8, 2020, the Virginia Board disciplined the Respondent by reprimand and required the Respondent to satisfactorily complete certain course(s).

Based on the above referenced Virginia 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 Virginia would be grounds for disciplinary action under

H.O. § 14-404(a). The grounds for disciplinary action under H.O. § 14-404(a)(22) are as follows:

- (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,

Based on the action taken by the Virginia 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 otolaryngology in the State of Maryland. The Respondent was initially licensed in Maryland on or about October 2, 1989.
2. In its December 8, 2020 Consent Order, the Virginia Board found that while examining a patient's neck the Respondent noted the existence of a single 2 cm node located on the left occipital nerve through "visualization and palpation".
3. The Respondent performed a posterior cervical lymph node excision surgery on the patient without ordering additional scans.
4. A specimen from the patient's lymph node excision was sent to pathology. The pathology report indicated that the specimen the Respondent excised contained "one neural bundle" which suggested that he inadvertently excised a portion of the patient's spinal accessory nerves from her neck during the biopsy surgery.
5. During the next three follow up appointments the patient had with the Respondent he failed to inform her of the findings of the pathology report, despite patient

reporting signs and symptoms indicative of the consequences of excising someone's spinal accessory nerves.

6. The patient underwent a subsequent EMG test recommended by another physician which was positive for severe spinal accessory nerve injury.

A copy of the Virginia Board Consent 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 Virginia Board against the Respondent for an act or acts that would be grounds for disciplinary action under Health Occ. §14-404(a)(22).

### **ORDER**

It is, thus, by Panel B, hereby:

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

**ORDERED** that the Respondent shall comply with the terms and conditions of the December 8, 2020 Virginia Board Consent Order; and be it 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, 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 Respondent's license with appropriate terms and conditions, or revoke the Respondent's license. 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).

01/26/2021  
Date

***Signature on File***

Christine A. Farrelly  
Executive Director  
Maryland Board of Physicians

**CONSENT**

I, Michael Abidin, M.D., 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 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

1/20/2021  
Date

Michael Abidin, M.D. — /  
Respondent

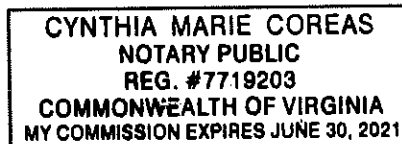
### NOTARY

STATE OF Virginia  
CITY/COUNTY OF Fairfax

I HEREBY CERTIFY that on this 20th day of January, 2021, before me, a Notary Public of the State and City/County aforesaid, personally Michael Abidin, 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 notarial seal.

Cynthia M. Coreas  
Notary Public



My Commission expires: June 30, 2021

**BEFORE THE VIRGINIA BOARD OF MEDICINE**

**IN RE: MICHAEL ROBERT ABIDIN, M.D.**  
**License Number: 0101-054696**  
**Case Number: 195516**

**DEC 07 2020**  
**DHP**

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**CONSENT ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

The Virginia Board of Medicine ("Board") and Michael Robert Abidin, M.D., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Dr. Abidin's license to practice medicine in the Commonwealth of Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Michael Robert Abidin, M.D., was issued License Number 0101-054696 to practice medicine on August 30, 1996, which is scheduled to expire on March 31, 2022.
2. Dr. Abidin violated Virginia Code § 54.1-2915(A)(3) and (16). Specifically:
  - a. On July 26, 2011, Patient A was evaluated by Dr. Abidin for a complaint of ear pressure. During his evaluation, Dr. Abidin examined Patient A's neck and noted the existence of a single node located on the left occipital nerve. Although a scan conducted on July 11, 2011 showed no soft tissue abnormalities or lymphadenopathy in Patient A's neck, Dr. Abidin concluded that Patient A had a 2 cm enlarged lymph node in the suboccipital area of the posterior left side of her neck – a diagnosis he confirmed through "visualization and palpation." Dr. Abidin failed to order any additional scans of Patient A's neck to confirm what he believed were soft tissue abnormalities.
  - b. On August 10, 2011, Abidin performed a posterior cervical lymph node excision surgery on Patient A and sent the specimen to a pathology lab for evaluation. In sworn statements, Dr. Abidin stated that he did not believe, at the time, that Patient A's mass was malignant but still scheduled a biopsy because he felt they needed to rule out the fact that she had a "potential for malignancy."

c. According to the pathology report dated August 15, 2011, Dr. Abidin's excised specimen included "one neural bundle," which suggested that he inadvertently excised a portion of Patient A's spinal accessory nerves from her neck during the biopsy surgery.

d. On August 12, 2011, Patient A presented to Dr. Abidin's office for her first post-operative visit with complaints of tingling, pins and needles sensation, twitching, ringing in ears, and loosing feeling in her fingers. The physician assistant examination noted that she was healing well, and she was scheduled for a one-week follow up appointment.

e. On August 19, 2011, Patient A presented to Dr. Abidin's office for her second post-operative visit. During this visit, Patient A stated that the affected area was "very tender and sore." She further complained of "tingling," "twitching," and "lo[osing] feeling in [her] fingers." Dr. Abidin re-dressed the affected area and scheduled her for a follow-up appointment in two weeks.

f. During Patient A's August 19 visit, Dr. Abidin failed to inform her that the pathology report indicated that a "neural bundle" was inadvertently excised by him during her lymph node excision and biopsy surgery on August 10, 2011.

g. On Patient A's third post-operative visit on October 7, 2011, she complained of trouble lifting her left arm, back pain on the left side, lost feeling on the left side, and inflammation and swelling on the left side. During his examination, Dr. Abidin noted the following: "[Patient] has had neck and shoulder pain and has trouble with rotation and elevation of the [left] shoulder. She has some shooting pain into her arms and fingers and has trouble lifting objects. She has lost some feeling and sensation on the [left] side. [Symptoms] of pain and abnormal sensation has been present for past several weeks. Surgical site is normal. Decreased [range of motion] on [left] shoulder...with spasms of muscles." Dr. Abidin advised Patient A to see a neurologist in his office to evaluate the nerve pain and prescribed Voltaren and Lidopatches to control the pain and muscle spasms.

h. Despite the multiple signs and symptoms documented by Dr. Abidin on October 7, 2011, which were indicative of the consequences of excising someone's spinal accessory nerves, Dr. Abidin again failed to inform Patient A of the "neural bundle" issue.

i. On November 17, 2011, Patient A sought treatment from a physician at the National Spine and Pain Centers. During this appointment, the physician recommended an EMG of the left upper extremity and referred Patient A for a full evaluation of a possible spinal accessory nerve injury. According to Patient A's December 2, 2011 medical record, the EMG tested positive for severe spinal accessory nerve injury.

j. On December 9, 2011, Patient A presented for another neurological consultation. According to Patient A's December 9, 2011 medical record, it was confirmed that Patient A had a palsy of the spinal accessory nerve, which was a direct result of the attempt at surgical biopsy of the left paracervical lymph node. Dr. Wright stated that the "electrodiagnostic studies were definitive."

### CONSENT

Michael Robert Abidin, M.D., by affixing his signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document and am represented by Nora Ciancio, Esq.;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;
4. I waive my right to an informal conference;



5. I neither admit nor deny the Findings of Fact and Conclusions of Law contained herein but waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;

6. I consent to the entry of the following Order affecting my license to practice medicine in the Commonwealth of Virginia.

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS as follows:

1. Michael R. Abidin, M.D., is REPRIMANDED.
2. Within six months of entry of this Order, Dr. Abidin shall provide written proof satisfactory


to the Board of successful completion of 3 hours of Board-approved continuing education in diagnosis and treatment of lymphadenopathy. Such course(s) shall be approved in advance of registration by the Executive Director of the Board. Requests for approval must be received within 15 days prior to the course date. Continuing education obtained through compliance with this term shall not be used toward licensure renewal.

3. Upon receipt of evidence that Dr. Abidin has complied with the foregoing terms, the Executive Director is authorized to close this matter, or refer it to a special conference committee for review.

4. Any violation of this Order or any statute or regulations governing the practice of medicine shall constitute grounds for further disciplinary action.


Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

  
Jennifer Deschenes, J.D., M.S.  
Deputy Executive Director  
Virginia Board of Medicine

ENTERED: 12/8/2020

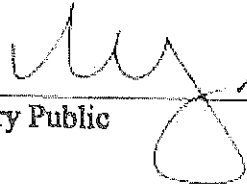
SEEN AND AGREED TO:

  
Michael Robert Abidin, M.D.

COMMONWEALTH OF VIRGINIA  
COUNTY/CITY OF Fairfax, TO WIT:

Subscribed and sworn to before me, a notary public in and for the Commonwealth of Virginia at large,  
on this 3rd day of December, 2020.



  
Notary Public

My commission expires:

12/31/2020

Registration No.:

7644339