

IN THE MATTER OF
IRWIN A. WEBB, JR., M.D.

Respondent

License Number: D40274

*** BEFORE THE**
*** MARYLAND STATE**
*** BOARD OF PHYSICIANS**
*** Case Number: 2218-0289**

* * * * *

CONSENT ORDER

On January 24, 2020, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged Irwin A. Webb, Jr. (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 provisions 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; [and]

...

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

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:

I. Background

1. At all times relevant, 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 June 27, 1990, under license number D40274. The Respondent's license is presently active and expires on September 30, 2021.
2. The Respondent is board-certified in emergency medicine.
3. The Respondent is also licensed to practice medicine in the State of Maine.
4. The Respondent is currently employed part-time at a health care facility in Maryland but does not retain any hospital privileges at present. The Respondent was previously employed at a weight loss and pain management clinic (the "Clinic")¹, from approximately May 2014, through November 2018. In approximately February 2017 the Respondent became the Medical Director of the clinic.
5. On or about June 20, 2018, the Board received a complaint from the Office of the Inspector General for the Maryland Department of Health ("OIG"),

¹ To ensure confidentiality and privacy, the names of individuals, patients, and institutions involved in this case are not disclosed in this document.

alleging that the Respondent was inappropriately prescribing high doses of opioid medications at the Clinic.

6. On or about July 23, 2018, the Board received an additional complaint from an individual (the "Complainant") stating that the Respondent had prescribed Oxycontin² and methadone to a patient who had admitted to heroin and cocaine use, and whose legs were "heavily infected from injecting under non-sterile conditions."
7. Based on the complaints, the Board initiated an investigation of the Respondent.

II. Board Investigation

8. In furtherance of its investigation, the Board conducted a drug survey, subpoenaed ten patient medical records from the Respondent, interviewed the Respondent, and obtained a written response to the complaint from the Respondent.
9. On or about March 13, 2019, Board staff sent the ten patient medical records and other relevant materials to a peer review entity to be reviewed by certified pain management physicians. On or about May 15, 2019, Board staff received the peer review reports which opined that the Respondent did not meet the appropriate standards for the delivery of quality medical care in seven of the

² Oxycontin is a brand name for oxycodone, an opioid analgesic used for the relief of severe pain. It is classified as a Schedule II CDS by the United States Drug Enforcement Agency.

ten cases, and that the Respondent did not maintain adequate medical records in nine of the ten cases.

10. On or about September 28, 2018, Board staff received the Respondent's written response. The Respondent stated that he has devoted many hours learning pain management, and that he strives to screen out drug abusers and accept only patients with chronic pain who have been unable to resolve it through other modalities.

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 this State, in violation of Health Occ. § 14-404(a)(22); and failed to keep adequate medical records as determined by appropriate peer review, in violation of Health Occ. § 14-404(a)(40).

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 the Respondent is placed on **PROBATION** for a minimum of **TWO YEARS**.³ During probation, the Respondent shall comply with the following terms and conditions of probation:

1. During probation, the Respondent shall not prescribe or dispense any Controlled Dangerous Substances (“CDS”). In addition, the following terms apply:

- (a) The Respondent shall not delegate to any physician assistant the prescribing of CDS;
- (b) The Respondent is prohibited from certifying patients for the medical use of cannabis;
- (c) The disciplinary panel may issue administrative subpoenas to the Maryland Prescription Drug Monitoring Program on a quarterly basis for the Respondent’s Controlled Dangerous Substances (“CDS”) prescriptions. The administrative subpoenas will request the Respondent’s CDS prescriptions from the beginning of each quarter;
- (d) The Respondent agrees that the CDS Registration issued by the Office of Controlled Substances Administration will be restricted to the same categories of CDS or Opioids as limited by this Consent Order;

2. Within **six months**, the Respondent is required to take and successfully complete courses in: (i) the appropriate prescribing of opioid medications, and (ii) medical record-keeping.

The following terms apply:

- (a) it is the Respondent’s responsibility to locate, enroll in and obtain the disciplinary panel’s approval of the courses before the courses begin;
- (b) the Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the courses;
- (c) the courses 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 courses;

³ If the Respondent’s license expires during the period of probation, the probation and any conditions will be tolled.

3. Within **six months**, 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 a violation of probation constitutes a violation of this Consent Order;

ORDERED that, after the Respondent has complied with all terms and conditions and the minimum period of probation imposed by the Consent Order has passed, the Respondent may submit a written petition for termination of probation. After consideration of the petition, the Respondent's probation may be administratively terminated through an order of the disciplinary panel if the Respondent has complied with all probationary terms and conditions and there are no pending complaints related to the charges; 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).

Signature on File

06/05/2020
Date

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

CONSENT

I, Irwin Webb, Jr., 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.

Signature on File

1 June 2020
Date

Irwin Webb, Jr., M.D. _____

NOTARY

STATE OF: Maryland

CITY/COUNTY OF: Talbot

I HEREBY CERTIFY that on this 1 day of June, 2020,
before me, a Notary Public of the State and City/County aforesaid, personally appeared
Irwin Webb, Jr., 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.



Kate Allison Ennis
Notary Public

My commission expires: 18OCT2020