

**IN THE MATTER OF**  
**THEODORE C. HOUK, M.D.**  
**Respondent**

**License Number: D41104**

**\* BEFORE THE**  
**\* MARYLAND STATE**  
**\* BOARD OF PHYSICIANS**  
**\* Case Number: 7722-0003**

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**TERMINATION ORDER**

On April 13, 2021, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) issued a Cease and Desist Order, wherein, the Panel concluded, as a matter of law, that Theodore C. Houk, M.D. (the “Respondent”), failed to meet the standard of quality medical care and failed to keep adequate medical records with regard to his Controlled Dangerous Substances (“CDS”) prescribing practices, which posed a serious risk to the health, safety and welfare of a patient. The Respondent was Ordered to **IMMEDIATELY CEASE AND DESIST** from prescribing and dispensing all CDS.

On July 9, 2021, Panel A and the Respondent entered into a Consent Order,<sup>1</sup> wherein Panel A concluded that the Respondent was guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii); failed to meet the standard of care for the delivery of quality medical services in violation of Health Occ. § 14-404(a)(22); failed to comply with the provisions of § 12-102 of this article, in violation of Health Occ § 14-(a)(28); failed to keep adequate medical records, in violation of Health Occ. § 14-404(a)(40); and violated a provision of this title, a rule or regulation adopted by the board, or a State or Federal law pertaining to the practice of medicine, in violation of Health Occ. § 14-404(a)(43). The Respondent was reprimanded, placed on probation for a minimum of one (1) year. Under the terms and conditions of the Consent Order, Panel A Ordered that the Respondent to comply with the following terms and conditions of probation:

1. The Respondent is prohibited from prescribing and dispensing all Controlled Dangerous Substances (“CDS”) until after he has successfully completed the courses described in condition

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<sup>1</sup> The April 13, 2021 Cease and Desist Order was superseded by the July 9, 2021 Consent Order.

2 and has a supervisor approved by the Panel as described in condition 3. The CDS prohibition may be administratively terminated through an Order of the Panel upon successful completion of the courses and after the Panel has approved the Respondent's proposed supervisor.

2. Within **SIX (6) MONTHS**, the Respondent is required to take and successfully complete courses in CDS prescribing and a course in medical documentation.

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 course are begun;
  - (b) during the state of emergency, the disciplinary panel will accept courses taken over the internet;
  - (c) the Respondent must provide documentation to the disciplinary panel that the respondent has successfully completed the courses;
  - (d) the courses may not be used to fulfill the continuing medical education credits required for license renewal;
  - (e) the Respondent is responsible for the cost of the courses.
3. Following the completion of the course, the Respondent shall be subject to supervision for a minimum of one year (four quarterly reports)<sup>2</sup> by a disciplinary panel-approved supervisor who is board-certified as follows:

- (a) within **30 CALENDAR DAYS** of the completion of the courses described in condition 2, the Respondent shall provide the disciplinary panel with the name, pertinent professional background information of the supervisor whom the Respondent is offering for approval, and written notice to the disciplinary panel from the supervisor confirming his or her acceptance of the supervisory role of the Respondent and that there is no personal or professional relationship with the supervisor;
- (b) the Respondent's proposed supervisor, to the best of the Respondent's knowledge, should not be an individual who is currently under investigation, and has not been disciplined by the Board within the past five years;

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<sup>2</sup> If the Respondent is not practicing medicine, the supervision shall begin when the Respondent resumes the practice of medicine and the disciplinary panel has approved the proposed supervisor. The Respondent shall submit the name of a proposed supervisor within 30 days of resuming the practice of medicine and shall be subject to supervision by a disciplinary panel approved supervisor upon the return to the practice of medicine.

- (c) the disciplinary panel, in its discretion, may accept the proposed supervisor or request that the Respondent submit a name and professional background, and written notice of confirmation from a different supervisor;
- (d) the supervision begins after the disciplinary pane approves the proposed supervisor;
- (e) the disciplinary panel will provide the supervisor with a copy of this Consent Order and any other documents the disciplinary panel deems relevant;
- (f) the Respondent shall grant the supervisor access to patient records selected by the supervisor from a list of all patients, which shall, to the extent, practicable, focus on the type of treatment at issued in the Respondent's charges;
- (g) if the supervisor for any reason ceases to provide supervision, the Respondent shall immediately notify the Board and shall not practice medicine beyond the 30<sup>th</sup> day after the supervisor has cease to provide supervision and until the Respondent has submitted the name and professional background, and written notice of confirmation, from a proposed replacement supervisor to the disciplinary panel;
- (h) it shall be the Respondent's responsibility to ensure that the supervisor:
  - i. reviews the record of 10 patients each month, such patient records to be chosen by the supervisor and not the Respondent;
  - ii. meets in-person with the Respondent at least once each month and discuss in-person with the Respondent the care the Respondent has provided for these specific patients;
  - iii. be available to the Respondent for consultations on any patient;
  - iv. maintains the confidentiality of all medical records and patient information;
  - v. provides the Board with quarterly reports which detail the quality of the Respondent's practice, any deficiencies, concerns, or needed improvements, as well as any measures that have been taken to improve patient care; and
  - vi. immediately reports to the Board any indication that the Respondent may pose a substantial risk to patients;
- (i) the Respondent shall follow any recommendations of the supervisor;
- (j) if the disciplinary panel, upon consideration of the supervisory reports and the Respondent's response, if any, has a reasonable basis to believe that the Respondent is not meeting the standard of quality care or failing to keep adequate medical records in his or her practice, the disciplinary panel may find a violation of probation after a hearing.

4. The Respondent agrees that the CDS Registration issued by the Office of Controlled Substances Administration will be restricted as limited by this Order.

5. 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; and it is further

The Respondent has completed the courses in CDS prescribing and medical documentation and the Panel has approved a board-certified supervisor provided by the Respondent; it is thus hereby,

**ORDERED** that the prohibition of prescribing and dispensing all CDS is **TERMINATED**; and it is further

**ORDERED** that the probation<sup>3</sup> for a minimum period of one (1) year imposed by the July 9, 2021 Consent Order remains in effect subject to the conditions that the Respondent is subject to supervision for a minimum of one year (four quarterly reports) by a disciplinary panel-approved supervisor who is board-certified in accordance with the procedures described above; and it is further

**ORDERED** that 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 and it is further

**ORDERED** that the Respondent shall not apply for early termination of probation; and it is further

**ORDERED** that, after the Respondent has complied with all terms and conditions of probation, after and the minimum period of probation imposed by the Consent Order has passed, and after the Respondent's supervisor has submitted to the Board four quarterly reports that are satisfactory to the Panel, the Respondent may submit to the Board a written petition for termination of probation. After consideration of the petition, the probation may be terminated through an order of the disciplinary panel. The Respondent may be required to appear before the disciplinary panel to discuss his petition for termination. The disciplinary panel may grant the petition to terminate the probation, through an order of the disciplinary panel, if the Respondent has complied with all probationary terms and conditions and there are no pending complaints relating to the charges; and it is further

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<sup>3</sup> If the Respondent's license expires while he is on probation, the probation period and any probationary conditions will be tolled.

**ORDERED** that, if the Respondent allegedly fails to comply with any term or condition imposed by the July 9, 2021 Consent Order or this Termination 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 Hearing followed by an exceptions process before a disciplinary panel; and if the disciplinary panel determines there is no genuine dispute as to 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 terms or condition imposed by the July 9, 2021 Consent Order or this Termination 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 the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of the July 9, 2021 Consent Order; and it is further

**ORDERED** that this is a public document.

10/13/2021  
Date

*Signature on File*

Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians