

IN THE MATTER OF * BEFORE THE MARYLAND
ASRESAHEGN GETACHEW, M.D. * STATE BOARD OF
License No.: D42804 * PHYSICIANS
* Case Number: 2218-0010A

* * * * *

CONSENT ORDER

Disciplinary Panel A of the Maryland State Board of Physicians (the “Board”) charged ASRESAHEGN GETACHEW, M.D. (the “Respondent”), License Number: D42804, with certain violations under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. II (“Health Occ. II”) §§ 14-101 *et seq.* The Board charged the Respondent with the following violations following:

Health Occ. II § 14-404(a):

(3) Is guilty of:

(ii) Unprofessional conduct in the practice of medicine; [and]

(18) Practices medicine with an unauthorized person or aids an unauthorized person in the practice of medicine.

On December 5, 2018, a conference with regard to this matter was held before Panel A of the Board’s Disciplinary Committee for Case Resolution (“DCCR”). As a result of the DCCR, the Respondent agreed to enter into this Consent Order consisting of the Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

Disciplinary Panel A makes the following Findings of Fact:

1. The Respondent was originally licensed as a physician in Maryland on January 13, 1992.
2. The Respondent's license expires on September 30, 2020.
3. At all relevant times the Respondent was the sole member of a limited liability company ("Company"). The Respondent was the President of Company. Company was a subcontractor providing radiology services to clients, including a Maryland Correctional Facility, hereinafter, "Facility A." Company was responsible for providing physician radiology services for Facility A.
4. In 2016, the Respondent's Company entered into a sub-contract with a contractor ("Contractor A") to provide radiology technician services to patients at Facility A.
5. The Respondent agreed to retain radiology technicians who were previously employed with Contractor A.
6. The Respondent signed an employment contract on February 28, 2016, to retain Employee A. The contract required Employee A to provide X-ray tech services to inmates at Facility A.

7. The Board initiated an investigation after receiving an anonymous report on or about May 12, 2017, that Employee A practiced Radiography for many years without a license while working for various contractors providing services at Facility A¹.

8. In furtherance of its investigation the Board issued a subpoena for Employee A's personnel and patient records.

9. According to the information obtained, Employee A was employed as an X-ray technician with various contractors at Facility A from 2007 until 2017, without a valid Maryland license.

10. In furtherance of the Board's investigation, Board staff interviewed the Respondent under oath on September 20, 2017.

11. The Respondent stated that he entered into a contract to provide radiology services at Facility A, and in 2016 he assumed as employees the radiology technician staff at Facility A.

12. He stated that he did not check the radiology technicians' credentials, because he assumed these staff members were licensed to provide radiology services in Maryland.

13. During a review of staff credentials the Respondent discovered that Employee A did not have a Maryland license.

¹ To ensure confidentiality, the names of individuals, hospitals and health care facilities are not disclosed in these charges. The Respondent may obtain the identity of the referenced individuals and entities by contacting the assigned administrative prosecutor.

14. An Attachment to the Complaint indicates that by correspondence dated April 20th, the Respondent informed Employee A that his credentials would expire by April 30, 2017, and “in order to remain on the schedule and actively working I must receive your credentials prior to 4/30/17 or you will be removed from the schedule and unable to work.”

15. The Respondent stated that Employee A informed him that he contacted the Board and was informed that it would take a month to get a license. The Respondent reports that after a month he suspended Employee A and assigned him administrative work.

16. The Respondent provided patient records and patient logs to the Board, which indicated that Employee A, while working for Respondent’s Company, provided X-rays to patients from March 1, 2016, to March 24, 2017, without a valid Maryland license.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact the Board concludes as a matter of law that:

(1) Health Occ. II § 14-404(a) (3) Is guilty of: (ii) Unprofessional conduct in the practice of medicine is dismissed; and

(2) That the Respondent violated Health Occ. II § 14-404 (a) (18) Practices medicine with an unauthorized person or aids an unauthorized person in the practice of medicine, when he hired Employee A to practice radiography without a valid Maryland license.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law it is hereby:

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

ORDERED that within **ONE YEAR**, the Respondent shall pay a civil fine of **\$7,500**. 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 Respondent shall ensure that all radiology staff employed by his Company have current licenses and Respondent shall provide documentation of their licensure to the Board; 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 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 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 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 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 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 this Consent Order is a public document. See Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

01/18/2019
Date

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

CONSENT

I, Asresahegn Getachew, 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 these rights 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 their 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

1/10/19
Date

Asresahegn Getachew M.D.,
Respondent

NOTARY

STATE OF Maryland

COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 10th day of January, 2019, before me, a Notary Public of the State and County aforesaid, personally appeared Asresahegn Getachew, M.D., License Number: D42804, and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal:

Vodera Satillia Harley
Notary Public

My Commission expires: 6/9/19

VODERA SATILLIA HARLEY
NOTARY PUBLIC - MARYLAND
ANNE ARUNDEL COUNTY
MY COMMISSION EXPIRES
JUNE 09, 2019