

IN THE MATTER OF

*

BEFORE THE

ANNE ELIZABETH SUGDEN, M.D.

*

MARYLAND STATE

Respondent

*

BOARD OF PHYSICIANS

License Number: D45560

*

Case Number: 2219-0175A

* * * * *

CONSENT ORDER

On September 10, 2020, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged Anne Elizabeth Sugden, M.D. (the “Respondent”), License Number D45560, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.). Panel A charged the Respondent with violating the following provision of the Act:

§ 14-404. Denials, reprimands, probations, suspensions, and revocations – Grounds.

(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:

...

(3) Is guilty of:

...

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

On December 2, 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:

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 January 13, 1994. Her license is active through September 30, 2021.

2. At all times relevant, the Respondent practiced medicine at urgent care facilities in Baltimore, Maryland.¹ The Respondent is board-certified in family medicine.

3. The Board initiated an investigation of the Respondent after receiving an email from the Respondent on April 11, 2019 reporting that she had written multiple prescriptions for controlled dangerous substances (“CDS”) to two family members (“Family Member 1,” and “Family Member 2”). In her email the Respondent admitted that prescribing medications for family members was unethical and wrong.

4. As part of its investigation, the Board issued multiple subpoenas for records related to the Respondent’s prescriptions for CDS and prescription-only medications for family members. The Board also issued subpoenas to the Respondent’s current and former employers, to the Prescription Drug Monitoring Program (“PDMP”) for the period May 1, 2018 through May 14, 2019, and to a pharmacy.

5. The Board’s investigation determined that the Respondent wrote sixty-five

¹ To maintain confidentiality, the names of all witnesses, facilities, employees and patients will not be identified in this Consent Order.

(65) prescriptions to Family Member 1 of which at least eleven (11) prescriptions were for CDS; forty-seven (47) prescriptions to Family Member 2, two (2) of which two were for CDS; and one (1) prescription for CDS to Family Member 3. The prescription written to Family Member 3 was intended to be given to Family Member 2.

6. The Board issued a subpoena for the medical records the Respondent maintained with respect to Family Members 1, 2, and 3. The Board received only one office visit note that documents that she saw Family Member 1. The Respondent did not have a medical record for her treatment of Family Members 2 or 3.

7. Board staff conducted an under-oath interview of the Respondent on July 18, 2019. During the interview, the Respondent confirmed that she had written multiple prescriptions to Family Members 1 and 2 and admitted that she prescribed CDS for Family Member 3. The Respondent testified that a pharmacist refused to fill the prescription for Family Member 3 over concerns that she was prescribing for a family member and contacted her employer. Her employer recommended that she self-report to the Board that she had prescribed to family members.

8. The Board referred this matter for review to a board-certified medical consultant (the "Medical Consultant"). The Medical Consultant concluded that the Respondent's prescribing of medication, including CDS, to family members constitutes unprofessional conduct in the practice of medicine. The Medical Consultant further opined that the Respondent practiced and prescribed outside of her area of expertise and wrote a fraudulent prescription in writing a prescription to Family Member 3 that was intended for Family Member 2.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent engaged in unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii).

ORDER

It is, thus by Disciplinary Panel A of the Board, hereby:

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

ORDERED that the Respondent is placed on **PROBATION** for a **minimum of ONE (1) YEAR.**² During probation, the Respondent shall comply with the following terms and conditions of probation:

- (1) **Within six (6) months**, the Respondent shall pay a civil fine of **ONE THOUSAND DOLLARS (\$1,000)**. 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
- (2) **Within six (6) months**, the Respondent is required to take and successfully complete a course in ethics. 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 disciplinary panel will accept a course taken in person or over the internet during the state of emergency;
 - (c) the Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the course;
 - (d) the course 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 course; and

² If the Respondent's license expires during the period of probation, the probation and any conditions will be tolled.

(3) The disciplinary panel may issue administrative subpoenas to the Maryland Prescription Drug Monitoring Program on a quarterly basis for the Respondent's CDS prescriptions. The administrative subpoenas will request the Respondent's CDS prescriptions from the beginning of each quarter; and it is further

ORDERED that a violation of probation constitutes a violation of this Consent Order; and it is further

ORDERED that, after the Respondent has complied with all terms and conditions of probation and the minimum period of probation imposed by the Consent Order has passed, 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 or her 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

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).

01/15/2021
Date

Signature on File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Anne Elizabeth Sugden, 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

12-31-2020
Date

Anne Elizabeth Sugden, M.D.
License No. D45560


NOTARY

STATE OF Maryland

CITY / COUNTY OF Anne Arundel

I **HEREBY CERTIFY** that on this 31 day of December 2020, before me, a Notary Public of the foregoing State and City/County, personally appeared Anne Elizabeth Sugden, M.D., and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.



Notary Public

My Commission expires: 12/13/2022

CLAIRE ANN KINARD
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires December 13, 2022

