

**Shastine Abate, M.D.**

Date: 11/5/2019

Arun Bhandari, Chair  
Disciplinary Panel A  
Maryland State Board of Physicians  
4201 Patterson Avenue, 4<sup>th</sup> Floor  
Baltimore, MD 21215-2299

Re: Surrender of License to Practice Medicine  
Shastine Abate, M.D. License Number: D50296  
Case Number: 7719-0086

Dear Dr. Bhandari and Members of the Disciplinary Panel A,

Please be advised that, pursuant to Md. Code Ann., Health Occ. ("Health Occ.") §14-403 (2014 Repl. Vol. & 2017 Supp.), I have decided to **SURRENDER** my license to practice medicine in the State of Maryland, License Number D50296, effective December 31, 2019. I understand that upon surrender of my license, I may not give medical advice or treatment to any individual, with or without compensation, and cannot prescribe medications or otherwise engage in the practice of medicine in the State of Maryland as it is defined in the Maryland Medical Practice Act (the "Act"), Health Occ. §§ 14-101 *et seq.* and other applicable laws. In other words, as of the effective date of this Letter of Surrender, I understand that the surrender of my license means that I am in the same position as an unlicensed individual in the State of Maryland.

I understand that this Letter of Surrender is a **PUBLIC DOCUMENT**, and upon Disciplinary Panel A's ("Panel A") acceptance, becomes a **FINAL ORDER** of Panel A of the Maryland State Board of Physicians (the "Board").

I acknowledge that the Board initiated an investigation of my practice and on January 3, 2019, Panel A issued disciplinary charges against me under Health Occ. § 14-404(a)(3)(ii). Specifically, Panel A alleged that I failed to properly secure my medical office and that I dismissed the Complainant and her family members as patients because of her complaint to the Board. I resolved the disciplinary charges through entering into a Consent Order with Panel A, dated March 26, 2019 (the "Consent Order"), in which Panel A found that I violated Health Occ. § 14-404(a)(3)(ii) (unprofessional conduct in the practice of medicine). Pursuant to the Consent Order, I was reprimanded and placed on probation for a minimum of one (1) year with certain terms and conditions including that I successfully complete a course in appropriate physician-patient relations. A copy of the Consent Order is attached and incorporated herein as Attachment 1.

I have decided to surrender my license to practice medicine in the State of Maryland because I no longer wish to comply with the terms of the Consent Order, including taking a course in appropriate physician-patient relations, and due to my

Arun Bhandari, M.D. and Members of Disciplinary Panel A

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Letter of Surrender

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planned retirement. I acknowledge that the Consent Order remains and will continue to be a valid Final Order of the Board, however, upon acceptance of the Letter of Surrender, I will not be required to comply with the conditions of the Consent Order as long as I do not have or possess a medical license in Maryland.

I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender to avoid prosecution for violating the Consent Order. I acknowledge that if this case proceeded to a hearing, the State would be able to prove that I violated the Consent Order by a preponderance of the evidence and that such charges shall be treated as proven.

I understand that by executing this Letter of Surrender I am waiving my right to a hearing to contest any charges related to my violation of the Consent Order. In waiving my right to contest the charges, I am also waiving the right to be represented by counsel at the hearing, to confront witnesses, to give testimony, to call witnesses on my own behalf, and all other substantive and procedural protections provided by law, including the right to appeal to a circuit court.

I understand that the Board will advise the Federation of State Medical Boards and the National Practitioner Data Bank of this Letter of Surrender. I also understand that in the event I would apply for licensure in any form in any other state or jurisdiction that this Letter of Surrender may be released or published by the Board to the same extent as a final order that would result from disciplinary action, pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014), and that this Letter of Surrender constitutes a disciplinary action by Panel A.

I affirm that I will provide access to and copies of patient medical records in compliance with Title 4, subtitle 3 of the Health General article.

I further recognize and agree that by submitting this Letter of Surrender, my license will remain surrendered unless and until the Board grants reinstatement. In the event that I apply for reinstatement of my Maryland License, I understand that Panel A or its successor is not required to grant reinstatement; and, if it does grant reinstatement, may impose terms and conditions in conformity with or in addition to those set forth in the Consent Order. I further understand that if I ever file a petition for reinstatement, I will approach Panel A or its successor in the same position as an individual whose license has been revoked.

I acknowledge that I may not rescind this Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have been advised of my right to be represented by an attorney of my choice throughout proceedings before Panel A, including the right to counsel with an attorney prior to signing this Letter of Surrender. I have knowingly and willfully waived my right to be represented by an attorney before signing this letter surrendering my license to practice medicine in Maryland. I understand both the nature of Panel A's actions and this Letter of Surrender

Arun Bhandari, M.D. and Members of Disciplinary Panel A

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fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Letter of Surrender. I make this decision knowingly and voluntarily.

Very truly yours,

***Signature on File***

**NOTARY**

STATE OF Maryland  
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 27<sup>th</sup> day of October, 2019 before me, a Notary Public of the City/County aforesaid, personally appeared Shastine Abate, M.D., and declared and affirmed under the penalties of perjury that the signing of this Letter of Surrender was his voluntary act and deed.

AS WITNESS my hand and Notarial seal.

MICHELLE R. RAINES  
NOTARY PUBLIC / ID# 143163  
BALTIMORE, MARYLAND  
MY COMMISSION EXPIRES:  
APRIL 5, 2023

Michelle R. Raines  
Notary Public

My commission expires: 04/05/2023

**ACCEPTANCE**

On behalf of Disciplinary Panel A, on this 5<sup>th</sup> day of November, 2019, I, Christine A. Farrelly, accept Shastine Abate, M.D.'s **PUBLIC SURRENDER** of her license to practice medicine in the State of Maryland.

***Signature on File***

Christine A. Farrelly, Executive Director  
Maryland Board of Physicians

# ATTACHMENT 1

IN THE MATTER OF  
SHASTINE ABATE, M.D.

Respondent

License Number: D50296

\* BEFORE THE  
\* MARYLAND STATE  
\* BOARD OF PHYSICIANS  
\* Case Numbers: 2219-0007A  
2219-0029A

\* \* \* \* \*

### CONSENT ORDER

#### PROCEDURAL BACKGROUND

On January 3, 2019, Disciplinary Panel A ("Panel A") of the Maryland State Board of Physicians (the "Board") charged SHASTINE ABATE, M.D. (the "Respondent"), License Number D50296, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-101 *et seq.* (2014 Repl. Vol. and 2017 Supp).

Panel A charged the Respondent with violating the following provision of the Act under Health Occ. § 14-404:

(a) *In general.* -- 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 March 13, 2019, a hearing was held before Panel A, sitting as a Disciplinary Committee for Case Resolution. As a result of negotiations occurring before Panel A, the

Respondent agreed to enter into the following Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order, Consent and Notary.

### **FINDINGS OF FACT**

Panel A makes the following Findings of Fact:

#### **I. BACKGROUND**

1. At all times relevant hereto, the Respondent was and is a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on April 1, 1996, under License Number D50296. The Respondent's Maryland medical license is active through September 30, 2020.

2. The Respondent is not currently board-certified in any medical specialty<sup>1</sup> and at all times relevant to the charges, maintained a medical office located at 7004 Security Boulevard, Suite 101, Baltimore, Maryland 21244.

#### **II. COMPLAINTS**

3. The Board initiated an investigation of the Respondent after reviewing a complaint, dated May 9, 2018, from the mother (the "Complainant") of a patient (the "Patient") who went to the Respondent's office on May 9, 2018, at about 11:40 a.m. for an unscheduled medical office visit. When arriving at the Respondent's office, the Patient found that the office was open but that there were no office staff persons or other individuals present there. The Patient telephoned the Complainant, who instructed her to wait in the office until office staff returned. After an additional period of time elapsed and

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<sup>1</sup> The Respondent was formerly board-certified in internal medicine, but her certification expired in 2015. The Respondent was formerly board-certified in infectious diseases, but her certification expired in 2008.

staff did not appear, the Patient again called the Complainant for advice on what to do. The Complainant instructed the Patient to call the police "because every inch of patient information is exposed and at risk of HIPAA violations, identity theft, etc." The Patient contacted the Baltimore County Police Department, which dispatched a patrol officer to the scene. The Board investigated this complaint under Case Number 2219-0007A.

4. While the Board was investigating the above complaint, the Complainant submitted a second complaint against the Respondent, dated September 4, 2018. In this complaint, the Complainant alleged that on August 30, 2018, she telephoned the Respondent's office to request a same-day appointment for a medical issue. The Complainant spoke to an office staff person, who placed the Complainant on the schedule for an office visit for that day. The Complainant reported that prior to going to the Respondent's office for the visit, the staff member telephoned her, canceled the visit, and informed her that the Respondent would no longer treat her or her family members. The Complainant stated that when she asked why the Respondent was terminating their professional relationship, the staff person stated that the Respondent told her to tell the Complainant to "call the Maryland Board of Physicians and ask them why." The Board investigated this complaint under Case Number 2219-0029A.

### **III. BOARD INVESTIGATION**

5. The Board obtained a report from the Baltimore County Police Department about the Respondent's office being unattended on May 9, 2018. This report stated that a Baltimore County Police Department patrol officer was dispatched to the Respondent's office in response to the call for police on May 9, 2018. The patrol officer's report stated



that he arrived at the Respondent's office at 12:19 p.m. and searched the location. The patrol officer found that the office was unlocked and that there were no employees inside the office. The patrol officer did not find any notes or postings stating that the office would be closed or empty. The patrol officer reported that he encountered the Patient, who was upset because of her belief that her folder and other patient folders containing sensitive information could have been stolen. The patrol officer further reported that he contacted the Respondent's call service in attempts to reach her, but the call service advised that she did not answer her phone and it had left multiple messages for the Respondent. The patrol officer contacted the building supervisor who secured the Respondent's office.

6. Pursuant to the Board's investigation, Board staff conducted an unannounced site inspection of the Respondent's medical office on June 15, 2018. Board staff initiated its inspection before the start of the Respondent's work day. Board staff observed that in one examination room, the hazardous waste trash receptacle was halfway filled, and a trashcan was full. An office staff person who accompanied Board staff to the examination room tore off the examination bed paper, indicating that the office had not been cleaned after the end of the previous day. Board staff inspected a second examination room and observed that "trash was overflowing." Board staff inspected a locked closet that contained sample medications, the majority of which were expired. Some of the medications expired as far back as 2007. Board staff inspected another room that contained three refrigerators. A padlocked refrigerator contained expired insulin and vaccines within, some of which were labeled from 2007. Board staff inspected another refrigerator that appeared not to be functioning, which had frozen specimen containers that contained liquid. This refrigerator



contained mold and did not appear to be generating any cold air. Board staff inspected what appeared to be the Respondent's office and observed a large pill vial that contained large pills. The pill label on the vial indicated that a controlled dangerous substance was inside the vial or had been stored inside the vial. The vial was in plain view on the top of the desk inside the unlocked office. Next to the vial were other medications that were called "Atripla." Atripla is a prescription-only medication used to treat HIV. Board staff questioned the Respondent about this medication. The Respondent stated that the medication was for an HIV patient whom she was treating.

7. Board staff observed and photographed expired medications including: Lyrica (a prescription-only medication for nerve pain); Pulmicort Flexhaler (a bronchodilator); Cymbalta (a prescription-only anti-depressant); Qnasl (a nasal aerosol); Diclofenac (a prescription-only pain reliever); Tresiba (a long-acting form of insulin); Merck virus vaccine (2007); Qvar (an asthma medication); Detrol LA (a prescription-only medication to treat overactive bladder symptoms); and Anoro and Ellipta (prescription-only medications used to treat chronic obstructive pulmonary disease). Board staff also photographed paper patient records that were housed in the receptionists' work station, which was unsecured.

8. By letter dated July 3, 2018, the Board requested that the Respondent provide a response to the allegations raised in the Complainant's May 9, 2018, complaint, and to the findings Board staff made during their June 15, 2018, inspection of her office, where they found large amounts of expired sample medications and an unlabeled, unidentified vial of medication on the Respondent's desk in an unlocked, unsecured area.

9. The Respondent provided a response by electronic mail, dated August 4, 2018. The Respondent acknowledged that her office was left unattended on May 9, 2018, and that although she now used electronic health records since 2011, she kept some paper charts in the office. The Respondent further acknowledged that she kept expired medications in her office. The Respondent also stated that she is now storing the medication Board staff observed in her office in a locked cabinet.

10. Board staff interviewed the Respondent's office staff about both of the above complaints. One staff member acknowledged that she "could have accidentally left the door unlocked" upon her departure from the office on May 9, 2018. A second staff person, who was questioned about the Respondent's termination of her professional relationship with the Complainant and her family, confirmed that the Respondent instructed her to tell the Complainant to contact the Board to find out why she had terminated her as a patient.

11. Board staff interviewed the Respondent about both of the above complaints. The Respondent acknowledged that her office staff left her office unattended on May 9, 2018, and further acknowledged that her comments to the Complainant when canceling her appointment on August 30, 2018, were not appropriate.

12. The Respondent's actions, as set forth above, constitute unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii), for reasons including: her failure to secure her medical office and medical charts on May 9, 2018; her failure to dispose of very old medications; her failure to keep medications stored in a secure manner; her maintenance of an unclean office environment; and the manner of her termination of her professional relationship with the Complainant and her family.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A finds as a matter of law that the Respondent violated Health Occ. § 14-404(a)(3), Is guilty of: (ii) Unprofessional conduct in the practice of medicine.

### 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.**<sup>2</sup> During probation, the Respondent shall comply with the following terms and conditions of probation:

1. Within **SIX (6) MONTHS** of the effective date of this Consent Order, the Respondent is required to take and successfully complete a course in **appropriate physician-patient relations**. 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 not accept a course taken over the internet;

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

- (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; and
- (e) the Respondent is responsible for the cost of the course.

2. The Respondent shall be subject to periodic unannounced site inspection visits, to ensure that her office is being maintained in a clean, orderly and safe condition. The Respondent shall at all times cooperate with Board staff or its agents in conducting the inspection(s). The Respondent understands and agrees that if Board staff's inspection determines that her office is not maintained in a clean, orderly and safe condition, such acts shall constitute a violation of this Consent Order.

3. Within **THIRTY (30) DAYS of the effective date of this Consent Order**, the Respondent shall submit a written action plan (the "Action Plan") to the Panel that will set forth written policies and procedures that she will implement in her office to ensure that: (a) the office is appropriately staffed and secured at all times and (b) expired medications are disposed of in a timely manner. Upon Panel approval, the Respondent shall forthwith provide the written Action Plan to all employees and require them to execute written affidavits that they have read and will follow the requirements that are set forth in the Action Plan. The Respondent will keep the affidavits on file at her office and upon Board request, shall provide them to the Board for verification purposes.

4. The Respondent shall not apply for early termination of probation.

5. A violation of probation constitutes a violation of this Consent Order.

6. The Respondent shall comply with the Maryland Medical Practice Act, Md. Code Ann., Health Occ. §§ 14-101—14-702, and all federal and state laws and regulations governing the practice of medicine in Maryland.

**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 after the Respondent has complied with all terms and conditions of probation, and the minimum period of **ONE (1) YEAR** of probation imposed by the Consent Order has passed, the Respondent may submit a written petition to the panel

requesting termination of probation. The Respondent may be required to appear before the disciplinary panel to discuss r her petition for termination. After consideration of the petition, the probation may be terminated through an order of the disciplinary panel. 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 if there are no pending complaints relating to the charges; 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 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 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).

03/26/2019  
Date

***Signature on File***

Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians

**CONSENT**

I, Shastine Abate, M.D., assert that I am aware of my right to consult with and be represented by counsel in considering this Consent Order and in any proceedings that would otherwise result from the charges currently pending. 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 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 understands the language and meaning of its terms.



03/22/2019  
Date

## Signature on File

Shastine Abate, M.D.  
Respondent

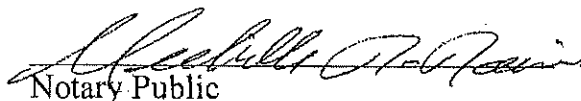
### NOTARY

STATE OF Maryland  
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 22<sup>nd</sup> day of March 2019, before me, a Notary Public of the foregoing State and City/County, personally appeared Shastine Abate, 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.

MICHELLE R. RAINES  
NOTARY PUBLIC / ID# 143163  
BALTIMORE, MARYLAND  
MY COMMISSION EXPIRES:  
APRIL 5, 2023

  
Notary Public

My Commission expires: 04/05/2023