

IN THE MATTER OF

*

BEFORE THE

EDWARD J. ARRISON, M.D.

*

MARYLAND STATE

Respondent

*

BOARD OF PHYSICIANS

License Number: D50993

*

Case Numbers: 2221-0007A

* * * * *

CONSENT ORDER

On August 25, 2020, Disciplinary Panel A ("Panel A") of the Maryland State Board of Physicians (the "Board") charged **EDWARD J. ARRISON, M.D.** (the "Respondent"), License Number D50993, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.).

The pertinent provisions of the Act under Health Occ. § 14-404(a) provide as follows:

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

(a) *In general.* Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel of the Board, 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;

(4) Is professionally, physically, or mentally incompetent;

. . .

(7) Habitually is intoxicated;

- (9) Provides professional services: (i) While under the influence of alcohol;
...
- (11) Willfully makes or files a false report or record in the practice of medicine; [and]
...
- (36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine[.]

On November 4, 2020, Panel A was convened a Disciplinary Committee for Case Resolution ("DCCR") in this matter. Based on negotiations occurring as a result of the 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:

I. BACKGROUND

1. At all times relevant to these charges, 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 August 8, 1996, under License Number D50993. The Respondent's license is current through September 30, 2022.

2. The Respondent is board-certified in anesthesiology.

3. At all times relevant to these charges, the Respondent was employed as a staff anesthesiologist at a health care facility (the "Facility")¹ that is located in Baltimore County, Maryland.

II. PRIOR DISCIPLINARY HISTORY

2007 Consent Order

4. On April 5, 2007, the Board issued disciplinary charges against the Respondent, alleging that he violated a Disposition Agreement he entered into with the Board, dated July 31, 2003 (the "2003 Disposition Agreement");² and violated disciplinary provisions under the Act.

5. The Respondent resolved these charges by entering into a Consent Order, dated July 25, 2007, in which the Board found as a matter of law that the Respondent violated the 2003 Disposition Agreement and violated the following provisions of the Act: Health Occ. 14-404(a)(3), Is guilty of immoral or unprofessional conduct in the practice of medicine;³ and Health Occ. 14-404(a)(7), Habitually is intoxicated.⁴

6. Pursuant to the 2007 Consent Order, the Board reprimanded the Respondent and placed him on probation for a minimum of five years, subject to probationary

¹ The name of the Facility or any Facility staff persons are confidential will not be disclosed in this Consent Order. The Respondent is aware of the name of the Facility and Facility staff persons referenced herein.

² For confidentiality reasons, the subject matter of the 2003 Disposition Agreement will not be disclosed in this Consent Order. The Respondent is aware of the contents of the 2003 Disposition Agreement.

³ Health Occ. § 14-404(a)(3) has since been recodified without substantive change.

⁴ In its Findings of Fact, the Board also found that the Respondent provided professional services while under the influence of alcohol, in violation of Health Occ. § 14-404(a)(9)(i).

conditions, including that he: enroll in a Board-approved program (the “Program”)⁵ and cooperate and comply with all of the Program’s recommendations and requirements; and provide a copy of the 2007 Consent Order to all present and future employers.

7. On January 13, 2014, the Board issued an *Order Terminating Probation*, in which it terminated the probation it imposed under the 2007 Consent Order.

8. The Board reviewed the findings of the 2003 Disposition Agreement and 2007 Consent Order as part of its investigation.

2013 Consent Order

9. On August 19, 2013, the Board issued disciplinary charges against the Respondent, alleging that he violated disciplinary provisions under the Act. These charges alleged that the Respondent failed to meet quality medical standards and failed to keep adequate medical records when providing pain management treatment to patients, which included prescribing controlled dangerous substances (“CDS”).

10. The Respondent resolved these charges by entering into a Consent Order, dated November 7, 2013, in which the Board found as a matter of law that the Respondent violated the following provisions of the Act: Health Oec. § 14-404(a)(22), Fails to meet appropriate standards for the delivery of quality medical and surgical care performed in an outpatient surgical center, office, hospital, or any other location in this State; and Health

⁵ For confidentiality reasons, the identity of the Board-approved Program will not be disclosed in this Consent Order. The Respondent is aware of the name of the Program.

Occ. § 14-404(a)(40), Fails to keep adequate medical records as determined by appropriate peer review.

11. Pursuant to the Consent Order, the Board reprimanded the Respondent and as a permanent condition of licensure, ordered him not to practice pain management.⁶

III. CURRENT INVESTIGATIVE ALLEGATIONS

Mandated 10-Day Report

12. The Board initiated an investigation of the Respondent after reviewing a Mandated 10-Day Report from the Facility, which it received on July 14, 2020. The Facility reported that the Respondent, while providing anesthesia services to patients at the Facility on July 2, 2020, “demonstrated behavior suspicious of impairment.” The Facility stated that after the Respondent exhibited this behavior, it removed him from patient care and referred him for blood alcohol testing, which was positive for alcohol. The Facility reported that on July 9, 2020, the Respondent submitted his resignation from his position at the Facility.

Quality Assurance/Risk Management file

13. In furtherance of the investigation, Board staff obtained the Quality Assurance/Risk Management file the Facility maintained on the Respondent. The file noted the Respondent’s toxicology findings from July 2, 2020. The Board reviewed these findings as part of its investigation.⁷

⁶ The Consent Order did permit the Respondent to order, prescribe and administer CDS, but only as part of his practice of anesthesiology, and only perioperatively.

⁷ For confidentiality reasons, the test findings will not be disclosed in this Consent Order.

Interviews of Facility health care providers

14. The Board also interviewed two health care providers who were on duty at the Facility and interacted with the Respondent on that date: The Facility's manager on that date, a registered nurse (the "Manager"); and the Facility's owner and medical director, a physician (the "Medical Director").

15. The Medical Director stated that on July 2, 2020, he was scheduled to perform 14 procedures with the Respondent, who was to provide anesthesia to the patients undergoing the procedures. The Medical Director stated that after he and the Respondent finished a number of procedures together where the Respondent provided anesthesia services, he observed that the Respondent seemed "a little off," noticed him "slurring of a word . . . here or there," "acting very slow" and exhibiting other "bizarre behaviors." The Medical Director stated that after the third procedure, he found the Respondent to be "altered." The Medical Director stated that he approached the Manager about his concerns and together, they confronted the Respondent, who claimed that he "had some drinks the night before." The Medical Director stated that when he directed the Respondent to go for testing, the Respondent delayed going for a couple of hours, "dragging his feet."

16. The Manager stated that on the morning of July 2, 2020, a recovery room nurse brought her an incomplete anesthesia sheet from a case the Respondent had done at around 7:30 a.m., after which the Manager spoke to the Medical Director because of concerns about the Respondent. The Manager stated that the Medical Director stated that the Respondent was "not himself . . . [h]e seems to be fumbling around looking for things in the anesthesia cart. It was something that was plain in sight." The Manager stated that

she and the Medical Director then confronted the Respondent and asked him if he was ill and wanted to go home. In response, the Respondent stated that he was fine but later admitted that “he did have a few drinks last night” and was concerned that he would lose his job. The Manager stated that she then relieved the Respondent of his duties and escorted him to a laboratory for blood alcohol testing. The Manager stated that she instructed the Respondent to call her after testing so that she could pick him up and take him home, but the Respondent never called her and she was later told that the Respondent’s vehicle was no longer on the Facility’s lot.

Facility Procedure Records

17. Board staff obtained Facility records for procedures performed on July 2, 2020 and determined that the Respondent provided anesthesia services to six patients during procedures, after which Facility staff confronted him about his impairment.

Respondent’s August 4, 2020, letter

18. In a letter dated July 23, 2020, Board staff requested that the Respondent provide a response to the assertion in the Report that he resigned from the Facility after he demonstrated behavior suspicious of impairment.

19. The Respondent, through legal counsel, submitted a response to the Board dated August 4, 2020, in which he provided information regarding the events that occurred at the Facility on July 2, 2020, and his current treatment status. The Respondent acknowledged that on July 2, 2020, he arrived at the Facility where a staff member, believing him to have been drinking alcohol, questioned him. The Respondent responded to the staff member by stating that he had been drinking before coming to work at the

Facility. The Respondent stated that at that point, Facility personnel requested that he leave the Facility and undergo blood alcohol testing and that he complied with this request.

20. The Respondent further acknowledged that he is “cognizant that he has had alcohol abuse problems in the past that affected his personal and professional practice,” and also acknowledged that beginning on July 14, 2020, he enrolled in in-patient treatment. The Respondent stated that as of the date of the letter, he is still enrolled.

Respondent’s 2020 Renewal Application

21. On August 4, 2020, the Respondent completed his 2020 license renewal application (the “Application”) and electronically submitted it to the Board. In the section of the Application designated “Character and Fitness Questions,” the Board required the Respondent to answer “YES” or “NO” to a series of questions for the period since July 1, 2018 and to provide written explanations for all “YES” responses.

22. The Respondent answered “YES” to Question 3, which states: *Has any licensing or disciplinary board in any jurisdiction a comparable body in the armed services or the Veterans Administration, ever filed any complaints or charges against you or investigated you for any reason?*

23. The Respondent stated, “I am currently under investigation for suspected impairment.”

24. The Respondent, however, answered “NO” to Question 10, which states: *Do you have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a physical, mental, emotional, or nervous disorder, or condition) that in*

any way effects your ability to practice your profession in a safe, competent, ethical, and professional manner?

25. At the conclusion of the application, the Respondent certified that he personally reviewed all responses to the items in the application and that the information he provided was true and accurate to the best of his knowledge.

26. The Board's investigation determined that the Respondent failed to provide true and accurate responses on his 2020 Renewal Application.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes that the Respondent violated the following provisions of Health Occ. § 14-404(a): (3) Is guilty of: (ii) Unprofessional conduct in the practice of medicine; (4) Is professionally, physically, or mentally incompetent; (7) Habitually is intoxicated; (9) Provides professional services: (i) While under the influence of alcohol; (11) Willfully makes or files a false report or record in the practice of medicine; and (36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine.

ORDER

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

ORDERED, that upon the effective date of this Consent Order, the Order for Summary Suspension, dated August 25, 2020, is **TERMINATED**; and it is further

ORDERED, that upon the effective date of this Consent Order, the Respondent's license to practice medicine is **SUSPENDED** for a minimum period of **ONE (1) YEAR**⁸; and it is further

ORDERED, that during the suspension, the Respondent shall comply with the following terms and conditions of the suspension:

(1) During the suspension period, the Respondent shall not:

- (a) practice medicine;
- (b) take any actions after the effective date of this Consent Order to hold himself out to the public as a current provider of medical services;
- (c) authorize, allow or condone the use of the Respondent's name or provider number by any health care practice or any other licensee or health care provider;
- (d) function as a peer reviewer for the Board or for any hospital or other medical care facility in the state;
- (e) prescribe or dispense medications;
- (f) perform any other act that requires an active medical license.

(2) The Respondent shall establish and implement a procedure by which the Respondent's patients may obtain their medical records without undue burden and notify all patients of that procedure.

(3) The Respondent shall enroll in the Maryland Professional Rehabilitation Program ("MPRP") as follows:

⁸ If the Respondent's license expires during the period of suspension, the suspension and any conditions will be tolled.

- (a) Within **FIVE (5) BUSINESS DAYS** of the effective date of this Consent Order, the Respondent shall contact MPRP to schedule an initial consultation for enrollment;
- (b) Within **FIFTEEN (15) BUSINESS DAYS** of the effective date of this Consent Order, the Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;
- (c) The Respondent shall fully and timely cooperate and comply with all MPRP referrals, rules, and requirements, including, but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered with MPRP, and shall fully participate and comply with all evaluations, screenings, therapy and treatment, as directed by MPRP;
- (d) The Respondent shall sign and update the written release/consent forms requested by the Board and MPRP, including release/consent forms to authorize MPRP to make verbal and written disclosures to the Board and to authorize the Board to disclose relevant information from MPRP records and files in a public order. A failure to, or withdrawal of, consent, is a violation of this Consent Order;
- (e) The Respondent shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of the Respondent's current therapists and treatment providers) verbal and written information concerning the Respondent and to ensure that MPRP is authorized to receive the medical records of the Respondent, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. The Respondent shall not withdraw his consent.
- (f) The Respondent's failure to comply with any of the above terms and conditions, including terms or conditions of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) constitutes a violation of this Consent Order; and it is further

ORDERED, that within **TWO (2) YEARS** of the effective date of this Consent Order, the Respondent shall pay a civil fine of **TEN THOUSAND DOLLARS (\$10,000)**.

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 it is further

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

ORDERED, that after the minimum period of suspension imposed by the Consent Order has passed and the Respondent has fully and satisfactorily complied with all terms and conditions of the suspension, and MPRP finds, and notifies the disciplinary panel that the Respondent is safe to return to the practice of medicine, the Respondent may submit a written petition to the disciplinary panel for termination of suspension. The Respondent may be required to appear before the disciplinary panel to discuss his petition for termination. If the disciplinary panel determines that it is safe for the Respondent to return to the practice of medicine, the suspension will be terminated through an order of the disciplinary panel, and the disciplinary panel may impose any terms and conditions it deems appropriate on the Respondent's return to medical practice, including, but not limited to, probation, and/or continuation of the Respondent's enrollment in MPRP. If the disciplinary panel determines that it is not safe for the Respondent to return to the practice of medicine, the suspension shall be continued through an order of the disciplinary panel for a length of time determined by the disciplinary panel, and the disciplinary panel may impose any additional terms and conditions it deems appropriate; 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 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 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 this Consent Order is a public document. *See Health Occ.*

§§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6) (2014 & 2019 Supp.).

11/17/2020
Date

Signature on File

Christine A. Farrelly
Executive Director
Maryland Board of Physicians

CONSENT

I, Edward J. Arrison, 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

11/12/20
Date

Edward J. Arrison, M.D.

NOTARY

STATE OF Maryland

CITY / COUNTY OF Harford

I HEREBY CERTIFY that on this 12 day of NOV ^{HED}20~~19~~²⁰,
before me, a Notary Public of the foregoing State and City/County, personally appeared
Edward J. Arrison, M.D., and made oath in due form of law that signing the foregoing
Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Helen E. Dempsey
Notary Public

My Commission expires: 10/21/2023

HELEN E. DEMPSEY
NOTARY PUBLIC
HARFORD COUNTY
MARYLAND
My Commission Expires 10-21-2023