

IN THE MATTER OF
DIAA Y. MIKHAIL, M.D.

Respondent

License Number: D51883

*** BEFORE THE**
*** MARYLAND STATE**
*** BOARD OF PHYSICIANS**
*** Case Number: 7723-0006**

* * * * *

ORDER TERMINATING SUSPENSION AND IMPOSING PROBATION

On February 16, 2021, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged Diaan Y. Mikhail, M.D., (the “Respondent”) under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *est seq.* (2014 Repl. Vol. & 2019 Supp.).

Following an evidentiary hearing at the Office of Administrative Hearings and an exceptions hearing before Disciplinary Panel A (“Panel A”) of the Board, Panel A issued a Final Decision and Order on July 29, 2022 that concluded that the Respondent was guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii); made or filed a false report or record in the practice of medicine, in violation of Health Occ. § 14-404(a)(11); and violated provisions of this title, rule or regulations adopted by the Board, or State or federal laws pertaining to the practice of medicine, in violation of Health Occ. § 14-404(a)(43). Pursuant to the Final Decision and Order, the Respondent was reprimanded and his license to practice medicine in Maryland was suspended for five (5) business days commencing on the day after the effective date of the Final Decision and Order, and provided that, when the suspension of his license was terminated, he would be placed on probation for a minimum period of two (2) years with terms and conditions.

Five (5) business days have passed from July 29, 2022; it is thus herby;

ORDERED that the suspension imposed by the July 29, 2022 Final Decision and Order is **TERMINATED**; and it is further

ORDERED that the Respondent is hereby placed on probation for a minimum period of **TWO (2) YEARS**.¹ During the probationary period, the Respondent shall comply with the following probationary terms and conditions:

(1) Within **SIX (6) MONTHS**, the Respondent is required to take and successfully complete two courses: (1) medical recordkeeping and (2) professional 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 Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the courses;
- (c) The courses may not be used to fulfill the continuing medical education credits required for license renewal;
- (d) The Respondent is responsible for the cost of the courses;

(2) within **ONE (1) YEAR**, the Respondent shall pay a civil fine of **TEN THOUSAND (10,000) DOLLARS**. 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; it is further

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

¹ If the Respondent's license expires while he is on probation, the probation period and any probationary conditions will be tolled. COMAR 10.32.02.05C(3).

ORDERED that, after the Respondent has complied with all terms and conditions of probation and the minimum period of probation imposed by the Order Terminating Suspension and Imposing Probation 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 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 a violation of probation constitutes a violation of this Order; and it is further

ORDERED that the effective date of the Order is the date the Order is signed by the Executive Director of the Board or her designee. The Executive Director or her designee signs the Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Order; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Order; and it is further

ORDERED that, if the Respondent allegedly fails to comply with any term or condition imposed by this 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 Order, the disciplinary panel may reprimand the Respondent, place him on probation with appropriate terms and conditions, or suspend with appropriate terms and conditions, or revoke his 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 Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

08/06/2022
Date

Signature On File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians