

IN THE MATTER OF	*	BEFORE THE
TIKEE APARECE, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number D53081	*	Case Number: 2220-0220
* * * * *	* * * * *	

CONSENT ORDER

On September 28, 2021, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged **TIKEE APARECE, M.D.** (the “Respondent”), license number D53081, with violations of the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occupations (“Health Occ.”) §§ 14-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.).

Panel A charged the Respondent under the following provisions of the Act:

Health Occ. § 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, 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[.]

In addition, the American Medical Association (AMA) Code of Medical Ethics provides in relevant part:

1.2.1 Treating Self or Family

Treating oneself or a member of one's own family poses several challenges for physicians, including concerns about professional objectivity, patient autonomy, and informed consent.

When the patient is an immediate family member, the physician's personal feelings may unduly influence his or her professional medical judgment. Or the physician may fail to probe sensitive areas when taking the medical history or to perform intimate parts of the physical examination. Physicians may feel obligated to provide care for family members despite feeling uncomfortable doing so. They may also be inclined to treat problems that are beyond their expertise or training.

Similarly, patients may feel uncomfortable receiving care from a family member. A patient may be reluctant to disclose sensitive information or undergo an intimate examination when the physician is an immediate family member. This discomfort may particularly be the case when the patient is a minor child, who may not feel free to refuse care from a parent.

In general, physicians should not treat themselves or members of their own families. However, it may be acceptable to do so in limited circumstances:

(a) In emergency settings or isolated settings where there is no other qualified physician available. In such situations, physicians should not hesitate to treat themselves or family members until another physician becomes available.

(b) For short-term, minor problems.

When treating self or family members, physicians have a further responsibility to:

(c) Document treatment or care provided and convey relevant information to the patient's primary care physician.

(d) Recognize that if tensions develop in the professional relationship with a family member, perhaps as a result of a negative medical outcome, such difficulties may be carried over into the family member's personal relationship with the physician.

(e) Avoid providing sensitive or intimate care especially for a minor patient who is uncomfortable being treated by a family member.

(f) Recognize that family members may be reluctant to state their preference for another physician or decline a recommendation for fear of offending the physician.

On December 1, 2021, Panel A was convened as 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 this Consent Order, consisting of the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

Panel A finds:

I. BACKGROUND AND COMPLAINT

1. At all relevant times, the Respondent has been licensed to practice medicine in the State of Maryland.

2. On or about March 5, 2020, the Board received a complaint alleging that an individual (“Individual A”) was fraudulently using the Respondent’s DEA number to fraudulently prescribe prescription medications and obtain them from Maryland pharmacies.¹ In the course of investigating the complaint, the Board obtained information that the Respondent may have committed unprofessional conduct, as described below.

3. Based on the information obtained, the Board opened an investigation of the Respondent.

¹ For confidentiality and privacy purposes, the names of witnesses, patients, health care providers, health care facilities, and other institutions are not disclosed in this Consent Order.

II. BOARD INVESTIGATION

4. In furtherance of the investigation, the Board's investigators obtained relevant documents, including prescription records, and conducted an interview under oath with relevant witnesses, including the Respondent.

Interview with the Respondent

5. On or about November 24, 2020, the Board's investigator conducted an interview with the Respondent under oath. The Respondent stated she was aware that Individual A has used her DEA information to forge prescriptions and obtain prescription medication "for years." In 2020, the Respondent contacted pharmacies and advised them of the prescriptions being forged under her DEA number.

6. During the interview, the Board's investigator presented the Respondent with specific prescription records. Many of the prescriptions were forgeries. However, with regard to several of the prescriptions, the Respondent acknowledged that she had written prescriptions for a family member (Family Member A) for various medical conditions on at least the following dates:

- a. January 2, 2019
- b. April 26, 2019
- c. July 31, 2019
- d. August 24, 2019
- e. December 31, 2019
- f. February 5, 2020

7. The Respondent stated that she wrote these prescriptions because it was more convenient than having Family Member A see another physician.

8. The Respondent also acknowledged that she failed to document these prescriptions in any medical record, nor did she inform Family Member A's primary care physician.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent violated Health Occ. § 14-404(a)(3)(ii) by engaging in 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 this Consent Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

12/20/2021

Date

Signature on File

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

CONSENT

I, Tikee Aparece, 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

12/15/21
Date

Tikee Aparece, M.D.

Linda Ann Whitman
Notary Public
Baltimore County
Maryland
Commission Expires 04/11/2023



NOTARY

STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 15 day of December,

2021, before me, a Notary Public of the State and County aforesaid, personally appeared Tikee Aparece, M.D., and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Linda Ann Whitman
Notary Public
Baltimore County
Maryland
Commission Expires 04/11/2025 Linda Ann Whitman
Notary Public

My Commission Expires: _____