

IN THE MATTER OF	*	BEFORE THE MARYLAND
ALI EL-MOHANDES, M.D.	*	STATE BOARD OF
Respondent	*	PHYSICIANS
License Number: D59328	*	Case Number: 2220-0159 A

* * * * *

CONSENT ORDER

On June 10, 2020, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged **Ali El-Mohandes, M.D.** (the “Respondent”), License Number **D59328**, 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. provide the following:

§ 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

...

(43) Except for the licensure process described under Subtitle 3A of this title, violates any provision of this title, any rule or regulation adopted by the Board, or any state or federal law pertaining to the practice of medicine[.]

The pertinent provisions of the Board's regulations found in The Code of Maryland Regulations (COMAR) provide:

10.32.03.05 Delegation Agreements - Contents

A. Before a physician may delegate medical acts and before a physician assistant may perform medical acts, the physician assistant and primary supervising physician shall file with the Board:

- (1) A delegation agreement on the Board-approved form[.]

On September 9, 2020, Panel A was convened as a Disciplinary Committee on 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 the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

Panel A finds:

1. At all relevant times, the Respondent was and is licensed to practice medicine in the State of Maryland. The Board initially issued the Respondent a license to practice medicine in Maryland on August 16, 2002, under License Number D59328. His license is active through September 30, 2020. He is also licensed in Michigan, New Jersey and Pennsylvania.

2. The Respondent is board-certified in Anesthesiology with a subspecialty certification in Pain Medicine.

3. The Respondent is a physician at a pain management center (the “Center”)¹ practicing at two of the Center’s locations, in Cumberland, Maryland and Hagerstown, Maryland. The Respondent began his employment at the Center in 2002.

4. The Center’s pain management practice includes prescribing prescription medications, including Controlled Dangerous Substances (“CDS”), to patients.

I. The Complaint

5. On June 28, 2019, the Board received a complaint that alleged physicians and physician assistants at the Center’s Cumberland, Maryland location were engaging in improper and unlawful prescribing practices (the “Complaint”).

6. Specifically, the Complaint alleged the Respondent was supervising a physician assistant prescribing medications when the Respondent was not the primary supervising physician in the delegation agreement filed with the Board.²

II. Board Investigation

7. The Board opened an investigation into the Complaint. In furtherance of the investigation, the Board: subpoenaed records; reviewed delegation agreements; notified the Respondent of the Complaint and investigation; and requested a written response from the Respondent.

¹ The names of facilities and individuals in this document are confidential. The Respondent may obtain the names upon request to the Administrative Prosecutor.

² COMAR 10.32.03.05A provides that before a physician assistant may perform medical acts, the physician assistant and primary supervising physician shall file with the Board a delegation agreement on the Board-approved form. Pursuant to Health Occ. § 14-101, prescribing medications to a patient constitutes the practice of medicine. COMAR 10.32.03.08A further provides that a primary supervising physician may delegate to a physician assistant prescribing authority for prescription drugs, including CDS.

8. On July 15, 2019, the Board subpoenaed records of prescriptions written by the Center's physician assistants.

9. Prescription records revealed that the Respondent delegated prescribing authority, including the prescribing of CDS, to two physician assistants ("Physician Assistant 1" and "Physician Assistant 2") at the Center. The records showed that Physician Assistant 1 was regularly writing prescriptions under the Respondent's supervision from January 25, 2019 to May 16, 2019. The records also showed that Physician Assistant 2 was regularly writing prescriptions under the Respondent's supervision from February 4, 2019 to May 7, 2019.

10. The Board reviewed the delegation agreement on file for Physician Assistant 1.³ The agreement was between Physician Assistant 1 and a primary supervising physician other than the Respondent ("Supervising Physician 1").⁴

11. The Board also reviewed the delegation agreement on file for Physician Assistant 2. The agreement was between Physician Assistant 2 and a primary supervising physician other than the Respondent ("Supervising Physician 2").⁵

12. Neither delegation agreement identified the Respondent as the primary supervising physician or an alternate supervising physician.⁶

³ Subsequent to filing the delegation agreement with the Board, Physician Assistant 1 notified the Board on August 8, 2018 that she had legally changed her name.

⁴ The delegation agreement between Physician Assistant 1 and Supervising Physician 1 was approved by the Board on January 25, 2017.

⁵ The delegation agreement between Physician Assistant 2 and Supervising Physician 2 was approved by the Board on December 20, 2017.

⁶ COMAR 10.32.03.07B provides that an alternate supervising physician can temporarily accept supervisory responsibility when the supervising physician is unavailable. Health Occ. § 15-302(1)(2) states that if there is no designated alternate supervising physician or the designated alternate supervising

13. On July 26, 2019, the Board received an application for a delegation agreement between Physician Assistant 2 and the Respondent.

14. On July 29, 2019, the Board received an application for a delegation agreement between Physician Assistant 1 and the Respondent.

15. The instructions accompanying the Board-approved delegation agreement form state:

A [physician assistant] may begin working after the Board acknowledges receipt of the completed delegation agreement. The Board will send acknowledgements to the [physician assistant] and the [primary supervising physician] by email (emphasis in original)[.]

16. On July 31, 2019, the Board emailed the Respondent and Physician Assistant 2 and acknowledged receiving the delegation agreement between them.⁷

17. On July 30, 2019, the Board emailed the Respondent and Physician Assistant 1 and acknowledged receiving the delegation agreement between them.

18. On August 16, 2019, the Board subpoenaed the Center's employment records and discovered that Supervising Physician 1 terminated employment at the Center on December 31, 2018 and Supervising Physician 2 terminated employment at the Center on January 3, 2019.

physician does not agree to supervise the physician assistant, the physician assistant may not practice until the physician assistant receives approval of a new delegation agreement under § 15-302.1.

⁷ COMAR 10.32.03.06B states that the Board shall notify the primary supervising physician and the physician assistant of the Board's receipt of the delegation agreement and that upon receipt of a delegation agreement at the Board of Physicians, a physician may delegate and a physician assistant may perform delegated core medical acts.

19. The Board's investigation determined that the Respondent delegated prescribing authority to two physician assistants, Physician Assistant 1 and Physician Assistant 2, in the absence of filing delegation agreements with the Board. Physician assistants regularly prescribed medications under Respondent's supervision from January 25, 2019 to May 16, 2019, after the primary supervising physicians identified in the delegation agreements filed with the Board, Supervising Physician 1 and Supervising Physician 2, were no longer employed at the Center. In late July 2019, the Respondent filed delegation agreements with the Board with each of the physician assistants.

20. On October 31, 2019, the Board notified the Respondent of the Complaint and subsequent investigation and requested that the Respondent submit a written response.

21. On November 20, 2019 the Respondent submitted a written response to the Board, written by his attorney, stating:

Following the departures from [the Center] of the registered supervisory physicians for [Physician Assistant 1] and [Physician Assistant 2] (in December 2018 and January 2019, respectively), [the Respondent] began assuming supervisory responsibility over the work of both physician assistants pursuant to Md. Code Ann., Health Occ. §15-302(k) and COMAR 10.32.03.07. The supervisory relationships continued in this same form through July of 2019, when the lapse in each PA's delegation agreement documentation as to their appropriate supervising physicians was first detected by the Board[.]

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent violated COMAR 10.32.03.05, a regulation adopted by the Board, in violation of § 14-404(a)(43). The charge under Health Occ. § 14-404(a)(3)(ii) is dismissed.

ORDER

It is thus by Panel A hereby:

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

ORDERED that within six (6) months, the Respondent shall pay a civil fine of \$1,000.00. 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 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).

10/13/2020
Date

Signature on File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Ali El-Mohandes, 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

9.24.20
Date

Ali El-Mohandes, M.D.
Respondent

NOTARY

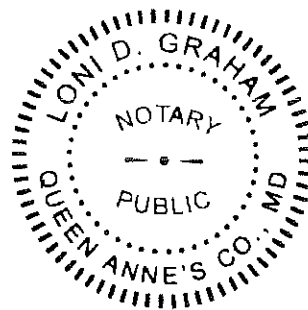
STATE OF Maryland

CITY/COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 29th day of September 2020,
before me, a Notary Public of the foregoing State and City/County, Ali El-Mohandes,
M.D., personally appeared 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.

Lonni D. Graham
Notary Public



My Commission expires: December 20, 2021