

IN THE MATTER OF
VABIAN L. PADEN, M.D.

Respondent

License Number: D60744

*** BEFORE THE**
*** MARYLAND STATE**
*** BOARD OF PHYSICIANS**
*** Case Number: 7720-0056**

* * * * *

TERMINATION ORDER

On December 12, 2019, Disciplinary Panel A (the “Panel”) of the Maryland State Board of Physicians (the “Board”) issued a Final Decision and Order, wherein the Panel found that Vabian L. Paden, M.D. (the “Respondent”), had failed to meet appropriate standards of care and keep adequate medical records as determined by appropriate peer review. Pursuant to the Final Decision and Order, the Respondent was reprimanded, placed on probation for a minimum of two (2) years, and was subject to various terms and conditions, including: (a) prohibition from prescribing and dispensing Controlled Dangerous Substances (“CDS”) except in emergency situations for a minimum of one (1) year and (b) successfully completing courses on opioid prescribing and medical documentation within six (6) months. The Final Decision and Order further stipulated that, after the prohibition on the Respondent’s ability to prescribe and dispense CDS is terminated, the Respondent shall be subject to supervision for a minimum of one (1) year by a Panel-approved supervisor who is board-certified in physical medicine and rehabilitation.

One (1) year has passed from the date of the Final Decision and Order and the Respondent has completed both of the required courses. It is thus hereby

ORDERED that the restriction on the Respondent’s ability to prescribe and dispense CDS is terminated; and it is further

ORDERED that the Respondent is still prohibited from certifying patients for the medical use of cannabis; and it is further

ORDERED that the reprimand remains in effect; and it is further

ORDERED that the **PROBATION** imposed by the Final Decision and Order dated December 12, 2019 remains in effect;¹ and it is further

ORDERED that the Respondent shall be subject to supervision for a minimum period of **ONE (1) YEAR**² by a disciplinary panel-approved supervisor who is board-certified in physical medicine and rehabilitation as follows:

- (a) The Respondent's proposed supervisor, to the best of the Respondent's knowledge, should not be an individual who is currently under investigation, and has not been disciplined by the Board within the past five (5) years;
- (b) The disciplinary panel, in its discretion, may accept the proposed supervisor or request that the Respondent submit a name and professional background, and written notice of confirmation from a different supervisor;
- (c) The supervision begins after the disciplinary panel approves the proposed supervisor;
- (d) The Respondent shall grant the supervisor access to patient records selected by the supervisor, which shall, to the extent practicable, focus on the type of treatment at issue in the Respondent's charges;
- (e) If the supervisor for any reason ceases to provide supervision, the Respondent shall immediately notify the Board and shall not practice medicine beyond the 30th day after

¹ If the Respondent's license expires during the period of probation, the probation and any condition will be tolled.

² If the Respondent is not practicing medicine, the supervision shall begin when the Respondent resumes the practice of medicine and the disciplinary panel has approved the proposed supervisor. The Respondent shall submit the name of a proposed supervisor at least 30 days before the Respondent returns to the practice of medicine and shall be subject to supervision by a disciplinary panel approved supervisor upon the return to the practice of medicine.

the supervisor has ceased to provide supervision and until the Respondent has submitted the name and professional background, and written notice of confirmation, from a proposed replacement supervisor to the disciplinary panel;

- (f) It shall be the Respondent's responsibility to ensure that the supervisor
- i. Reviews the records of ten (10) patients each month, such patient records to be chosen by the supervisor and not the Respondent;
 - ii. Meets in-person with the Respondent at least once each month and discusses in-person with the Respondent the care the Respondent has provided for these specific patients;
 - iii. Be available to the Respondent for consultations on any patient;
 - iv. Maintains the confidentiality of all medical records and patient information;
 - v. Provides the Board with quarterly reports which detail the quality of the Respondent's practice, any deficiencies, concerns, or needed improvements, as well as any measures that have been taken to improve patient care; and
 - vi. Immediately reports to the Board any indication that the Respondent may pose a substantial risk to patients.

(g) If the disciplinary panel, upon consideration of the supervisory reports and the Respondent's response, if any, has a reasonable basis to believe that the Respondent is not meeting the standard of quality care or failing to keep adequate medical records in his practice, the disciplinary panel may find a violation of probation after a hearing;

And it is further

ORDERED that the disciplinary panel may issue administrative subpoenas to the Maryland Drug Prescription Program on a quarterly basis for the Respondent's CDS prescriptions. The administrative subpoenas will request the Respondent's CDS prescriptions from the beginning of each quarter; and it is further

ORDERED that a violation of probation constitutes a violation of this Order; and it is further

ORDERED that, after the Respondent has complied with all terms and conditions of probation and the minimum period of probation imposed by the December 12, 2019 Final Decision and Order 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 probation. 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 this Termination Order goes into effect upon the signature of the Executive Director of the Board. The Executive Director signs the Termination Order on behalf of the Board Disciplinary Panel A; 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 an opportunity for a hearing. If a disciplinary panel determines there is a genuine dispute as to a material fact, the hearing shall be

before an Administrative Law Judge at the Office of Administrative Hearings follow by an exceptions process before a disciplinary panel; and if a 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 Termination 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 this Termination Order is a public document.

02/10/2021
Date

Signature on File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians