

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE MARYLAND</b>
<b>ROBERT E. SHAPIRO, M.D.</b>	*	<b>STATE BOARD OF</b>
<b>Respondent</b>	*	<b>PHYSICIANS</b>
<b>License Number: D67698</b>	*	<b>Case Number: 2221-0104</b>

\* \* \* \* \*

**CONSENT ORDER**

**PROCEDURAL BACKGROUND**

The Maryland Board of Physicians (the “Maryland Board”) received information that Robert E. Shapiro, M.D., (the “Respondent”) License Number D67698, was disciplined by the West Virginia Board of Medicine (the “West Virginia Board”). In an Order dated February 10, 2021, the West Virginia Board reprimanded the Respondent.

Based on the above referenced West Virginia Board sanction, the Maryland Board has grounds to charge the Respondent with violating the following provisions of the Maryland Medical Practice Act (the “Act”), under H. O. § 14-404(a):

- (a) 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:
  - (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veteran’s Administration for an act that would be grounds for disciplinary action under this section,

Disciplinary Panel B (“Panel B”) has determined that the acts for which the Respondent was disciplined in West Virginia would be grounds for disciplinary action

under H.O. § 14-404(a). The grounds for disciplinary action under H.O. § 14-404(a) are as follows:

- (3) Is guilty of:
  - (ii) Unprofessional conduct in the practice of medicine;
- (40) Fails to keep adequate medical records ....

Based on the action taken by the West Virginia Board, the Respondent agrees to enter into this Consent Order with Panel B, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order and Consent.

#### **FINDINGS OF FACT**

Panel B makes the following findings of fact:

1. At all times relevant hereto, the Respondent was a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed in Maryland on or about May 23 ,2008.
2. Following the Respondent's self-report of a potential violation of the professional conduct standards for physicians in West Virginia, the West Virginia Board reprimanded the Respondent based on his performing an elective medical procedure while prohibited from doing so pursuant to an Executive Order, improperly documenting the procedure in the patient's medical record and misleading clinic staff regarding the elective nature of the procedure.

A copy of the February 10, 2021 West Virginia Board Order is attached hereto.

#### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Respondent is subject to discipline under Health Occ. § 14-404(a)(21) for the

disciplinary action taken by the West Virginia Board against the Respondent for an act or acts that would be grounds for disciplinary action under Health Occ. §14-404(a)(3)(ii) and (40).

**ORDER**

It is, thus, by Panel B, hereby:

**ORDERED** that the Respondent be and is hereby **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).

04/06/2021  
Date

***Signature on File***

Christine A. Farrelly  
Executive Director  
Maryland Board of Physicians

**CONSENT**

I, Robert E. Shapiro, MD, acknowledge that I have consulted with legal 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

3/30/21  
Date

Robert E. Shapiro, MD  
Respondent

### NOTARY

STATE OF West Virginia

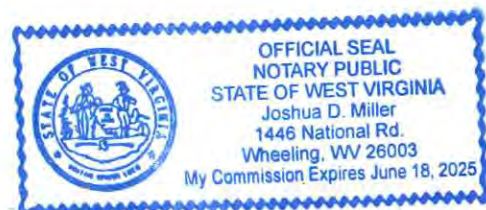
CITY/COUNTY OF OHIO

I HEREBY CERTIFY that on this 1st day of April, 2021, before me, a Notary Public of the State and City/County aforesaid, personally Robert E. Shapiro, MD, and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

[Signature]  
Notary Public

My Commission expires: June 18, 2025



**BEFORE THE WEST VIRGINIA BOARD OF MEDICINE**

**IN RE:**

**ROBERT EDWARD SHAPIRO, MD**

**Complaint No. 20-37-W**

**CONSENT ORDER**

The West Virginia Board of Medicine (the "Board") and Robert Edward Shapiro, MD ("Dr. Shapiro"), freely and voluntarily enter into the following Consent Order pursuant to West Virginia Code § 30-3-14, *et seq.*

**FINDINGS OF FACT**

The Board and Dr. Shapiro stipulate to the truthfulness and accuracy of the facts, as set forth herein below:

1. Dr. Shapiro holds a West Virginia medical license, License No. 21649, which was first issued in July 2004.
2. Dr. Shapiro's medical specialty is obstetrics and gynecology.
3. Dr. Shapiro's address of record with the Board is in Morgantown, West Virginia. At the time of the conduct which gives rise to this Consent Order, Dr. Shapiro held clinical privileges and an academic faculty appointment as an Associate Professor and Residency Program Director at West Virginia University School of Medicine and Ruby Memorial Hospital.
4. On May 5, 2020, Dr. Shapiro submitted a self-report to the Board concerning a potential violation of the professional conduct standards for physicians in West Virginia.
5. Dr. Shapiro reported that he performed an elective procedure to terminate a pregnancy in or about late April 2020. At the time he performed the procedure, Gubernatorial

Executive Order 16-20 prohibited physicians and other health care providers from performing elective medical procedures due to the COVID-19 pandemic.

6. In his self-report, Dr. Shapiro explained his decision to perform the procedure in violation of Executive Order 16-20. He reports that he was concerned with patient safety, including enhanced risks associated with a delay in the procedure. He also identified concerns for the safety of clinic staff during the pandemic and a desire to minimize mutual exposure of the patient and staff during a declared State of Emergency due to the pandemic. Dr. Shapiro also noted that the pandemic placed limitations on the patient's ability to travel to have the pregnancy terminated elsewhere.

7. Dr. Shapiro reported that he mis-characterized the procedure on the schedule as "semi-elective" due to a spontaneous miscarriage, which was misleading and inaccurate.

8. Dr. Shapiro acknowledged a lapse in judgement and expressed regret for his course of conduct in performing the procedure in violation of the Executive Order and mischaracterizing the circumstances to clinic staff.

9. On May 17, 2020, the Complaint Committee initiated Complaint No. 20-37-W to investigate the allegations set forth in Dr. Shapiro's self-report.

10. The Committee's investigation ascertained the following, additional information:

a. On March 31, 2020, Governor Justice issued Executive Order 16-20.

The Order, which went into effect at 12:00 am on Friday, April 1, 2020,

provided:

All elective medical procedures are hereby prohibited; provided that patients will still have access to urgent, medically necessary procedures like those needed to preserve the patient's life or long-term health; and provided

that this prohibition applies equally to all types of elective medical procedures performed in hospitals, offices, and clinics throughout the state. The term “elective” includes medical procedures that are not immediately medically necessary to preserve the patient’s life or long-term health, except that procedures that cannot be postponed without compromising the patient’s long-term health, procedures that cannot be performed consistent with other law at a later date, or procedures that are religiously mandated shall not be considered “elective” under this Order.

E-O 16-20 (March 31, 2020).

- b. At the time of implementation, the anticipated duration of the elective procedure ban was unknown. Beginning on April 20, 2020, additional guidance was released regarding the gradual resumption of elective procedures in various practice settings.
- c. On April 28, 2020, more urgent elective medical procedures were permitted to resume in hospitals and ambulatory surgical centers pursuant to OHFLAC-approved plans that established a resumption protocol and process for ensuring appropriate stores of personal protective equipment for hospital staff. E-O 28-20 (April 20, 2020).
- d. On April 30, 2020, elective procedures were permitted to resume in all clinical settings in accord with resumption guidelines established by Chapter 30 professional licensure boards. E-O 30-20 (April 27, 2020).
- e. The Board of Medicine published *Guidelines and Best Practices for the Safe Resumption of Practice for Board of Medicine Licensees* on April 29, 2020.

- f. During the week preceding Monday, April 27, 2020, Dr. Shapiro received a referral from a colleague concerning a patient who sought to terminate pregnancy. At the time of the referral, the patient was approximately six weeks pregnant.
- g. Dr. Shapiro accepted the referral and scheduled the patient for an appointment on or around Monday, April 27, 2020.
- h. Dr. Shapiro notified the clinic manager that he had added the patient to his schedule but indicated on the schedule and in the medical record that the procedure was “semi-elective” as a result of a spontaneous miscarriage.
- i. At the patient’s appointment, Dr. Shapiro performed an ultrasound and confirmed the pregnancy. Dr. Shapiro was accompanied by an LPN throughout the patient encounter.
- j. Dr. Shapiro contends he counseled the patient “extensively” at that time, and the patient subsequently consented to the procedure.
- k. Dr. Shapiro terminated the pregnancy during the patient’s initial appointment with him.
- l. It is undisputed that the procedure was performed without medical complications for the patient.
- m. As the physician performing the termination procedure, Dr. Shapiro failed to ensure adherence with the requirements of West Virginia Code



- § 16-2I-2, which mandates a 24-hour waiting period after medical consent disclosures and prior to performing the termination procedure.
- n. Dr. Shapiro did not accurately document the elective nature of procedure in the patient medical record.
  - o. Two days after the procedure, the LPN who assisted during this patient's appointment approached Dr. Shapiro and told him that she was unaware that the procedure was elective. She informed him that she was upset that she had assisted with the elective termination procedure.
  - p. On May 1, 2020, Dr. Shapiro's clinical privileges and academic positions were subject to a temporary suspension pending an investigation into the facts and circumstances which formed the basis of Dr. Shapiro's self-report.
  - q. On May 20, 2020, Dr. Shapiro commenced a 60-day suspension of his clinical privileges and academic positions for:
    - i. Failing to adhere to the 24-hour waiting period for elective pregnancy termination procedures; and
    - ii. Improperly documenting the procedure in the patient's medical record.
  - r. Dr. Shapiro also:
    - i. Was placed on Focused Professional Practice Evaluation for six months after his return to clinical duties;
    - ii. Was subject to a six-month documentation and billing audit;

- iii. Voluntarily surrendered his clinical privileges to perform management of pregnancy terminations; and
- iv. Resigned from his position as the Program Director for Obstetrics and Gynecology residents.

11. The Board and Dr. Shapiro voluntarily enter into this Consent Order to resolve Complaint No. 20-37-W, and to impose appropriate discipline with respect to Dr. Shapiro's professional misconduct on or about April 27, 2020.

#### CONCLUSIONS OF LAW

The Board and Dr. Shapiro stipulate to the following conclusions of law:

1. Dr. Shapiro's license to practice medicine and surgery in the state of West Virginia is subject to regulation and discipline by the West Virginia Board of Medicine, the "regulatory and disciplinary body for the practice of medicine and surgery" for physicians, podiatrists and physician assistants in West Virginia. W.Va. Code § 30-3-5 and § 30-3-7(a).
2. The Board has a mandate to ensure "a professional environment that encourages the delivery of quality medical services" to protect the public interest. W.Va. Code § 30-3-2.
3. The West Virginia Medical Practice Act sets forth conduct which may render an individual unqualified for licensure or subject to discipline or other restrictions upon licensure. W.Va. Code § 30-3-14. Pursuant to W.Va. Code § 30-1-8(c), the Board has promulgated legislative rules that "delineate conduct, practices or acts which, in the judgment of the board, constitute professional negligence, a willful departure from accepted standards of professional conduct and/or which may render an individual unqualified or unfit for licensure, registration or other authorization to practice." W. Va. Code R. § 11-1A-12.

4. Probable cause may exist to substantiate disciplinary charges against Dr. Shapiro pursuant to the West Virginia Medical Practice Act and the Board's legislative rules including, but not limited to, the following provisions:

- a. W. Va. Code § 30-3-14(c)(17) and W. Va. Code R. §§ 11-1A-12.1.e, 12.1.j, and 12.2.d, relating to dishonorable, unethical or unprofessional conduct; and/or
- b. W. Va. Code § 30-3-14(c)(17) and W. Va. Code R. § 11-1A-12.1.s., relating to making deceptive, untrue or fraudulent representations in the practice of medicine; and/or
- c. W. Va. Code § 30-3-14(c)(17) and W. Va. Code R. § 11-1A-12.1.bb, relating to violating or attempting to violate:
  - a. W. Va. Code § 16-2I-2;
  - b. Executive Order 16-20 (March 31, 2020); and/or
  - c. any law or lawfully promulgated rule or regulation of this State, which relates to or in part regulates the practice of medicine, when the licensee knows or should know that such action is violative of the law.

5. It is appropriate and in the public interest to waive the commencement of proceedings against Dr. Shapiro and to proceed without the filing of charges, or a formal Complaint and Notice of Hearing, subject to compliance by Dr. Shapiro with the provisions of this Consent Order.

6. This Consent Order sets forth reasonable and appropriate discipline upon Dr. Shapiro's West Virginia medical license.

### CONSENT

By signing his name to this Consent Order, Robert Edward Shapiro, MD, acknowledges that he understands and agrees with the following:

1. Dr. Shapiro has read and understands this entire Consent Order;
2. Dr. Shapiro agrees that he has been given adequate time and opportunity to review and consider the terms set forth in this Consent Order;
3. Dr. Shapiro understands that he has the right to legal representation in this matter, at his own expense, and that has been afforded adequate time and opportunity to consult with an attorney regarding the legal effect of this Consent Order;
4. Dr. Shapiro understands that this Consent Order is a legally binding Order of the West Virginia Board of Medicine that affects his rights and privileges;
5. Dr. Shapiro acknowledges that he is fully aware that, without his consent, no permanent legal action may be taken against him except after a hearing held in accordance with West Virginia Code § 30-3-14(h) and § 29A-5-1, *et seq.*;
6. Dr. Shapiro is aware of his legal rights in this matter, in addition to his right to be represented by counsel at his own expense, including: the right to a formal hearing, after reasonable notice, before the West Virginia Board of Medicine on the disciplinary charges before the Board; the right to confront and cross-examine witnesses against him; the right to present evidence and testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of

witnesses and the production of documents; the right to appeal under Chapter 29A of the West Virginia Code in the event of a final order or decision adverse to him;

7. With the exception of his right to counsel, which Dr. Shapiro has exercised, Dr. Shapiro knowingly and voluntarily waives all such rights, and agrees to the entry of this Consent Order relative to his practice of medicine in the state of West Virginia; and

8. Dr. Shapiro understands that this Order is a public document which will be available for public inspection, will be accessible through the Board's website, and will be a permanent part of his historical file with the Board. Matters contained herein will be reported to the National Practitioner Data Bank, and may be reported to other jurisdictions, the Federation of State Medical Boards and as otherwise required by law.

### **ORDER**

WHEREFORE, on the basis of the foregoing stipulated Findings of Fact and Conclusions of Law, and with the consent of Dr. Shapiro, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. The Board acknowledges that Dr. Shapiro has admitted his professional misconduct. The Board further endorses Dr. Shapiro's candor in self-reporting to the Board and his acceptance of significant professional consequences for his actions, including:

- a. Serving a sixty-day suspension of clinical privileges and employment;
- b. Participating in six months of post-suspension evaluation and monitoring;
- c. Voluntarily surrendering his clinical privileges to perform the management of pregnancy terminations; and
- d. Resigning as the Residency Program Director for graduate medical

education in obstetrics and gynecology at WVU.

2. In addition to the professional consequences he has sustained, Dr. Shapiro is hereby **Publicly Reprimanded** for:

- a. Failing to ensure adherence with the 24-hour waiting period for elective pregnancy termination procedures;
- b. Performing an elective medical procedure while prohibited from doing so pursuant to Executive Order 16-20;
- c. Improperly documenting the procedure in the patient's medical record; and
- d. Misleading clinic staff regarding the elective nature of the procedure.

3. Dr. Shapiro shall at all times fully comply with all of the professional practice requirements of the West Virginia Medical Practice Act as set forth in W. Va. Code § 30-3-1 *et seq.*, and in the Board's legislative rules.

4. This Consent Order shall be deemed entered on the date that this Order, with all required signatures affixed hereupon, is received in the Board's 101 Dee Drive, Charleston, West Virginia, office. The Executive Director of the West Virginia Board of Medicine is hereby authorized to denote the date of entry on behalf of the Board in accordance with this paragraph.

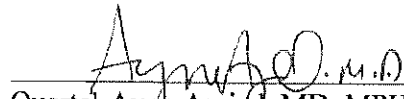
ENTERED ON: February 10, 2021

WEST VIRGINIA BOARD OF MEDICINE



Kishore K. Challa, MD, FACC  
President

Date: 4/21/21



Quartel-Ayne Amjad, MD, MPH  
Secretary

Date: 1/11/2021

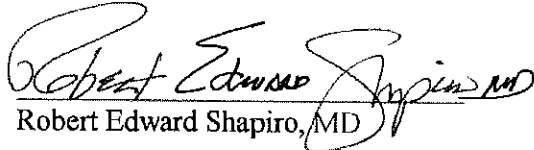
ACCEPTANCE

I, ROBERT EDWARD SHAPIRO, MD, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT ORDER. I HAVE BEEN GIVEN SUFFICIENT TIME AND OPPORTUNITY TO CONSIDER THIS CONSENT ORDER, AND I UNDERSTAND THE EFFECT IT WILL HAVE UPON MY LICENSE TO PRACTICE MEDICINE AND SURGERY IN WEST VIRGINIA.

BY SIGNING THIS CONSENT ORDER, I HAVE WAIVED CERTAIN RIGHTS, BUT I DO SO KNOWINGLY AND VOLUNTARILY, AND I DO NOT WISH TO ASSERT THOSE RIGHTS IN THIS MATTER.

I UNDERSTAND THAT I HAVE THE RIGHT TO LEGAL COUNSEL, AND THAT I HAVE BEEN PROVIDED WITH AMPLE TIME TO SEEK LEGAL ADVICE REGARDING MY ACCEPTANCE OF THIS CONSENT ORDER FROM MY ATTORNEY.

I AM SIGNING THIS CONSENT ORDER VOLUNTARILY, AND I UNDERSTAND THE POTENTIAL CONSEQUENCES OF VIOLATING THIS CONSENT ORDER.

  
Robert Edward Shapiro, MD

Date: 12-18-2020

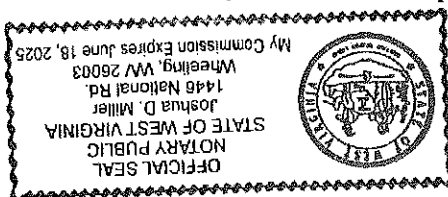
STATE OF WEST VIRGINIA

COUNTY OF OHIO, to-wit:

I, JOSHUA D. MILLER, a Notary Public for said county and state do hereby certify that Robert Edward Shapiro, MD, whose name is signed herein above has this day acknowledged the same before me.

Given under my hand this 18th day of December, 2020.

My Commission expires JUNE 18, 2025



  
Notary Public

