

IN THE MATTER OF
Susan G. Andrews, M.D.,
Respondent.
License No. D67708

*** BEFORE THE MARYLAND**
*** STATE BOARD OF**
*** PHYSICIANS**
*** Case No. 7720-0050**

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ORDER AFTER SHOW CAUSE HEARING

The issue in this case is whether Susan G. Andrews, M.D. has violated the conditions of the Order After Show Cause Hearing executed on November 22, 2019 (“November 2019 Order”) by the Maryland State Board of Physicians (the “Board”).

Dr. Andrews has an undisputed disciplinary history with the Board as follows: (1) a Consent Order dated December 14, 2017, in which Disciplinary Panel A (“Panel A”) suspended her medical license and required her to enroll in the Maryland Professional Rehabilitation Program (“MPRP”) after concluding that she violated certain provisions of the Medical Practice Act; (2) an Order Terminating Suspension and Imposing Probation dated May 25, 2018 (“May 2018 Order”) in which Panel A terminated the suspension, imposed probation for a minimum period of three years, and required Dr. Andrews to comply with specific terms and conditions, including continued enrollment in MPRP and compliance with a Participant Rehabilitation Agreement and Participant Rehabilitation Plan; and (3) the November 2019 Order following Dr. Andrews’s violation of the May 2018 Order and her admission of her non-compliance with her Participant Rehabilitation Agreement at a show cause hearing held before Panel A in October, 2019. The 2019 Order reprimanded Dr. Andrews, imposed a new period of probation for a minimum of three years, required her to remain enrolled in MPRP, and to fully comply with the requirements of a new Participant Rehabilitation Agreement and Rehabilitation Plan.

On September 19, 2022, MPRP reported to the Board that Dr. Andrews had violated the new Participant Rehabilitation Agreement required by the November 2019 Order. The Board subsequently received from Dr. Andrews a written admission of her violation and a description of the circumstances of the violation. On October 24, 2022, Panel A issued a Violation of Board Order and Notice to Show Cause regarding Dr. Andrews's alleged violations of her Participant Rehabilitation Agreement. Panel A held a show cause hearing on December 7, 2022, at which Dr. Andrews had the opportunity to argue why her license should not be subject to further discipline. Dr. Andrews and her counsel, as well as an Administrative Prosecutor for the State, participated in the hearing via video conference. Panel A is issuing this order after considering the entirety of the record evidence and presentations made by Dr. Andrews and the State before the Panel at the show cause hearing held on December 7, 2022.

FINDINGS OF FACT

Panel A finds the following facts by a preponderance of the evidence:

Background and Disciplinary History

Dr. Andrews was originally licensed to practice medicine by the Board in 2008 and is board-certified in critical care medicine and pulmonary disease. In August 2017, the Board received information from a healthcare facility that it had summarily suspended her privileges for impairment during work hours. In a written response during a subsequent Board investigation, Dr. Andrews acknowledged the truth of the information.

Consent Order: December 14, 2017

Prior to the issuance of an Order for Summary Suspension and disciplinary charges, Dr. Andrews entered into a Consent Order with Panel A on December 14, 2017. Panel A concluded that Dr. Andrews was guilty of unprofessional conduct in the practice of medicine, was habitually

intoxicated, and had provided services while under the influence of alcohol, in violation of Md. Code Ann., Health Occ. §§ 14-404(a)(3)(ii), § 14-404(a)(7), and § 14-404(a)(9)(i), respectively. Pursuant to the 2017 Consent Order, Panel A suspended Dr. Andrews's medical license and required her to enroll in MPRP and comply with MPRP's requirements. In February 2018, Dr. Andrews petitioned Panel A for termination of her suspension after MPRP endorsed her return to the practice of medicine.

Order Terminating Suspension and Imposing Probation: May 25, 2018

On May 25, 2018, Panel A issued an Order Terminating Suspension and Imposing Probation, in which it terminated Dr. Andrews's suspension imposed under the 2017 Consent Order. Panel A placed Dr. Andrews on probation for a minimum period of three years, required her to remain enrolled in MPRP, to continue in a Participant Rehabilitation Agreement and Participant Rehabilitation Plan, and to fully and timely cooperate and comply with all of the Program's referrals, rules, and requirements. In addition, the May 2018 Order provided that if Dr. Andrews failed to comply with any terms or conditions of that Order, the Board or a disciplinary panel, after notice and an opportunity for an appropriate hearing, could take further disciplinary action against her.

Violation of the Participant Rehabilitation Agreement and May 2018 Order

In August 2019, MPRP notified the Board that Dr. Andrews had violated her 2018 Participant Rehabilitation Agreement. The Board requested a written response from Dr. Andrews. In a letter dated August 18, 2019, Dr. Andrews acknowledged that she had engaged in conduct that violated her Rehabilitation Agreement and provided an explanation of the circumstances of her violation. In September 2019, Panel A issued a Violation of Board Order and Notice to Show Cause charging Dr. Andrews with violating the May 2018 Order.

Show Cause Hearing: October 16, 2019

At a show cause hearing held on October 16, 2019, Dr. Andrews appeared with counsel, and admitted that the facts indisputably showed that she violated her Participant Rehabilitation Agreement and the May 2018 Order. Dr. Andrews requested that Panel A not suspend her medical license, and instead impose a sanction of a reprimand and an extended period of probation with continued participation in and cooperation with MPRP.

Order After Show Cause Hearing: November 22, 2019

Panel A issued an Order After Show Cause Hearing on November 22, 2019, reprimanding Dr. Andrews and placing her on a new period of probation for a minimum period of three years. During the probationary period, Panel A again required Dr. Andrews to remain enrolled in MPRP, and to continue in a Participant Rehabilitation Agreement and Participant Rehabilitation Plan. The Order also provided that:

Dr. Andrews shall fully and timely cooperate and comply with all Program referrals, rules, and requirements, including, but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered with the Program, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by the Program.

In addition, the Order states:

ORDERED that, after the appropriate hearing, if the disciplinary panel determines that Dr. Andrews has failed to comply with any term or condition imposed by this Order, the disciplinary panel may reprimand Dr. Andrews, place Dr. Andrews on probation with appropriate terms and conditions, or suspend or revoke Dr. Andrews'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 upon Dr. Andrews.

On December 16, 2019, Dr. Andrews signed a new Participant Rehabilitation Agreement with the Program for a duration of three years.

Current Violation

Violation of the Participant Rehabilitation Agreement and November 2019 Order

On September 19, 2022, MPRP reported to the Board that Dr. Andrews had engaged in conduct that violated the 2019 Participant Rehabilitation Agreement. MPRP included written substantiation of her violation. After initially denying the violation to MPRP, Dr. Andrews later admitted violating her Rehabilitation Agreement. Following a request from the Board for a response to MPRP's report, Dr. Andrews acknowledged in a letter to the Board dated September 26, 2022, that she had violated the November 2019 Order, apologized to the Board, described a series of personal and employment-related pressures that preceded her violation and steps she had since taken to address them. On October 24, 2022, Panel A issued a Violation of Board Order and Notice to Show Cause charging Dr. Andrews with failure to comply with her Rehabilitation Agreement, in violation of the November 2019 Order.

Show Cause Hearing: December 7, 2022

On December 7, 2022, Panel A held a show cause hearing. Dr. Andrews appeared with her counsel, admitted and expressed remorse for her violation, and requested that Panel A not suspend her medical license. She asked that the panel instead impose a reprimand and an increased period of probation to include continued participation in MPRP. Dr. Andrews stated that she remained in MPRP since her violation, had successfully completed a program aimed at preventing the conduct at issue, and had taken additional recovery and therapeutic steps to prevent recurrence. While acknowledging that there was no excuse for her violation, she discussed the details of her violation, the effects of family obligations and work-related stressors, and her renewed dedication to recovery. Dr. Andrews also presented letters of recommendation from a program medical officer and her employers.

In response, the State summarized and expressed concerns about Dr. Andrews's disciplinary history since 2017 and the undisputed evidence of her most recent violation in 2022. The State pointed out that Dr. Andrews was now before Panel A for a third time based on her recurrent violations, that the panel did not suspend her license for her second violation but gave her another opportunity to comply with a new Rehabilitation Agreement by imposing a reprimand and extended probation in the November 2019 Order. The State also highlighted information from MPRP that Dr. Andrews had initially denied her recent violation on September 13, 2022 when she was notified of the evidence of her violation and requested reconfirmation of the results. Dr. Andrews subsequently acknowledged her violation in a call to MPRP on September 19, 2022. The State further argued that Dr. Andrews's repeated non-compliance with her Rehabilitation Agreements warranted a progressive sanction in her case and suspension of her license for a period of time in the hope of deterring future violations. In addressing the information provided by the State, Dr. Andrews confirmed that she had initially lied to the medical review officer at MPRP and denied her violation on the phone, but then admitted the violation a few days later.

CONCLUSION OF LAW

Panel A concludes that Dr. Andrews violated the November 2019 Order by failing to comply with the terms of her Participant Rehabilitation Agreement in MPRP.

SANCTION

The issue of an appropriate sanction requires that the panel consider the specific facts in the entire record, and tailor a sanction accordingly. Dr. Andrews's non-compliance with the November 19 Order and her historical pattern of non-compliance with successive Rehabilitation Agreements despite Panel A's forbearance and the previous opportunities granted to her is of serious concern to the panel. Equally disturbing to the panel is Dr. Andrews's initial denial of her

third violation of her Rehabilitation Agreement in her September 2022 communications with MPRP. Since 2017, Dr. Andrews has been given multiple chances to prove to Panel A, by undergoing rehabilitation with MPRP, that she was earnestly committed to her recovery. She failed to do so.

While Panel A commends Dr. Andrews for her renewed recovery efforts since her violation, Panel A is not confident that she has taken sufficient steps to mitigate the stressors that led to her violation based on the evidence presented by the parties at the show cause hearing and the nature of her violation. Nor is the panel reassured that she can properly address her own reparative needs and adhere to MPRP's requirements without a respite from exposure to the pressures of providing critical patient care. Neither the public nor the medical profession would be served if the Board ignores the objective of facilitating a meaningful recovery in Dr. Andrews's case. Accordingly, a suspension of her medical license followed by a probationary period is necessary and geared primarily to Dr. Andrews's rehabilitation.

ORDER

It is, on an affirmative vote of a majority of a quorum of Disciplinary Panel A, hereby

ORDERED that Susan G. Andrews, M.D., License number D67708, is **REPRIMANDED**; and it is further

ORDERED that the medical license of Dr. Andrews is **SUSPENDED**¹ for a minimum period of **ONE (1) YEAR**. During the period of suspension, Dr. Andrews shall comply with all of the following terms and conditions of the suspension:

- (1) Dr. Andrews shall not:
 - (a) practice medicine;

¹ If Dr. Andrews's license expires during the period of suspension, the suspension and any conditions will be tolled.

- (b) take any actions after the effective date of this Order After Show Cause Hearing to hold herself out to the public as a current provider of medical services;
- (c) authorize, allow or condone the use of her name or provider number by any health care practice or any other licensee or health care provider;
- (d) function as a peer reviewer for the Board or for any hospital or other medical care facility in the state;
- (e) prescribe or dispense medications;
- (f) perform any other act that requires an active medical license.

(2) Dr. Andrews shall remain enrolled in the Maryland Professional Rehabilitation Program (“MPRP”) as follows:

- (a) Dr. Andrews shall continue her Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP, or be entered into an amended Participant Rehabilitation Agreement and Participant Rehabilitation Plan, as determined by MPRP;
- (b) Dr. Andrews shall fully and timely cooperate and comply with all MPRP’s referrals, rules, and requirements, including, but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP;
- (c) Dr. Andrews shall sign and update the written release/consent forms requested by the Board and MPRP, including release/consent forms to authorize MPRP to make verbal and written disclosures to the Board and to authorize the Board to disclose relevant information from MPRP records and files in a public order. Dr. Andrews shall not withdraw her release/consent;
- (d) Dr. Andrews shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of Dr. Andrews’s current therapists and treatment providers) verbal and written information concerning Dr. Andrews and to ensure that MPRP is authorized to receive the medical records of Dr. Andrews, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. Dr. Andrews shall not withdraw her release/consent;
- (e) Dr. Andrews’s failure to comply with any of the above terms or conditions, including the terms or conditions of the Participant Rehabilitation

Agreement(s) or Participant Rehabilitation Plan(s) constitutes a violation of this Order; and it is further

ORDERED that Dr. Andrews shall not apply for early termination of suspension; and it is further

ORDERED that, after a minimum of one year has passed and Dr. Andrews has fully and satisfactorily complied with all terms and conditions of the suspension, Dr. Andrews may submit a written petition for termination of suspension. After consideration of the petition, the suspension may be terminated through an order of the disciplinary panel. Dr. Andrews may be required to appear before the disciplinary panel to discuss her petition for termination. The disciplinary panel may grant the petition to terminate the suspension through an order of the disciplinary panel, if Dr. Andrews has fully and satisfactorily with all the relevant terms and conditions of the suspension, and if there are no pending complaints related to a violation of her Participant Rehabilitation Agreement with MPRP; and it is further

ORDERED that, upon termination of the suspension, Dr. Andrews shall be placed on a new period of **PROBATION**² for a minimum period of **THREE (3) YEARS**. During the probationary period, Dr. Andrews shall comply with the following terms and conditions:

1. Dr. Andrews shall remain enrolled in MPRP and continue in her Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;
2. Dr. Andrews shall fully and timely cooperate and comply with all MPRP referrals, rules, and requirements, including, but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP;
3. Dr. Andrews shall sign and update the written release/consent forms requested by the Board and MPRP, including release/consent forms to authorize MPRP to make verbal and written disclosures to the Board and to authorize the Board to disclose relevant

² If Dr. Andrews's license expires during the period of probation, the probation and any conditions will be tolled.

information from MPRP records and files in a public order. Dr. Andrews shall not withdraw her release/consent;

4. Dr. Andrews shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of D. Andrews's current therapists and treatment providers) verbal and written information concerning Dr. Andrews and to ensure that MPRP is authorized to receive the medical records of Dr. Andrews, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. Dr. Andrews shall not withdraw her release/consent;
5. Dr. Andrews's failure to comply with any term or condition of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) shall constitute a violation of this Order; and it is further

ORDERED that Dr. Andrews shall not apply for early termination of probation; and it is further

ORDERED that after a minimum of three years has passed and Dr. Andrews has fully and satisfactorily complied with all terms and conditions of probation, Dr. Andrews may submit a written petition for termination of probation. After consideration of the petition, the probation may be terminated through an order of a disciplinary panel. Dr. Andrews may be required to appear before the disciplinary panel to discuss her petition for termination. The disciplinary panel may grant the petition to terminate the probation through an order of the disciplinary panel, if Dr. Andrews has successfully complied with all of the probationary terms and conditions and if there are no pending complaints related to a violation of her Participant Rehabilitation Agreement with MPRP; and it is further

ORDERED that if Dr. Andrews allegedly fails to comply with any term or condition imposed by this Order, Dr. Andrews shall be given notice and an opportunity for a hearing. If the disciplinary panel determines that 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. If the

disciplinary panel determines that there is no genuine dispute as to a material fact, Dr. Andrews 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 Dr. Andrews has failed to comply with any term or condition imposed by this Order, the disciplinary panel may reprimand Dr. Andrews, place Dr. Andrews on probation with appropriate terms and conditions, or suspend or revoke Dr. Andrews'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 upon Dr. Andrews; and it is further

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

ORDERED that the effective date of this Order is the date the Order is signed by the Executive Director of the Board or her designee. The Executive Director or 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 this is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Health Occ. §§ 1-607 and 14-411.1(b)(2), and Gen. Prov. § 4-333(b).

02/24/2023
Date

Signature On File

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