

IN THE MATTER OF

*

BEFORE THE

LINDSAY A. ZILLIOX, M.D.

*

MARYLAND STATE

Respondent

*

BOARD OF PHYSICIANS

License Number: D68114

*

Case Number: 2224-0025 B

* * * * *

CONSENT ORDER

In or around April 2023, the Maryland State Board of Physicians (the "Board") initiated an investigation of LINDSAY A. ZILLIOX, M.D., License Number D68114, after discovering that she was the supervising physician of a physician assistant (the "Physician Assistant"), who was practicing as a physician assistant in Maryland without a Board-approved delegation agreement. At the conclusion of its investigation, Panel B determined that it has grounds to charge the Respondent with failing to comply with provisions of the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-101 *et seq.* (2021 Repl. Vol. & 2022 Supp.).

The pertinent provisions of the Act are as follows:

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:

.....

(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 provision under Health Occ. § 14-404(a)(43) provides:

Health Occ. § 15-302. Delegation Agreements.

- (a) A physician may delegate medical acts to a physician assistant only after:
 - (1) A delegation agreement has been executed and filed with the Board[.]

Prior to the issuance of disciplinary charges, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel B finds the following facts:

1. At all times relevant, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent initially was licensed to practice medicine in Maryland on August 26, 2008, under License Number D68114. The Respondent's license expires on September 30, 2025, subject to renewal.
2. The Respondent is board-certified in Psychiatry and Neurology, and at all times relevant, practiced medicine at a health care facility (the "Facility")¹ located in Baltimore, Maryland.

¹ To ensure confidentiality, the names of individuals, hospitals and healthcare facilities involved in this case are not disclosed in this document.

3. At all times relevant, the Respondent and the Physician Assistant worked in the same department at the Facility.

4. In 2019, the Physician Assistant practiced medicine at the Facility under the primary supervision of a Facility physician ("Physician A") through a Board-approved delegation agreement.

5. In or around February 2022, the Physician Assistant submitted one of two parts of a new delegation agreement to the Board that identified the Respondent as her new primary supervising physician, since Physician A was retiring from the Facility in April 2022.

6. For the Board to approve the Physician Assistant's new delegation agreement, the Respondent was required to submit the second part of the delegation agreement to the Board. The Respondent did not submit the second part of the delegation agreement, however, and the Board did not approve the Physician Assistant's new delegation agreement.

7. On or about April 5, 2023, the Physician Assistant contacted the Board requesting a copy of the Board's approval letter for her new delegation agreement. Because there was no such delegation agreement approval, the Board initiated an investigation of the matter.

8. The Board's investigation revealed that the Respondent neglected to submit the second part of the Physician Assistant's new delegation agreement to the Board, which resulted in the Respondent and other physicians at the Facility delegating medical acts to

the Physician Assistant without a Board-approved delegation agreement from approximately April 2022 to April 2023.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Respondent delegated medical acts to the Physician Assistant from April 2022 to April 2023 without a delegation agreement having been executed and filed with the Board, which constitutes a violation of Health Occ. § 15-302(a)(1) and § 14-404(a)(43).

ORDER

It is, on the affirmative vote of a majority of the quorum of Panel B, hereby:

ORDERED that the Respondent be and hereby is **REPRIMANDED**; and it is further

ORDERED that, **within 30 days** from the effective date of this Consent Order, the Respondent shall pay a civil fine of **TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500)**. The payment shall be by bank certified check or money order made payable to the Maryland Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297. The Board will not renew or reinstate the Respondent's license if the Respondent fails to pay the fine; 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) (2021 Repl. Vol.).

12/04/2023
Date

Signature on file

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

CONSENT

I, Lindsay A. Zilliox, M.D., acknowledge that that I am aware of my right to consult with and be represented by counsel in considering this Consent Order and in any proceedings that would otherwise result from charges. I have chosen to proceed without counsel and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the Board will not entertain any request for amendments or modifications to any condition.

I am aware of the right to a hearing before the Board pursuant to COMAR 10.32.22.06 concerning any disciplinary charges that could have been issued against me. I waive this right and elect 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 substantive and procedural protections. I acknowledge the legal authority and the jurisdiction of the Board 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 this Consent Order as a resolution of the pending disciplinary matters. I waive any right to contest the Findings of Fact and the Conclusions of Law set out in this Consent Order. I

waive all right to appeal this Consent Order.

I sign this Consent Order without reservation, and I fully understand and comprehend the language and meaning of its terms.

11/29/23
Date

Signature on file

Lindsay A. Zilliox, M.D.
The Respondent

NOTARY

STATE OF Maryland
CITY / COUNTY OF Harford/Bel Air

I HEREBY CERTIFY that on this 29th day of November 2023, before me, a Notary Public of the foregoing State and City/County, personally appeared Lindsay A. Zilliox, M.D. and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Dawn Fleri
Notary Public

My commission expires: 3/22/2024