

IN THE MATTER OF

* BEFORE THE

KRISTOFFER RYAN A. DE LARA, M.D.

* MARYLAND STATE

Respondent

* BOARD OF PHYSICIANS

License Number: D74724

* Case Number: 2221-0082A

* * * * *

CONSENT ORDER

On April 22, 2021, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged **KRISTOFFER RYAN A. DE LARA, M.D.** (the “Respondent”), License Number D74724, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2014 Repl. Vol. & 2020 Supp).

Panel A charged the Respondent with violating the following provisions of the Act:

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:

(3) Is guilty of:

(ii) Unprofessional conduct in the practice of medicine;

...

(28) Fails to comply with the provisions of § 12-102 of this article; [and/or]

...

- (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[.]

On July 14, 2021, Panel A was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on the negotiations occurring as a result of this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Facts, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel A finds:

1. At all relevant times, the Respondent was and is a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on August 3, 2012, under License Number D74724. The Respondent’s Maryland medical license is active through September 30, 2022.
2. The Respondent is board-certified in anesthesiology and at all relevant times, practiced at a pain management practice (the “Practice”) with offices in Rockville and Germantown, Maryland.
3. On September 11, 2012, the Board issued a permit to the Respondent to dispense prescription drugs under Permit #2968. The Board renewed the Respondent’s permit on October 4, 2017, with an anniversary date of October 19, 2022.
4. On or about March 15, 2017, a physician (the “Physician”) and a physician assistant (the “PA”) from the Practice submitted a Delegation Agreement application to the Board in order for the Physician to supervise the PA. The Delegation Agreement form

designated the Physician as the Primary Supervising Physician for the PA, with supervision to take place at the Practice's Rockville office. The Board subsequently approved the Delegation Agreement.

5. On or about August 3, 2017, the Physician submitted a request to the Board to have the Respondent serve as an Alternate Supervising Physician for the PA. By letter dated August 22, 2017, the Board notified the Physician that it had granted his request for the Respondent to serve as the PA's Alternate Supervising Physician.

6. In 2018, the Respondent did not file an annual report in conjunction with his dispensing permit as is required under Health Occ. § 12-102. Consequently, the Board sent the Respondent three notices, dated September 17, 2018, September 19, 2018, and October 9, 2018, which informed him that he had not completed his annual dispensing permit report for that year. The Respondent did not respond to those notices, however. As a result, the Board, in a letter dated October 18, 2018, notified the Respondent that his dispensing permit, under Permit #2968, had lapsed pursuant to COMAR 10.32.23.12.¹

7. In or around September 2019, the PA accepted a position to work as a physician assistant on a full-time basis at the Practice's Germantown office under the Respondent's supervision. When this occurred, however, the Respondent and the PA did not have a Delegation Agreement in place that designated the Respondent as the PA's Primary Supervising Physician.

¹ COMAR 10.32.23.12A states, "A permit automatically lapses if the permit holder: (3) Fails without good cause to file the annual report required by Health Occupations Article § 12-102(c)(2)(ii)4L, Annotated Code of Maryland, within 15 days of the anniversary date of the date the permit was issued[.]"

8. From on or about September 23, 2019, onward, the PA practiced as a physician assistant at the Germantown office, during which time the PA provided medical care and prescribed and dispensed prescription drugs under the Respondent's supervision.

9. On or about June 29, 2020, the Respondent and the PA jointly submitted a form to the Board titled, *Modification of Existing Delegation Agreement, Added Dispensing of Prescription Drugs*. The Board's licensing unit reviewed the form and noted that the Respondent did not have a current dispensing permit or an existing Delegation Agreement with the PA.

10. As a result, the Board notified the Respondent and the PA through an email dated July 2, 2020, that the Respondent did not have an existing Delegation Agreement for the PA in place with the Board. Board staff requested that the Respondent explain why he had submitted a Modification of Existing Delegation Agreement form when he did not have an existing Delegation Agreement with the PA. The Board did not receive a response to this email from either the Respondent or the PA, however.

11. On July 13, 2020, the Board sent the Respondent and the PA another email to follow up on its previous inquiry. On July 16, 2020, a representative of the Practice contacted the Board and stated that her office submitted the Modification Agreement before submitting the Delegation Agreement and that the Respondent and the PA would submit a Delegation Agreement.

12. On August 7, 2020, the Respondent and the PA jointly submitted a Delegation Agreement to the Board, which designated the Respondent as the PA's Primary

Supervising Physician. By letter dated August 17, 2020, the Board acknowledged receipt of the Delegation Agreement.

13. By email dated September 1, 2020, the Board notified the Respondent and the PA that certain representations in the Delegation Agreement needed correction. Specifically, the Board noted that the Respondent did not have a current dispensing permit, which he represented having when applying for the Delegation Agreement.

14. On or about October 30, 2020, the Respondent applied to the Board for a dispensing permit.

15. On November 6, 2020, the Board issued the Respondent a new dispensing permit under Permit #4190, with an expiration date of November 5, 2025.

16. After receiving this information, the Board conducted an investigation into whether the Respondent supervised the PA in the absence of a Delegation Agreement, dispensed prescription drugs without a valid dispensing permit and allowed the PA to dispense prescription drugs under his supervision when he did not have a current dispensing permit.

17. As part of its investigation, the Board, by letter dated December 28, 2020, notified the Respondent that it had opened an investigation of him after receiving information that he supervised the PA beginning in September 2019 without an approved Delegation Agreement in place and that he was dispensing prescription drugs without a current dispensing permit. The Board requested that the Respondent address these allegations in a written response.

18. The Respondent, through counsel, responded in a letter dated January 29, 2021. The Respondent acknowledged that he “directly supervised” the PA, who practiced “full time” under his supervision at the Germantown office of the Practice beginning in August 2019.² The Respondent stated that his supervision involved “both . . . her clinical care and also her prescription practice.” The Respondent further acknowledged that when this occurred, “documentation was not filed with the Board to name [him] as [the PA’s] primary supervising physician” and that he “recognizes that a timely correct Delegation Agreement was not filed with the Board.”

19. With respect to his lapsed dispensing permit, the Respondent acknowledged that the PA dispensed prescription drugs under his supervision. He further acknowledged that the Board sent him and the Practice a series of notices in 2018 about his dispensing permit but that the Practice did not “fix the issue.”

20. The Board’s investigation determined that the Respondent violated the Act in that:

- (a) From on or about October 18, 2018, until on or about November 6, 2020, the Respondent dispensed prescription drugs at the Practice without a current dispensing permit;

² The Respondent stated that in February 2017, the PA began practicing at the Practice’s Rockville office and that after she worked there for six months, the Practice sent her to the Germantown office to practice two days per week. The Respondent stated that the PA continued to practice at the Germantown office until 2018, when she returned full time to the Rockville office. The Respondent stated that the PA continued to practice at the Rockville office until August 2019, when the Practice sent her to the Germantown office to practice full time under the Respondent’s supervision.

- (b) From on or about September 23, 2019, until on or about August 17, 2020, the Respondent served as the PA's Primary Supervising Physician at the Practice's Germantown office without an approved Delegation Agreement that designated him as the PA's Primary Supervising Physician, and that during this interval, he supervised the PA's provision of medical care and her prescribing and dispensing of prescription drugs.
- (c) From on or about September 23, 2019, until on or about November 6, 2020, the Respondent allowed the PA to dispense prescription drugs under his supervision when he did not have a current dispensing permit.

CONCLUSIONS OF LAW

Based on the above findings of fact, Panel A concludes that the Respondent failed to comply with the provisions of § 12-102 of this article, in violation of Health Occ. § 14-404(a)(28), and 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, in violation of Health Occ. § 14-404(a)(43). The charge of unprofessional conduct in the practice of medicine, Health Occ. § 14-404(a)(3)(ii), is dismissed.

ORDER

It is thus by Disciplinary Panel A of the Board, hereby:

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

ORDERED that within **ONE (1) YEAR**, the Respondent shall pay a civil fine of \$10,000.00. 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 Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

Signature on File

08/02/2021
Date

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

CONSENT

I, Kristoffer Ryan A. De Lara, 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

7/29/2021
Date

Kristoffer Ryan A. De Lara, M.D.
Respondent

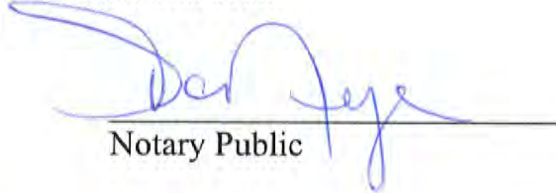
NOTARY

STATE OF Connecticut

CITY/COUNTY OF Hartford

I HEREBY CERTIFY that on this 29th day of July 2021, before me, a Notary Public of the foregoing State and City/County, personally appeared Kristoffer Ryan A. De Lara, M.D., 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.


Notary Public

My Commission expires: Aug 31, 2024

DANIEL NORIEGA
NOTARY PUBLIC
CONNECTICUT
MY COMMISSION EXPIRES AUG. 31, 2024