

IN THE MATTER OF

*

BEFORE THE MARYLAND

DARRELL E. LEWIS, M.D.

*

STATE BOARD OF

Respondent

*

PHYSICIANS

License Number: D76104

*

Case Number: 2223-0069 B

* * * * *

CONSENT ORDER

On June 12, 2023, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged **DARRELL E. LEWIS, M.D.** (the “Respondent”), License Number D76104, with violating the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2021 Repl. Vol.).

The pertinent provisions of the Act provide the following:

§ 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;

...

(4) Is professionally, physically, or mentally incompetent;

...

(11) Willfully makes or files a false report in the practice of medicine;

...

(17) Makes a willful misrepresentation in treatment; [and]

...

(27) Sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purposes

On July 26, 2023, Panel B 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 Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel B finds the following:

I. BACKGROUND

1. The Respondent was originally licensed to practice medicine in Maryland on May 21, 2013, under License Number D76104.¹ The Respondent’s license is scheduled to expire on September 30, 2023.

2. The Respondent is board-certified in anesthesiology.

3. At all times relevant hereto, the Respondent practiced at a hospital² (the “Hospital”) in Maryland until on or about February 24, 2023, when the Respondent resigned.

¹ On April 11, 2023, the Board Summarily suspended the Respondent’s license.

² To maintain confidentiality, the names of universities, health care facilities, programs, and individuals will not be identified in this document. The Respondent may obtain the names of the universities, health care facilities, programs, and individuals referenced herein by contacting the administrative prosecutor.

II. THE REPORT

4. On or about December 20, 2022, the Board received a Mandated 10-Day Report (the “Report”) from the Hospital. The Report stated that the respondent “was placed on precautionary suspension pending further information regarding potential impairment.”

5. The Board conducted an investigation into the Report.

III. THE BOARD INVESTIGATION

6. In furtherance of the investigation, the Board, among other things, subpoenaed the Respondent’s quality assurance/risk management (“QA/RM”) file, human resources/personnel file, and the investigative file regarding the Report (the “Investigative File”); conducted an under-oath interview of the Pharmacy Director at the Hospital who conducted an audit of the Respondent’s practice of prescribing and dispensing of medications; and subpoenaed medical and health records of the Respondent.

The Investigative File

7. The Investigative File contained information that in December 2022 the Respondent engaged in concerning behavior at the Hospital, including while treating and/or interacting with patients.

8. The Investigative File also contained information regarding an audit of the Respondent’s prescribing practices which revealed prescribing and dispensing abnormalities.

Interview of the Pharmacy Director

9. On March 29, 2023, Board investigators interviewed the Pharmacy Director.

In an under-oath interview, the Pharmacy Director stated, among other things, that:

- a. In December 2022, at the Hospital's request, he conducted an audit of the Hospital's medication dispensing machines, electronic medical records system, and the Respondent's prescribing and dispensing practices (the "Audit").
- b. The Audit reviewed the Respondent's cases over the prior year, which exceeded seven thousand cases, and identified numerous suspected diversion events involving the Respondent.
- c. He concluded that the Respondent "failed to follow policies or accurately document disposition of controlled dangerous substances dispensed from the Hospital's medication dispensing machines."³

The Respondent's Medical and Health Records

10. By letter dated February 23, 2023, the Board notified the Respondent of the investigation and requested that he provide a written response to the Report and authorize the release of specific medical and health records to the Board.

11. Medical and health records obtained for the Respondent⁴ stated, among other things,⁵ that on or around February 1, 2023, the Respondent was diagnosed with a medical condition, and a medical professional opined that the Respondent "cannot work with skill and safety as an anesthesiologist at this time" and recommended medical treatment.

³ The Pharmacy Director explained that Hospital medication dispensing machines require a patient name and when medication is withdrawn, an electronic medical record containing an order for the medication is created for the patient.

⁴ By email dated March 9, 2023, the Respondent, among other things, authorized the release of the requested medical and health records to the Board.

⁵ For confidentiality reasons, specific information in the Medical Records and Health Records, including but not limited to evaluations and diagnoses, will not be disclosed in this document. This information was known to the Respondent.

CONCLUSIONS OF LAW

Based on the Findings of Fact, Disciplinary Panel B of the Board concludes as a matter of law that the Respondent: is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii); is professionally, physically, or mentally incompetent, in violation of Health Occ. § 14-404(a)(4); willfully made or filed a false report in the practice of medicine, in violation of Health Occ. § 14-404(a)(11); made a willful misrepresentation in treatment, in violation of Health Occ. § 14-404(a)(17); and sold, prescribed, gave away, or administered drugs for illegal or illegitimate medical purposes, in violation of Health Occ. § 14-404(a)(27).

ORDER

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

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

ORDERED that, under this Consent Order, the Respondent's license to practice medicine in Maryland is **SUSPENDED for a minimum of ONE (1) YEAR**.⁶ During the suspension, the Respondent shall comply with the following terms and conditions of the suspension:

- (1) The Respondent shall enroll in the **Maryland Professional Rehabilitation Program (MPRP)** as follows:
 - (a) Within 5 business days, the Respondent shall contact MPRP to schedule an initial consultation for enrollment;
 - (b) Within 15 business days, the Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;
 - (c) the Respondent 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)

⁶ If the Respondent's license expires during the period of the suspension, the suspension and any conditions will be tolled.

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;

- (d) the Respondent 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. The Respondent shall not withdraw his release/consent;
- (e) the Respondent 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 the Respondent's current therapists and treatment providers) verbal and written information concerning the Respondent and to ensure that MPRP is authorized to receive the medical records of the Respondent, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. The Respondent shall not withdraw his/her release/consent;
- (f) the Respondent's failure to comply with any of the above terms or conditions including terms or conditions of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) constitutes a violation of this Consent Order;

(2) During the suspension period, the Respondent shall not:

- (a) practice medicine;
- (b) take any actions after the effective date of this Order to hold herself out to the public as a current provider of medical services;
- (c) authorize, allow or condone the use of the Respondent's 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; or
- (f) perform any other act that requires an active medical license.

ORDERED that the Order for Summary Suspension, issued on April 11, 2023, is terminated as moot; and it is further

ORDERED that the Respondent shall not apply for early termination of suspension; and it is further

ORDERED that after the minimum period of suspension imposed by the Consent Order has passed and the Respondent has fully and satisfactorily complied with all terms and conditions for the suspension and if MPRP finds, and notifies the Board, that the

Respondent is safe to return to the practice of medicine, the Respondent may submit a written petition to the disciplinary panel to terminate the suspension of the Respondent's license. The Respondent may be required to appear before the disciplinary panel to discuss his or her petition for termination. If the disciplinary panel determines that it is safe for the Respondent to return to the practice of medicine, the suspension will be terminated through an order of the disciplinary panel, and the disciplinary panel may impose any terms and conditions it deems appropriate on the Respondent's return to practice, including, but not limited to, probation and/or continuation of the Respondent's enrollment in MPRP. If the disciplinary panel determines that it is not safe for the Respondent to return to the practice of medicine, the suspension shall be continued through an order of the disciplinary panel for a length of time determined by the disciplinary panel, and the disciplinary panel may impose any additional terms and conditions it deems appropriate; and it is further

ORDERED that a violation of suspension constitutes a violation of the Consent Order; and is further

ORDERED that if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If 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 followed by an exceptions process before a disciplinary panel; and if 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 Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend 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 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 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 the Respondent is responsible for all costs incurred in fulfilling 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).

08/18/2023
Date

Signature On File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Darrell E. Lewis, 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.

8/16/23
Date

Signature On File

Darrell E. Lewis, M.D.
Respondent

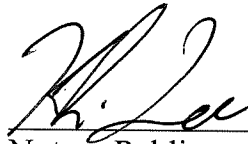
NOTARY

STATE OF Maryland

CITY/COUNTY OF Prince Georges

I HEREBY CERTIFY that on this 16th day of August 2023, before me, a Notary Public of the foregoing State and City/County, Darrell E. Lewis, M.D., personally appeared and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSTH my hand and notarial seal.



Notary Public

My commission expires: 12/23/2023

