

IN THE MATTER OF	*	BEFORE THE
NELSON C. ECHEBIRI, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D80259	*	Case Number: 2219-0005 B
* * * * *	*	* * * * *

CONSENT ORDER

On July 6, 2020, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged **NELSON CHINEDU ECHEBIRI, M.D.** (the “Respondent”), License Number D80259, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.).

The pertinent provisions of the Act under Health Occ. 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[.]

On August 26, 2020, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on 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:

I. BACKGROUND

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was originally licensed to practice medicine in Maryland on August 13, 2015, under License Number D80259. The Respondent's license is scheduled to expire on September 30, 2020.
2. The Respondent is also licensed to practice medicine in the State of Virginia.
3. The Respondent was employed at a hospital in the State of Maryland (the "Hospital")¹ from approximately 2015 through December 4, 2017, when the Respondent resigned his medical staff membership and clinical privileges.
4. The Respondent is presently employed at a health care facility (the "Facility") in Charles County, Maryland, where he has been since 2018.
5. On or about July 18, 2018, the Board received a Mandated 10-Day Report² from the Hospital notifying the Board that of the Respondent's resignation following

¹ For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. The Respondent may obtain the names of all individuals and facilities referenced in this document by contacting the administrative prosecutor.

² Md. Code Ann. H.O. §§14-413(a)(2)(i) and 14-414(a)(2)(i) require that within 10 days of an action hospitals report any action taken against a licensed physician which denies, restricts, limits, changes, removes, terminates, suspends, or places any conditions or restrictions on the privileges and/or salaries or contractual employment of the physician for reasons that might be grounds for disciplinary action under provisions of H.O. § 14-404 as determined by the Board.

an investigation in response to allegations of inappropriate behavior in the workplace.

6. Based on this notification, Board staff initiated an investigation of the Respondent.

II. BOARD INVESTIGATION

7. On or about October 2, 2018, Board staff informed the Respondent of the investigation and requested a written response to the allegations. Board staff also issued subpoenas for the Respondent's personnel file from the Hospital and conducted interviews with relevant individuals as determined by the background investigation.
8. On or about August 30, 2018, Board staff received the Respondent's written response. The Respondent did not address the substance of the allegations against him in his written response.

III. WITNESS INTERVIEWS

9. On or about March 28, 2019, Board staff conducted an under-oath interview with a labor and delivery nurse who worked with the Respondent ("Individual A"). During her interview with Board staff, Individual A stated that she worked with Respondent approximately once per week during his tenure with the Hospital. She described the Respondent as "touchy-feely" and flirtatious. She explained that the Respondent would often grab the hands of other staff members.
10. Individual A recounted an incident which prompted her to file a report with human resources ("HR") on or about August 1, 2017. She stated that as she was

sitting at the nurses' station, the Respondent walked behind her and remarked about the length of her hair before tracing her hair with his finger from the top of her pony tail all the way down to her lower back and then telling her to "bend over." Individual A stated that this type of behavior was consistent with the Respondent's previous conduct towards her and other staff members. Individual A stated that she did not have a social relationship with the Respondent outside of work. Individual A stated that after this incident she tried to minimize contact with the Respondent beyond that which was necessary for patient care.

11. On or about March 28, 2019, Board staff conducted an interview with another nurse who worked at the Hospital with the Respondent ("Individual B"). Individual B described the Respondent's behavior as sometimes "creepy," in that he would "come up behind and kind of massage a little bit, and then he'd put his arm around you." Individual B stated that in approximately August of 2017, she reported to HR an encounter that she had with the Respondent. Individual B stated that one day approximately two months prior to her report, she was standing at the nurses' station with numerous other individuals when the Respondent approached her from the side, grabbed her shoulder and swept her feet from under her causing her to fall back into the Respondent. Individual B stated that she believed the Respondent was attempting to be funny, but she found it to be weird and inappropriate, and that she believed that the Respondent's behavior diminished staff's trust in him. Individual B stated that

she did not report the incident until after she became aware that the Respondent's behavior was part of an ongoing pattern of conduct.

12. On or about March 28, 2019, Board staff conducted an interview with another nurse ("Individual C") who worked with the Respondent at the Hospital. Individual C stated that she worked with the Respondent for approximately several months before she asked to be moved to work with another physician.
13. Individual C stated that the Respondent would do things that made her feel uncomfortable such as rubbing her shoulders, poking her in the ribs, and making comments that he needed to work with a "hot nurse." Individual C stated that she initially took such commentary to be a joke, but after the Respondent kept repeating such statements and behavior on a near daily basis, she began to find it offensive and unprofessional. Individual C further stated that she believed the Respondent treated certain female staff members differently based on their level of receptivity to his behavior; in one instance, the Respondent gave his credit card to a staff member so that she could purchase a pair of boots for her birthday. Individual C stated that the Respondent offered his credit card to her so that she could buy a pair for herself, but she declined. She further stated that such behaviors sometimes cause unnecessary tension in their workplace.

IV. RESPONDENT'S INTERVIEW

14. On or about July 9, 2019, Board staff conducted an interview with the Respondent under oath. The Respondent stated that he worked at the Hospital from approximately July 2015 through 2017. The Respondent stated that in

November 2017, he was contacted by the Hospital's Chief Executive Officer (the "CEO") and informed that he had been "inappropriate with some people." The Respondent stated that the CEO informed him that he could either resign from his position at the Hospital, or the Hospital would terminate his employment for cause, so he opted to resign his position.

15. The Respondent stated that he did not have any official complaints against him during his time at the Hospital that he was aware of. He stated that he did not recall stating to Individual C that he needed to work with a "hot nurse."
16. As to Individual A, The Respondent stated that he did not recall touching her hair and tracing his finger down the length of her ponytail. The Respondent stated that he did not tell Individual A to bend over because that "doesn't make any sense." When he was asked about massaging Individual A's shoulders the Respondent stated that he "told her that if [he] did [he is] sorry."
17. The Respondent stated that he did not recall sweeping Individual B's feet from under her and making her fall towards his body.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact, Panel B 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).

ORDER

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

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

ORDERED that the Respondent is placed on **PROBATION** for a minimum of **ONE (1) YEAR**.³ During probation, the Respondent shall comply with the following terms and conditions of probation:

(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) 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 release/consent;

³ If the Respondent's license expires during the period of probation, the probation and any conditions will be tolled.

(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) Within **SIX (6) MONTHS**, the Respondent is required to take and successfully complete **TWO (2) courses**: ONE (1) course in professionalism and ONE (1) course in workplace sexual harassment. The following terms apply:

(a) it is the Respondent's responsibility to locate, enroll in and obtain the disciplinary panel's approval of the course before the course is begun;

(b) the disciplinary panel will not accept a course taken over the internet;

(c) the Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the course;

(d) the course may not be used to fulfill the continuing medical education credits required for license renewal;

(e) the Respondent is responsible for the cost of the course;

(3) Within **ONE (1) YEAR**, the Respondent shall pay a civil fine of \$5,000.00.

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 Respondent shall not apply for early termination of probation;

and it is further

ORDERED that, after the Respondent has complied with all terms and conditions of probation and the minimum period of probation imposed by the Consent Order has passed, the Respondent may submit to the Board a written petition for termination of

probation. After consideration of the petition, the probation may be terminated through an order of the disciplinary panel. The Respondent may be required to appear before the disciplinary panel to discuss his petition for termination. The disciplinary panel may grant the petition to terminate the probation, through an order of the disciplinary panel, if the Respondent has complied with all probationary terms and conditions and there are no pending complaints relating to the charges; and it is further

ORDERED that a violation of probation constitutes a violation of the Consent Order; and it 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 the disciplinary panel determines 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 the disciplinary panel determines 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 with appropriate terms and conditions, 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 Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; 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).

Signature on File

09/22/2020
Date

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Nelson C. Echebiri, 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

9/16/2020
Date

Nelson C. Echebiri, M.D.
Respondent

NOTARY

STATE OF Delaware

CITY/COUNTY OF New Castle

I HEREBY CERTIFY that on this 16th day of

Sept., 2020, before me, a Notary Public of the foregoing State and City/County, did personally appear Nelson C. Echebiri, 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 seal.



Notary Public

My commission expires: 03/06/2023