

IN THE MATTER OF	*	BEFORE THE
ABEBE HAREGEWOIN, M.D.	*	MARYLAND STATE BOARD OF
Respondent	*	PHYSICIANS
License Number: D80673	*	Case Number: 2218-0225B

CONSENT ORDER

Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) voted to charge Abebe Haregewoin, M.D. (the “Respondent”), License Number D80673, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) § 14-101 *et seq.* (2014 Repl. Vol. & 2017 Supp.). The pertinent provision of the Act provides the following:

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[.]

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

I. FINDINGS OF FACT

Panel B finds:

BACKGROUND

1. At all times relevant, the Respondent was and is a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice on or about November 17, 2015, and his license is currently scheduled to expire on September 30, 2020.
2. The Respondent is actively licensed in Utah.
3. At all times relevant to these charges, the Respondent was employed by a County Department of Behavioral Services (“Facility A”)¹ in western Maryland. From March 2016 through April 2018, the Respondent was the medical director of the ambulatory clinic at Facility A and provided outpatient substance abuse treatment and mental health treatment.
4. The Respondent is not board-certified in any specialty.
5. The Respondent does not hold hospital privileges.

THE PRESENT COMPLAINT

6. On or about April 2, 2018, the Board received a complaint from Facility A alleging that the Respondent had pre-signed six blank prescription forms and had authorized an

¹ In order to maintain confidentiality, names of facilities, patients and personnel will not be used in this document.

unlicensed person to complete a prescription form for Suboxone² for a male patient (“Patient A”).

7. On receipt of the complaint, the Board initiated an investigation into the complainant’s allegations which included obtaining a written response from the Respondent regarding the allegations,³ subpoenaing records from the Respondent’s personnel file, and conducting interviews of the clinical coordinator at Facility A, two nurses who worked at Facility A, and the Respondent. The investigative findings are set forth in pertinent part below.

INVESTIGATION BY FACILITY A

8. On or about March 30, 2018, a Social Worker who worked as the Division Clinical Coordinator at Facility A reported to the Human Resources Officer that she had been notified by an employee (“Employee A”) that the Respondent had instructed Employee A to “write a script” for Patient A.⁴ Employee A stated that the Respondent had provided to her blank pre-signed prescriptions. Employee A stated that she felt uncomfortable with the process as Patient A had reported to her that he had “thrown away” a prescription he had received the day before, and that did not “make sense” to her.

9. According to Employee A, the Respondent had provided to Employee A six pre-signed prescriptions that Employee A stored in her office file cabinet. The Human Resources Officer photographed the pre-signed prescriptions.

2 Suboxone is a Schedule II controlled dangerous substance (“CDS”) that contains the active ingredients buprenorphine and naloxone, used to treat adults who are dependent on opioids.

3 Board staff notified the Respondent of its investigation by letter dated April 13, 2018.

4 Employee A was not a nurse, physician assistant or a physician. According to her supervisor, she was a “pharmacotherapy” clinic worker.

10. Facility A obtained written statements from two nurses who worked with the Respondent (Nurses A and B). The Nurses stated that the Respondent had pre-signed 10 prescriptions in response to a request from an administrator that Facility A's clinic have a "plan" in place in order to prevent the "possible relapse/overdose of scheduled patients unable to be seen due to unforeseen issues." The prescriptions were stored in a safe in Nurse B's office and according to both Nurses, they were the only two individuals who had access to the safe.

11. According to Nurse B's written statement, she had completed pre-signed prescriptions for two patients pursuant to the Respondent's verbal order.

12. By email dated April 3, 2018, from the Respondent to the County Health Officer, he acknowledged that he had provided pre-signed prescriptions to Employee A and Nurse B, stating that they were to be completed "strictly" under his instructions by phone and only under emergency circumstances.

13. During the course of her investigation of the allegations, the Human Resources Officer obtained copies of 15 blank prescriptions that had been pre-signed by the Respondent. Additionally, she photocopied the following prescriptions that had been pre-signed by the Respondent and had been subsequently completed by staff for five patients (identified as B through F):

- July 19, 2017 prescription for Suboxone issued to Patient B;
- Two August 28, 2017 prescriptions for buprenorphine issued to Patient C;⁵

⁵ One of the prescriptions was voided.

- Two March 15, 2017 prescriptions for Zubsolv issued to Patient D;
- Two March 17, 2017 prescriptions for Zubsolv issued to Patient D;
- March 15, 2017 prescription for Suboxone issued to Patient D;
- March 17, 2017 prescription for Zubsolv issued to Patient E; and
- October 26, 2017 prescription for Suboxone issued to Patient F.

BOARD'S INVESTIGATION

14. On or about April 19, 2018, the Respondent submitted a written response to the Board acknowledging that he had provided blank pre-signed prescriptions to a registered nurse (R.N.) for emergency “potentially life threatening or dangerous situations.”

15. The Respondent stated that he had only given five orders for the blank prescriptions to be issued.

16. The Respondent stated that he had dictated the orders by telephone to a R.N.⁶

17. On or about June 7, 2018, Board staff interviewed Nurse B under oath. She stated that the Respondent had provided her with 11 blank pre-signed prescriptions for use in the event the Respondent was unable to make it into work. According to Nurse B, the supervisor at the time had requested that an emergency plan be instituted.⁷

II. CONCLUSIONS OF LAW

Based on the foregoing facts, Panel B concludes that the Respondent’s pre-signing of blank prescriptions that were subsequently issued for generic and brand name

⁶ The Respondent failed to acknowledge that Employee A, to whom he had dictated an order was not an R.N., but an unlicensed pharmacotherapy worker.

⁷ On or about June 16, 2018, Board staff interviewed the supervisor, who denied she had endorsed the pre-signing of prescriptions.

buprenorphine products constitutes evidence of unprofessional conduct in the practice of medicine in violation of Health Occ. § 14-404(a)(3)(ii).

III. ORDER

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

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

ORDERED that the Respondent is required to take a course in ethics. 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 shall enroll in and successfully complete a panel-approved course within six months;

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

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

(f) the Respondent is responsible for the cost of the course; 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 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).

01/02/2019
Date

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

CONSENT

I, Abebe Haregewoin, M.D., assert 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 the charges currently pending. 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 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 these rights 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 their 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 understands the language and meaning of its terms.

Signature on File

12/27/2018
Date

Abebe Haregewoin, M.D.
Respondent

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 27th day of December 2018, before me, a Notary Public of the foregoing State and City/County, personally appeared Abebe Haregewoin, 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.

Ty 12/27/18
Notary Public

TESFAYE DERESSE
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires 09-04-2022

My Commission expires: _____

