

IN THE MATTER OF

* BEFORE THE

MARIA B. MAINOLFI-PALARATA, M.D.

* MARYLAND STATE

Respondent

* BOARD OF PHYSICIANS

License Number: D81680

* Case Number: 2221-0105B

* * * * *

CONSENT ORDER

On November 17, 2021, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged Maria B. Mainolfi-Palarata, M.D. (the “Respondent”), License Number D81680, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.).

Panel B 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
[and]

...

(11) Willfully makes or files a false report or record in the practice of medicine[.]

On February 23, 2022, 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 makes the following findings of fact:

I. BACKGROUND

1. The Respondent was originally licensed to practice medicine in Maryland on May 11, 2016, under License Number D81680. The Respondent has retained continuous licensure in Maryland since that time. The Respondent's license is scheduled to expire on September 30, 2023.

2. The Respondent is also licensed in Washington, D.C., Virginia, New York and Pennsylvania.

3. The Respondent is board-certified in preventative medicine.

4. At all times relevant, the Respondent practiced at an urgent care center (the "Center")¹ with offices throughout Maryland, where she supervised a physician assistant (the "Physician Assistant").

5. The Respondent is currently employed as a medical director at a practice with multiple offices in Maryland.

II. THE COMPLAINTS

6. On or about February 4, 2021, the Respondent filed with the Board notice of the termination of her delegation agreement with the Physician Assistant (the "Delegation

¹ To maintain confidentiality, the names of health care facilities and individuals will not be identified in this charging document.

Agreement Termination”). The Respondent stated that the reason for the Delegation Agreement Termination was “poor patient care.”

7. On or about February 4, 2021, the Board received a letter from the Physician Assistant (“Complaint 1”). The Physician Assistant stated, among other things, that the “poor patient care” basis for the Delegation Agreement Termination was “incorrect” and that during the time the Respondent supervised her, she “never received any feedback or chart review from [the Respondent].”

8. On or about February 5, 2021, the Board received a letter (“Complaint 2”) from the Medical Director at the Center (the “Medical Director”). The Medical Director stated, among other things, that the “poor patient care” basis for the Delegation Agreement Termination was “untrue.”

9. The Board conducted an investigation of the Delegation Agreement Termination.

III. BOARD INVESTIGATION

10. As part of its investigation, the Board subpoenaed the Respondent’s quality assurance/risk management file and the Physician Assistant’s personnel/human resources file; conducted interviews of Center employees; and obtained the patient records for patients the Physician Assistant treated. Board investigators also notified the Respondent of the allegations and investigation and requested a written response.

11. The investigation concluded that the Respondent engaged in unprofessional conduct in the practice of medicine and filed a false medical report when she reported to the Board that the Delegation Agreement Termination was due to the Physician Assistant’s

“poor patient care” rather than due to the Center’s termination of the Respondent’s employment.

The Respondent’s Quality Assurance/Risk Management File

12. On or around March 17, 2021, the Board received the Respondent’s quality assurance/risk management file (the “QA/RM file”) from the Center.

13. The QA/RM file stated, among other things, that the Center hired the Respondent on September 27, 2020, and served the Respondent a hand-delivered, 90-day notice of the termination of her professional services agreement on February 2, 2021.

14. The QA/RM file contained a letter, dated February 5, 2021, from the Medical Director to the Respondent stating, among other things, directing her to “immediately cease and desist from any further unprofessional, retaliatory or otherwise inappropriate conduct towards any [Center] employee[.]”

Interviews

The Medical Director

15. On or around April 8, 2021, Board investigators interviewed the Medical Director. In the under-oath interview, the Medical Director stated:

- a. She supervised the Respondent at the Center and the Respondent was hired in September 2020 to be a director of occupational medicine.
- b. On or around January 20, 2021, she and other members of the leadership team met with the Respondent to discuss concerns regarding the Respondent and work-related matters. During the meeting, she told the Respondent that she would work to reassign a different supervising physician for the Physician Assistant.
- c. On or around January 31, 2021, the Respondent sent an email to her with the Respondent’s feedback following a review of the Physician

Assistant's cases. The feedback provided by the Respondent was not "atypical," "no egregious issues, no major concerns and definitely nothing that [the Respondent] addressed with us head on as concerns about [the Physician Assistant]."

- d. On or around February 2, 2021, she verbally informed the Respondent that her employment was terminated² after, among other things, she learned that the Respondent sent a text message to a member of the leadership team at the Center.
- e. When the Respondent learned of the termination, she was observed to be surprised, tearful and angry.
- f. On or around February 5, 2021, she sent the Respondent a letter after the Respondent filed the Delegation Agreement Termination and reported that the Physician Assistant provided "poor patient care."
- g. She did not have any concerns regarding the Physician Assistant's care and the Physician Assistant had never been disciplined.

The Physician Assistant

16. On or around July 2, 2021, Board investigators interviewed the Physician Assistant. In the under-oath interview, the Physician Assistant stated:

- a. She began her employment on or around January 3, 2021, and the Respondent was assigned as her direct supervising physician.
- b. The Respondent reviewed approximately fifty (50) patient charts for her and never provided her any feedback.
- c. On or about January 14, 2021, she was re-assigned to an alternate supervising physician.
- d. She learned about the Delegation Agreement Termination when she received notice from the Board. As a result of the Delegation Agreement Termination, she could not work for approximately two

² The Medical Director stated that she and the Director of Quality and Safety at the Center met with the Respondent to inform her that her employment was terminated. The Medical Director further stated that the Center continued to pay the Respondent benefits and a salary for ninety (90) days during which time the Respondent no longer worked as a clinician.

(2) weeks. The “fact-less allegation” was upsetting to her and the disruption to her employment was a stressful period.

CONCLUSIONS OF LAW

Based on the forgoing 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); and willfully made or filed a false report or record in the practice of medicine, in violation of Health Occ. § 14-404(a)(11).

ORDER

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

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

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

Signature On File

03/21/2022
Date

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Maria B. Mainolfi-Palarata, 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.

3/16/2022
Date

Signature On File

Maria B. Mainolfi-Palarata, M.D.

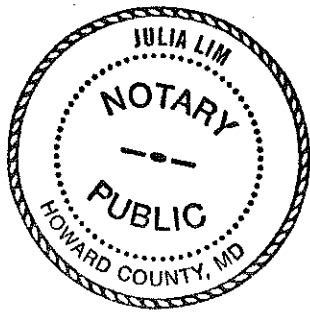
NOTARY

STATE OF Maryland

CITY/COUNTY OF Howard

I HEREBY CERTIFY that on this 16 day of March 2022,
before me, a Notary Public of the foregoing State and City/County, personally appeared
Maria B. Mainolfi-Palarata, 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.



Julia Lim
Notary Public

Commission expires: 04/17/2023