

IN THE MATTER OF

*

BEFORE THE

LYDELL C. LETTSOME, M.D.

*

MARYLAND STATE

Respondent

*

BOARD OF PHYSICIANS

License Number: D82598

*

Case Number: 2220-0038-A

* * * * *

CONSENT ORDER

On August 14, 2019, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) voted to charge Lydell C. Lettsome, M.D. (the “Respondent”), License Number D82598, with violating the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.).

The pertinent provisions of the Act provide the following:

Health Occ. § 14-404. Denials, reprimands, probations, suspension, 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:

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

...

(3) Is guilty of:

...

(ii) Unprofessional conduct in the practice of medicine;

...

- (33) Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel;
...
- (36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine; and
...
- (42) Fails to submit to a criminal history records check under § 14-308.1 of this title[.]

Health Occ. § 14-308.1. Criminal history records check.

- (a) In this section, "Central Repository" means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.
- (b) An applicant, a licensee, or a certificate holder shall apply to the Central Repository for a State and national criminal history records check.
- (c) As part of the application required under subsection (b) of this section, an individual shall submit to the Central Repository:
 - (1) Two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;
 - (2) The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and
 - (3) The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

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

FINDINGS OF FACT

Panel A has reason to believe that the following facts are true:

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on November 7, 2016, under License Number D82598. The Respondent's license is currently active.

2. On or about September 30, 2018, the Respondent submitted an online application (the "Application") for the renewal of his license using the Board's online renewal application process.

3. When a licensee applies online to renew his or his license, a notice appears that informs the licensee that the Board may not renew a license if it has not received the licensee's Criminal History Record Check ("CHRC") information, which includes the licensee's submission of his or her fingerprints to the Criminal Justice Information Services ("CJIS") before attempting to complete the renewal application.

4. The Respondent's signed Application states, "Failure to submit to a [CHRC] may result in disciplinary action." Prior to submitting the online Application, the Respondent checked a box attesting to completing the CHRC.

5. By e-mail dated January 22, 2019, Board staff informed the Respondent that the Board had not received the CHRC he had attested to during the renewal process.¹

¹ Board staff used the e-mail address provided by the Respondent on the Application as his "most current e-mail address where [the Board] may contact [him] regarding [his] license."

Board staff further informed the Respondent that he had ten business days to submit the CHRC.

6. The Respondent did not reply to the e-mail.

7. By letter dated March 6, 2019, to the Respondent's address of record, the Board informed the Respondent that it opened a preliminary investigation based upon his failure to obtain a CHRC for license renewal. The letter requested that Respondent submit documentation to the Board to support that he obtained a CHRC no later than ten business days after receipt of the letter. The Respondent failed to submit the documentation.

8. On or about May 28, 2019, Board staff sent a follow-up letter to the Respondent by U.S. mail informing him that the Board had not received a response to its previous communications, and requesting that the Respondent contact Board staff by June 10, 2019.

9. The Respondent did not reply to the letter or notify the Board of a new mailing address.

10. Subsequently, the Respondent provided the board with a current mailing address.

11. On October 19, 2020, the Respondent submitted the completed criminal history records check.

CONCLUSIONS OF LAW

Based on the Findings of Fact, Panel A concludes as a matter of law that the Respondent failed to submit to a criminal history records check under § 14-308.1 of this title, in violation of Health Occ. § 14-404(a)(42). Panel A dismisses the charges under Health Occ. § 14-404(a)((1), (3)(ii), (33), and (36).

ORDER

It is thus by Panel A hereby:

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

ORDERED that within six (6) months, the Respondent shall pay a civil fine of \$500.00. 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, 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 this Consent Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

11/17/2020
Date

Signature on File

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

CONSENT

I, Lydell C. Lettsome 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 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.

11/10/2022
Date

Signature on File

Lydell C. Lettsome, M.D.
Respondent

NOTARY

STATE OF New York

CITY/COUNTY OF Orange County

I HEREBY CERTIFY that on this 10th day of November 2020, before me,
a Notary Public of the foregoing State and City/County, personally appeared Lyell Lettsome, M.D., and
made oath in due form of law that signing the foregoing Consent Order was his/her
voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Joy W. Housberg
Notary Public

My Commission expires: 09/19/2023

