

IN THE MATTER OF	*	BEFORE THE
ANDREW P. ROBINSON, M.D.	*	MARYLAND STATE BOARD
Respondent	*	OF PHYSICIANS
License Number: D84289	*	Case Number: 7720-0136B
* * * * *	*	* * * * *

ORDER AFTER SHOW CAUSE HEARING

On June 30, 2020, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) and Andrew P. Robinson, M.D. (the “Respondent”) entered into a Disposition Agreement. Under the Disposition Agreement, the Respondent was required to comply with the Participant Rehabilitation Agreement that he was required to enter into with the Maryland Professional Rehabilitation Program (“MPRP”) and to fulfill all conditions of the Participant Rehabilitation Agreement.

On July 7, 2021, Panel B issued a Violation of Disposition Agreement and Notice to Show Cause, alleging that the Respondent violated condition 2 of the Disposition Agreement by violating conditions 11 and 13 of the Participant Rehabilitation Agreement. On August 25, 2021, the Show Cause Hearing was held before Panel B.

FINDINGS OF FACT

Panel B finds the following facts by the preponderance of evidence:

1. At all relevant times, the Respondent was licensed to practice medicine in Maryland. The Respondent currently works at an office-based orthopedic practice that has locations in Maryland and Delaware.

2. On September 19, 2019, the Respondent submitted to the Board his application to renew his Maryland medical license. Based on information the Respondent provided on his application, Panel B offered the Respondent an opportunity to enter into a disposition agreement.

3. On June 30, 2020, Panel B and the Respondent entered into a Disposition Agreement. The Disposition Agreement required that, among other things, the Respondent enter into a Participant Rehabilitation Agreement with MPRP. And condition 2 of the Disposition Agreement required the following:

The Respondent shall comply with the Participant Rehabilitation Agreement into which he entered with the MPRP and will fulfill all conditions of the Participant Rehabilitation Agreement.

4. The Disposition Agreement also states, in relevant part:

AGREED, that . . . if the Respondent fails to comply with any term or condition of this Agreement, . . . the violation of which authorizes . . . a Board panel, after notice and an opportunity to be heard, to take any action prescribed under §§ 14-404(a) and 14-405.1 of the Maryland Medical Practice Act, including a reprimand, probation, suspension or revocation of the Respondent's medical license[.]

5. On July 14, 2020, the Respondent entered into a Participant Rehabilitation Agreement with MPRP, which was in effect during the relevant period. Condition 11 of the Participant Rehabilitation Agreement prohibited the Respondent from engaging in certain conduct, and condition 13 of the Participant Rehabilitation Program required the Respondent to follow certain protocols and procedures.¹

6. On January 23, 2021, the Respondent engaged in conduct that violated conditions 11 and 13 of the Participant Rehabilitation Agreement.

¹ Due to the nature of this matter, details of this case have been left out of this Order.

7. On January 29, 2021, MPRP reported to the Board that the Respondent had violated his Participant Rehabilitation Agreement based his actions that occurred on January 23, 2021.

8. On February 10, 2021, the Board received a letter from the Respondent in which the Respondent detailed his conduct that was in violation of condition 11 and 13 of the Participant Rehabilitation Agreement.

9. On February 26, 2021, Board staff interviewed the Respondent under oath. During the interview, the Respondent again recounted his conduct that was in violation of the Participant Rehabilitation Agreement.

CONCLUSIONS OF LAW

The Respondent violated the Disposition Agreement he entered into with Panel B, which went into effect on June 30, 2020. Specifically, the Respondent failed to comply with condition 2 of the Disposition Agreement, which required the Respondent to comply with the Participant Rehabilitation Agreement that he was required to enter into with MPRP. The Respondent violated conditions 11 and 13 of the Participant Rehabilitation Agreement.

SANCTION

The Disposition Agreement was meant to prevent certain conduct that could affect the Respondent's medical practice. There is no dispute the Respondent violated the Disposition Agreement. The Disposition Agreement has an enforcement mechanism which addresses a situation in which there is a violation. (*See Findings of Fact 4, above.*) Panel B finds that a reprimand and probation with continued participation in MPRP are necessary to ensure that patient care is not compromised. Panel B, at this stage, does not believe that the revocation or suspension of the Respondent's medical license is necessary. The Respondent acknowledged his conduct and now seems to understand the importance of complying with MPRP's rules. Panel B believes that,

if the Respondent is compliant with the probationary conditions, the issues of concern will be favorably resolved.

ORDER

It is, thus, by Panel B, hereby

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

ORDERED that the terms and conditions imposed under the Disposition Agreement, which went into effect on June 30, 2020, are terminated; and it is further

ORDERED that the Respondent is placed on **PROBATION** for a minimum period of **TWO YEARS**.² The Respondent shall comply with the following probationary terms and conditions:

1. The Respondent shall continue enrollment in the Maryland Professional Rehabilitation Program as follows:

(a) the Respondent shall be entered into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;

(b) 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;

(c) 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 to MPRP. The Respondent shall not withdraw his release/consent;

(d) 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 verbal and written information concerning the Respondent and to ensure that MPRP is authorized to receive

² If the Respondent's license expires during the probation period, the probationary period and the probationary conditions are tolled.

the health care records of the Respondent. The Respondent shall not withdraw his release/consent; and

(e) 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 Order; and

ORDERED that the effective date of this Order After Show Cause Hearing ("Order") is the date this Order is signed by the Executive Director of the Board or her designee. The Executive Director or her designee signs this Order on behalf of Board Disciplinary Panel B; and it is further

ORDERED that a violation of probation constitutes a violation of this Order; and it is further

ORDERED that, after the Respondent has complied with all terms and conditions and the minimum period of probation imposed by the Order has passed, the Respondent may submit a written petition for termination of probation. The Respondent may be required to appear before the disciplinary panel to discuss the petition for termination of probation. After consideration of the petition, the Respondent's probation may be administratively terminated through an Order of the disciplinary panel if the Respondent has complied with all probationary terms and conditions and there are no pending complaints related to the conduct at issue in this matter; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Order; and it is further

ORDERED that, if the Respondent allegedly fails to comply with any term or condition imposed by this 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 Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend Respondent's license with appropriate terms and conditions, or revoke the Respondent's license. 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 Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

09/17/2021
Date

Signature on File

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