

IN THE MATTER OF	*	BEFORE THE MARYLAND
MARY FROST GRAHAM, M.D.	*	STATE BOARD OF
Respondent	*	PHYSICIANS
License Number: D88257	*	Case Number: 2223-0005

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

The Maryland Board of Physicians (the “Maryland Board”) received information that Mary Frost Graham, M.D., (the “Respondent”) License Number D88257, was disciplined by the Virginia Board of Medicine (the “Virginia Board”). In a Consent Order dated June 1, 2022, the Virginia Board reprimanded the Respondent with terms and conditions.

Based on the above referenced Virginia Board sanction, the Maryland Board has grounds to charge the Respondent with violating the following provisions of the Maryland Medical Practice Act (the “Act”), under H. O. § 14-404(a):

- (a) 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:
 - (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veteran’s Administration for an act that would be grounds for disciplinary action under this section,

Disciplinary Panel B (“Panel B”) has determined that the acts for which the Respondent was disciplined in Virginia would be grounds for disciplinary action under

H.O. § 14-404(a). The grounds for disciplinary action under H.O. § 14-404(a) are as follows:

- (4) Is professionally ... incompetent[.]

Based on the action taken by the Virginia Board, the Respondent agrees to enter into this Consent Order with Panel B, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order and Consent.

FINDINGS OF FACT

Panel B makes the following findings of fact:

1. At all times relevant hereto, the Respondent was a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed in Maryland on or about September 10, 2019.
2. The Virginia Board found that the Respondent is unfit for the performance of her professional obligations and duties and unable to practice medicine with reasonable skill and safety because of substance abuse.
3. By Consent Order dated June 1, 2022, the Virginia Board reprimanded the Respondent with terms and conditions.

A copy of the Virginia Board Consent Order is attached hereto.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Respondent is subject to discipline under Health Occ. § 14-404(a)(21) for the disciplinary action taken by the Virginia Board against the Respondent for an act or acts that would be grounds for disciplinary action under Health Occ. §14-404(a)(4).

ORDER

It is, thus, by Panel B, hereby:

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

ORDERED that the Respondent shall comply with the terms and conditions of the June 1, 2022 Consent Order she entered into with the Virginia Board; and be it 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 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 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

07/27/2022
Date

Christine A. Farrelly
Executive Director
Maryland Board of Physicians

CONSENT

I, Mary Frost Graham, MD, acknowledge that I am aware of my right to consult with and be represented by counsel in considering this Consent Order. 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.* 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. 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

Date 7/16/22

Mary Frost Graham, MD
Respondent

NOTARY

STATE OF Maryland

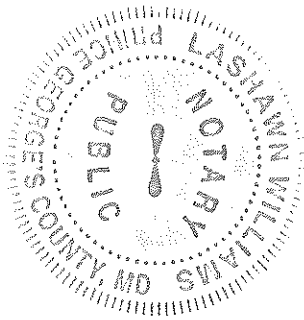
CITY/COUNTY OF Exon Hill / Prince Georges

I HEREBY CERTIFY that on this 26 day of July, 2022,
before me, a Notary Public of the State and City/County aforesaid, personally Mary Frost
Graham, MD, and made oath in due form of law that the foregoing Consent Order was
her voluntary act and deed.

AS WITNESS my hand and notarial seal.

Lashawn Williams
Notary Public

My Commission expires: 08/17/2023



LASHAWN WILLIAMS
Notary Public
Prince George's County
Maryland
My Commission Expires August 17, 2023

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: MARY AUGUSTA FROST GRAHAM, M.D.
License Number: 0101-267384
Case Number: 216965

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Medicine (“Board”) and Mary Augusta Frost Graham, M.D., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Dr. Graham’s license to practice medicine in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Mary Augusta Frost Graham, M.D., was issued License Number 0101-267384 to practice medicine on July 3, 2019, which is scheduled to expire on March 31, 2024.

2. Dr. Graham violated Virginia Code § 54.1-2915(A)(2) and (14) in that she is unfit for the performance of her professional obligations and duties and unable to practice medicine with reasonable skill and safety because of substance abuse. Specifically:

 a. On November 23, 2021, at approximately 5:10 p.m., while employed by a medical staffing company, during her shift in the emergency department of a Virginia Hospital, Dr. Graham failed to respond to a “Heart Alert” regarding a patient who had possibly suffered a stroke and would be arriving within the next ten minutes. She failed to respond to pages at approximately 5:20 and 5:30 p.m. Shortly thereafter, coworkers found Dr. Graham asleep in the bed in the emergency department provider call room. They had difficulty arousing her. Dr. Graham’s speech and behavior were confused and incoherent. She refused to be assessed medically. Hospital security personnel escorted her on foot back to the hotel where she was staying and noticed that her speech was not lucid

and her gait was unsteady. Dr. Graham later admitted to having consumed bourbon during her shift, beginning at approximately 3:30 p.m. She further admitting being intoxicated while on duty.

b. See Confidential Exhibit

c. On December 1, 2021, Dr. Graham signed a Participation Contract with the Virginia Health Practitioners' Monitoring Program ("HPMP") in which she acknowledged that her history of substance use impairs her ability to practice medicine safely. She signed a Recovery Monitoring Contract on February 26, 2022.

d. Dr. Graham's diagnoses of alcohol dependence with induced mood disorder; mood disorder, unspecified; anxiety disorder, unspecified; and chronic insomnia require ongoing treatment and monitoring.

3. Dr. Graham's employment with the medical staffing company was terminated based on the November 23, 2021 incident.

4. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Dr. Graham's health records or health services.

CONSENT

Mary Augusta Frost Graham, M.D., by affixing her signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document and am represented by Nora Ciancio, Esq.;

2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;

3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;

4. I waive my right to an informal conference;

5. I neither admit nor deny the Findings of Fact and Conclusions of Law contained herein but waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;

6. I consent to the entry of the following Order affecting my license to practice medicine in the Commonwealth of Virginia.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS as follows:

1. Mary Augusta Frost Graham, M.D., is REPRIMANDED.

2. Dr. Frost shall remain in HPMP and continue to comply fully with the terms of her contract(s) and any addenda thereto, until she successfully completes the program. In accordance with Dr. Graham's contract, the Board will be notified of any noncompliance with, or dismissal or resignation from, HPMP.

3. Dr. Graham shall bear any costs associated with the terms and conditions of this Order.

4. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of medicine shall constitute grounds for further disciplinary action.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

Jennifer Deschenes
Jennifer Deschenes, J.D., M.S.
Deputy Executive Director
Virginia Board of Medicine

ENTERED: 06-01-2022

SEEN AND AGREED TO:

Mary Augusta Frost Graham
Mary Augusta Frost Graham, M.D.

COMMONWEALTH OF Va

COUNTY/CITY OF Attlington, TO WIT:

Subscribed and sworn to before me, a notary public in and for the Commonwealth of Virginia at large,
on this 24 day of 05, 2022.



Andrew Mason
Notary Public

My commission expires: 12/31/2022

Registration No.: 7800067