

IN THE MATTER OF

*

BEFORE THE

ARTHUR DAVID BARNES, M.D.

*

MARYLAND STATE

Respondent

*

BOARD OF PHYSICIANS

License Number: D88447

*

Case Number: 2221-0021 A

* * * * *

CONSENT ORDER

On May 6, 2021, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged **ARTHUR DAVID BARNES, M.D.** (the “Respondent”), License Number D88447, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.).

Panel A charged the Respondent with violating the following provisions of Health Occ. § 14-404:

(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; [and]

...

(36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine[.]

On July 14, 2021, Panel A 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 A finds the following:

I. Background

1. The Respondent is currently licensed to practice medicine in ten (10) states, including Maryland and West Virginia.
2. The Respondent’s license to practice medicine in Maryland is scheduled to expire on September 30, 2022.
3. The Respondent is board-certified in Obstetrics and Gynecology.
4. On or about July 29, 2020, the West Virginia Board of Medicine (the “West Virginia Board”) issued disciplinary action against the Respondent where he was reprimanded and assessed a civil fine.

II. Respondent’s Application for Initial Medical Licensure

5. On or about July 17, 2019, the Respondent submitted to the Board an Application for Initial Medical Licensure (the “Application”).
6. In the section of the Application entitled, *Character and Fitness Questions*, the Respondent was instructed to respond “YES” or “NO” to a series of questions.
7. The Respondent answered “NO” to QUESTION 16(c), which asks:

Has any licensing or disciplinary board in any jurisdiction (including Maryland), a comparable body in the armed services, or the Veterans Administration, ever filed any complaints or charges against you or investigated you for any reason?

8. On or about October 23, 2019, the Board issued the Respondent a license to practice medicine in Maryland under License Number D88447.

III. Respondent's Renewal Application

9. On or about July 17, 2020, the Respondent submitted to the Board a License Renewal Application (the "Renewal Application").

10. In the section of the Renewal Application entitled, *Character and Fitness Questions*, the Respondent was instructed to respond "YES" or "NO" to a series of questions.

11. The Respondent answered "NO" to QUESTION 2, which asks:

Has a state licensing or disciplinary board, a comparable body in the armed services or the Veterans Administration, ever taken action against your license? Such actions include, but are not limited to, limitations of practice, required education admonishment or reprimand, suspension, probation or revocation.

12. The Respondent also answered "NO" to QUESTION 3, which asks:

Has any licensing or disciplinary board in any jurisdiction, a comparable body in the armed services or the Veterans Administration, ever filed any complaints or charges against you or investigated you for any reason?

IV. The Notice

13. On or about August 17, 2020, the Board received notice (the "Notice") that the Respondent was disciplined by the West Virginia Board.

14. The Notice stated that on July 29, 2020, the West Virginia Board issued the Respondent a reprimand and assessed the Respondent a fine for “Violation of Statute or Rule of the Board.”

15. After receiving the Notice, the Board initiated an investigation of the Respondent.

V. Board Investigation

16. As part of its investigation, the Board obtained the West Virginia Consent Order (the “Consent Order”), notified the Respondent of the Notice and its subsequent investigation and provided him with the opportunity to respond in writing.

17. The Consent Order included the following facts:

a. On or around July 8, 2018, the West Virginia Board opened an investigation regarding a complaint and concerns related to the Respondent’s prescribing of compounded creams to patients via telemedicine (“Complaint 1”).

b. In September 2018, the Respondent submitted a response to the West Virginia Board regarding Complaint 1.

c. On or about November 4, 2018, the West Virginia Board opened a second investigation regarding a report that the Respondent was issuing prescriptions via telemedicine (“Complaint 2”)

d. In February 2019, the Respondent submitted a response to the West Virginia Board regarding Complaint 2.

e. On or about May 28, 2020, in front of a notary public, the Respondent voluntarily signed the Consent Order, acknowledging that he read and understood the Consent Order and the potential consequences of the Consent Order. The Consent Order contained the West Virginia Board's findings of facts, conclusions of law and an order that the Respondent was reprimanded and assessed a civil fine.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Disciplinary Panel A of the Board concludes as a matter of law that the Respondent willfully made a false representation when seeking or making application for licensure or any other application related to the practice of medicine, in violation of Health Occ. § 14-404(a)(36). The charges of fraudulently or deceptively obtains or attempts to obtain a license for the applicant, in violation of Health Occ. § 14-404(a)(1); and is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii), are dismissed.

ORDER

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

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

ORDERED that within **ONE (1) YEAR**, the Respondent shall pay a civil fine of \$2,500.00. 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 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).

Signature on File

08/16/2021
Date

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Arthur David Barnes, 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 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.

Signature on File

Aug 9, 2021
Date

~~Arthur David Barnes, M.D.~~ 215
Respondent

NOTARY

STATE OF Utah

CITY/COUNTY OF Salt Lake

I HEREBY CERTIFY that on this 9th day of August, 2021, before me, a Notary Public of the foregoing State and City/County, did personally appear Arthur David Barnes, M.D., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSTH my hand and seal.




Notary Public

My commission expires: 12/23/2024