

IN THE MATTER OF

*

BEFORE THE MARYLAND

MARWAN WIGGINS, M.D.

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STATE BOARD OF

Respondent

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PHYSICIANS

License Number: D90977

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Case Number: 2222-0082 B

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CONSENT ORDER

On February 18, 2022, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged **MARWAN WIGGINS, M.D.** (the “Respondent”), License Number D90977, with violating the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2021 Repl. Vol.).

The pertinent provisions of the Act provide the following:

§ 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;

...

(8) Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article;

...

- (11) Willfully makes or files a false report in the practice of medicine; [and]
- (43) Except for the licensure process described under Subtitle 3A of this title, violates any provision of this title, any rule or regulation adopted by the Board, or any State or federal law pertaining to the practice of medicine[.]

On April 27, 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 finds the following:

I. BACKGROUND

1. The Respondent was originally licensed to practice medicine in Maryland on February 26, 2021, under License Number D90977. The Respondent’s license is scheduled to expire on September 30, 2023.
2. The Respondent is also licensed to practice medicine in Florida.
3. The Respondent is not board-certified in any medical specialty and does not have hospital privileges.

4. At all times relevant hereto, the Respondent was a clinical fellow in anesthesiology at a university (the “University”) and was employed at a health care facility¹ (the “Health Care Facility”) in Maryland.

5. The Respondent is currently practicing medicine in the state of Florida.

II. THE COMPLAINT

6. On or about September 30, 2021, the Board received the Respondent’s License Renewal Application (the “Application”).

7. 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.

8. The Respondent answered “YES” to QUESTION (5), which asks:

Has a health care facility, related health care institution, HMO, or alternative health care system ever investigated you or ever brought charges against you?

9. The Respondent provided the following explanation:

I was investigated for [diverting medications] that arose in the last few months (April – August 2021) of my fellowship training at [the Health Care Facility]. The investigation was concluded and no charges were brought. I am currently [receiving treatment] to address [a condition].

10. The Respondent also answered “YES” to QUESTION (10), which asks:

Do you currently have any medical condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a physical, mental, emotional, or nervous disorder or medical condition) that in any way affects your ability to practice your profession in a safe, competent, ethical and professional manner?

¹ To maintain confidentiality, the names of universities, health care facilities, programs, and individuals will not be identified in this document. The Respondent may obtain the names of the universities, health care facilities, programs, and individuals referenced herein by contacting the administrative prosecutor.

11. The Respondent provided the following explanation:

Per the direction of [a program], I was evaluated [and have a condition].

III. BOARD INVESTIGATION

12. The Board initiated an investigation of this matter based on the affirmative responses and disclosures the Respondent provided on his Application (the “Complaint”).

13. As part of the investigation of the Complaint, the Board subpoenaed reports from the investigation (the “Investigative Reports”) of the Respondent and records regarding the Respondent’s evaluation. The Board also conducted interviews with the Respondent’s fellowship supervisor (the “Supervisor”) and the pharmacy supervisor (the “Pharmacy Supervisor”) at the Health Care Facility.

The Investigative Reports

14. The Investigative Reports documented that an investigation found that the Respondent falsified patient medical records at the Health Care Facility to withdraw 93 vials of ketamine² from medication dispensing machines.

Interviews

The Supervisor

15. On or around January 28, 2022, a Board investigator interviewed the Supervisor. In the under-oath interview, the Supervisor stated:

² Ketamine is a Schedule III controlled dangerous substance that is used primarily for induction and maintenance of anesthesia. It is a dissociative anesthetic that has some hallucinogenic effects. It distorts perceptions of sight and sound and makes the user feel disconnected and not in control.

- a. His responsibilities include, but are not limited to, oversight of the education and personal wellness of the clinical fellows.
- b. He supervised the Respondent's clinical fellowship. As part of the fellowship, the Respondent participated in a rotation at the Health Care Facility.
- c. In 2021, he noticed changes in the Respondent, including increased absences. Staff also reported to him that the Respondent uncharacteristically lacked attention to detail. He later learned that the Respondent inappropriately took ketamine from the medication dispensing machines at the Health Care Facility, that the conduct occurred over the course of months in 2021 and, once discovered, the Respondent went on medical leave from the University.
- d. On or about January 21, 2022, he received a letter from the Respondent where, among other things, the Respondent accepted responsibility for his actions and stated that he had sought treatment.

The Pharmacy Supervisor

16. On or around January 31, 2022, a Board investigator interviewed the Pharmacy Supervisor. In the under-oath interview, the Pharmacy Supervisor stated:

- a. His responsibilities at the Health Care Facility include, but are not limited to, oversight of drug management. As part of this responsibility, he conducts audits of medication including audits of medication dispensing machines.
- b. In August 2021, he identified "transactions of concern" involving the Respondent and Health Care Facility medication dispensing machines. In response, he emailed the Respondent and requested an explanation.
- c. He questioned the veracity of the Respondent's explanation and expanded his investigation. His audits showed that the Respondent, on numerous occasions, removed ketamine from medication dispensing machines under patient names in the absence of medical records documenting a patient encounter or administration of the ketamine.

- d. His investigation concluded that between approximately January and August 2021, the Respondent diverted ketamine on numerous occasions.

Evaluation of the Respondent

17. Due to the diversion of ketamine and reported changes in the Respondent's appearance and behavior, the University referred the Respondent for a consultation and evaluation.³

18. On or around October 7, 2021, the Respondent was evaluated by a program (the "Program"). The Program made determinations about the Respondent's condition.⁴

CONCLUSIONS OF LAW

Based on the Findings of Fact, Disciplinary Panel B of the Board 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); is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article, in violation of Health Occ. § 14-404(a)(8); willfully makes or files a false report in the practice of medicine, in violation of Health Occ. § 14-404(a)(11); and except for the licensure process described under Subtitle 3A of this title, violates any provision of this title, any rule or regulation adopted by the Board, or any State or federal law pertaining to the practice of medicine, in violation of Health Occ. § 14-404(a)(43).

³ To maintain confidentiality, the details of the consultation and evaluation will not be disclosed in this document however the details were known to the Panel at the time the Panel voted to issue charges.

⁴ To maintain confidentiality, the Respondent's condition will not be disclosed in this document however the condition was known to the Panel at the time the Panel voted to issue charges.

ORDER

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

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

ORDERED that, under this Consent Order, the Respondent's license to practice medicine in Maryland is **SUSPENDED for a minimum of FIFTEEN (15) MONTHS** retroactive to February 14, 2022.⁵ During the suspension, the Respondent shall comply with the following terms and conditions of the suspension:

- (1) The Respondent shall enroll in the **Maryland Professional Rehabilitation Program (MPRP)** as follows:
 - (a) Within 5 business days, the Respondent shall contact MPRP to schedule an initial consultation for enrollment;
 - (b) Within 15 business days, the Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;
 - (c) 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;
 - (d) 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 from MPRP records and files in a public order. The Respondent shall not withdraw his release/consent;
 - (e) 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 (including all of the Respondent's current therapists and treatment providers) verbal and written information concerning the Respondent and to ensure that MPRP is authorized to receive the medical records of the Respondent, including, but not limited to, mental health

⁵ If the Respondent's license expires during the period of the suspension, the suspension and any conditions will be tolled.

and drug or alcohol evaluation and treatment records. The Respondent shall not withdraw his release/consent;

- (f) 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 Consent Order;

(2) During the suspension period, the Respondent shall not:

- (a) practice medicine in Maryland;
- (b) take any actions after the effective date of this Order to hold himself out to the public as a current provider of medical services in Maryland;
- (c) authorize, allow or condone the use of the Respondent's name or provider number by any health care practice or any other licensee or health care provider in Maryland;
- (d) function as a peer reviewer for the Board or for any hospital or other medical care facility in the State of Maryland;
- (e) prescribe or dispense medications in Maryland; or
- (f) perform any other act that requires an active Maryland medical license; and it is further

ORDERED that the Order for Summary Suspension, issued on February 14, 2022, is terminated as moot; and it is further

ORDERED that the Respondent shall not apply for early termination of suspension; and it is further

ORDERED that after the minimum period of suspension imposed by the Consent Order has passed and the Respondent has fully and satisfactorily complied with all terms and conditions for the suspension and if MPRP finds, and notifies the Board, that the Respondent is safe to return to the practice of medicine, the Respondent may submit a written petition to the disciplinary panel to terminate the suspension of the Respondent's license. The Respondent may be required to appear before the disciplinary panel to discuss his petition for termination. If the disciplinary panel determines that it is safe for the Respondent to return to the practice of medicine, the suspension will be terminated through

an order of the disciplinary panel, and the disciplinary panel may impose any terms and conditions it deems appropriate on the Respondent's return to practice, including, but not limited to, probation and/or continuation of the Respondent's enrollment in MPRP. If the disciplinary panel determines that it is not safe for the Respondent to return to the practice of medicine, the suspension shall be continued through an order of the disciplinary panel for a length of time determined by the disciplinary panel, and the disciplinary panel may impose any additional terms and conditions it deems appropriate; and it is further

ORDERED that a violation of suspension constitutes a violation of the Consent Order; and 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 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 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 or revoke the Respondent's license to practice radiography 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 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 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* Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

05/11/2022
Date

Signature on File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Marwan Wiggins, 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.

5/9/22
Date

Signature on File

Marwan Wiggins, M.D.
Respondent

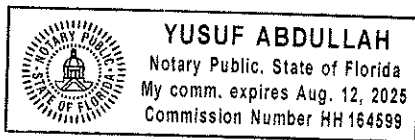
NOTARY

STATE OF Florida

CITY/COUNTY OF Polk

I **HEREBY CERTIFY** that on this 09th day of May 2022, before me, a Notary Public of the foregoing State and City/County, Marwan Wiggins, M.D., personally appeared 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 notarial seal.



Yusuf Abdullah
Notary Public

My commission expires: 08/12/2025