

IN THE MATTER OF
RAUL E. HIEDRA, M.D.

Respondent

License Number: D91637

*** BEFORE THE**
*** MARYLAND STATE**
*** BOARD OF PHYSICIANS**
*** Case Number: 2222-0137**

* * * * *

CONSENT ORDER

On August 11, 2022, Disciplinary Panel A of the Maryland State Board of Physicians (the "Board") charged **RAUL E. HIEDRA, M.D.** (the "Respondent"), License Number: D91637, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-101 *et seq.* (2021 Repl. Vol.). Panel A charged the Respondent with violating the following provisions of the Act under 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:

(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;

(9) Provides professional services:

...

(ii) While using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other

drug that is in excess of therapeutic amounts or without valid medical indication[.]

On October 12, 2022, Panel A was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on 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

Disciplinary Panel A finds:

I. BACKGROUND

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was originally licensed to practice medicine in Maryland on May 21, 2021, under License Number D91637. The Respondent’s license is current through September 30, 2024.

2. At all times relevant hereto, the Respondent practiced general internal medicine at a health care facility (the “Facility”) located in Baltimore City, Maryland.

3. On December 23, 2020, the Board received a Mandated 10-Day Report (the “Report”) from the Facility reporting it “had reason to believe that Dr. Hiedra provided care while under the influence of a controlled dangerous substance (THC). The condition of Dr. Hiedra did not result in injury to any individual during the provision of health care. Dr. resigned in lieu of investigation.” After receiving this Report, the Board opened an investigation of the Respondent.

II. BOARD INVESTIGATION

4. As part of its investigation, the Board subpoenaed and received the Respondent's quality assurance risk management file from the Facility, his Clinical Associate file from the Facility, medical records of the Respondent, and a written response to the allegations from the Respondent. Board staff also interviewed the Respondent and three (3) co-workers from the Facility.

5. The investigation revealed that in the early morning hours of November 9, 2021, several nurses, a supervising physician and security officers at the Facility smelled an odor of marijuana emanating from a shared physician workroom on the Fifth floor. It was reported that the Respondent was the only physician in and out of the workroom that night. It also was reported that the Respondent smelled of marijuana and that his eyes were glassy and red.

6. The Respondent denied smoking marijuana in the workroom that shift, and no person at the Facility personally witnessed the Respondent ingesting it. The supervising physician reported she thought the Respondent seemed "confused," but did not think he was acting "unusual" or "impaired" that morning.

7. Accordingly, it was determined that a for-cause drug test should be performed of the Respondent. The Respondent admitted that prior to the for-cause test, he knew he most likely would test positive for THC due to recent marijuana consumption outside of work. The Respondent reported that he "panicked," and found vials of yellow liquid in a restroom he believed to be urine and placed them in his pocket. During the first attempt to collect a urine sample on November 9, 2021, the Respondent was caught

attempting to pour the urine samples into the specimen cup by a security officer and nurse. Thereafter, the Respondent did provide a sample of his own urine that tested positive for THC.

8. On November 10, 2021, the Respondent was suspended from his duties at the Facility while human resources conducted an investigation. The investigative report recommended that the Respondent be terminated from the Facility because there “are reasonable suspicions that Dr. Hiedra may have used marijuana during his shift.” The investigation also concluded that the Respondent “attempted to falsify his UDS by emptying vials into a specimen cup.” The Respondent submitted his resignation from the Facility by letter dated December 1, 2021.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, Disciplinary Panel A 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); was addicted to or habitually abused narcotic or controlled dangerous substance, in violation of Health Occ. § 14-404(a)(8); and provided professional services while using narcotic or controlled dangerous substance, in violation of Health Occ. § 14-404(a)(9)(ii).

ORDER

It is, on the affirmative vote of a majority of the quorum of Disciplinary Panel A of the Board, hereby:

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

ORDERED that the Respondent is placed on **PROBATION** for a minimum of **ONE YEAR**.¹ During probation, the Respondent shall comply with the following terms and conditions of probation:

(1) The Respondent shall enroll in the Maryland Professional Rehabilitation Program (“MPRP”) as follows:

- (a) Within 5 business days of the effective date of this Consent Order, the Respondent shall contact MPRP to schedule an initial consultation for enrollment;
- (b) Within 15 business days of the effective date of this Consent Order, 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 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

¹ If the Respondent’s license expires during the period of probation, the probation and any conditions will be tolled.

Agreement(s) or Participant Rehabilitation Plan(s) constitutes a violation of this Consent Order.

(2) Within **SIX (6) MONTHS** of the effective date of this Consent Order, the Respondent is required to take and successfully complete a course in Ethics.

The following terms apply:

(a) it is the Respondent's responsibility to locate, enroll in and obtain the disciplinary panel's approval of the course before the course is begun;

(b) The Respondent must provide documentation to the disciplinary panel that he has successfully completed the course;

(c) the course may not be used to fulfill the continuing medical education credits required for license renewal;

(d) The Respondent is responsible for the cost of the course.

(3) Within **ONE (1) YEAR** of the effective date of this Consent Order, the Respondent shall pay a civil fine of **FIVE THOUSAND DOLLARS (\$5,000.00)**. 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 Respondent shall not apply for early termination of probation; and it is further

ORDERED that after the Respondent has fully and satisfactorily complied with all terms and conditions of probation and the minimum period of probation imposed by the Consent Order has passed, the Respondent may submit a written petition for termination

of probation. After consideration of the petition, the probation may be terminated through an order of the disciplinary panel. The Respondent may be required to appear before the disciplinary panel to discuss his petition for termination. The disciplinary panel may grant the petition to terminate the probation through an order of the disciplinary panel if there are no pending complaints relating to the charges; 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 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 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 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).

Signature On File

10/28/2022
Date

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

CONSENT

I, Raul E. Hiedra, M.D., acknowledge that I have consulted with counsel before signing this document.

By the 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.

10/26/2022
Date

Signature On File

— Raul E. Hiedra, M.D.
Respondent

NOTARY

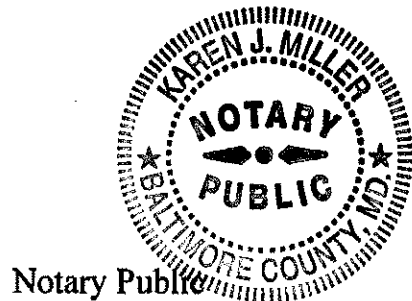
STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 26th day of October 2022, before me, a Notary Public of the foregoing State and City/County, personally appeared Raul E. Hiedra, M.D., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Karen J. Miller



My Commission expires: 12/2/23