

IN THE MATTER OF

\*

BEFORE THE

JOANNA MACAPINLAC  
DELANEY, D.O.

\*

MARYLAND STATE

\*

BOARD OF PHYSICIANS

Respondent

\*

License Number: H64410

Case Number: 2223-0047

\* \* \* \* \*

CONSENT ORDER

On March 21, 2023, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged JOANNA MACAPINLAC DELANEY, D.O. (the “Respondent”), License Number H64410, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2021 Repl. Vol. & 2022 Supp.).

Panel B charged the Respondent under the following provisions of the Act:

**Health Occ. § 14-404. License denial, suspension, or revocation.**

(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;

...

(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 May 24, 2023, 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 Facts, Conclusions of Law, Order, and Consent.

### **FINDINGS OF FACT**

Panel B makes the following factual findings:

#### **I. Background**

1. At all relevant times, the Respondent was and is a physician licensed to practice medicine in the State of Maryland. The Respondent was originally licensed to practice medicine in Maryland on April 20, 2006. Her license is currently active and is scheduled to expire on September 30, 2024.

2. The Respondent is board-certified in Family Medicine and at all relevant times practiced at a primary care practice (the “Practice”)<sup>1</sup> with locations in Maryland and the District of Columbia (“DC”). The Respondent began her employment at the Practice on August 1, 2021.

#### **II. Complaint**

3. On July 26, 2022, the Board received a Delegation Agreement Addendum for Advanced Duties (the “Addendum”) filed by a physician assistant (the “PA-C”) and the Respondent, who was listed as the primary Supervising Physician (the “Supervising Physician”). The Addendum requested approval for the PA-C to perform Intrauterine

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<sup>1</sup> The names of facilities and individuals in this document are confidential.

Device (IUD) insertion and removal under the supervision of the Alternate Supervising Physician (the “ASP”).

4. The Respondent signed the “Signatures Supporting Page 3/3 Application Primary Supervising Physician Attestation” on July 12, 2022 indicating that she was the Supervising Physician to directly supervise the PA-C.

5. The ASP also signed the Addendum on July 12, 2022, indicating that he would directly supervise the PA-C for IUD delegation.

6. Attached to the Addendum was a procedure log documenting the PA-C’s performance of ten (10) IUD insertions performed between April 29, 2022 and June 23, 2022, and ten (10) IUD removals performed between April 19, 2022 and June 22, 2022.

7. The IUD procedure log notes the Respondent as the PA-C’s Supervising Physician.

8. After reviewing the above Addendum and procedure log, the Board initiated an investigation.

### **III. Board Investigation**

9. As part of its investigation, the Board subpoenaed records; reviewed filed delegation agreements; notified the Respondent of the Complaint and investigation; and requested a written response from the Respondent.

10. In reviewing filed delegation agreements the Board found that the PA-C had been practicing without a Board-approved Delegation Agreement for Core Duties since August 1, 2021.

11. On August 22, 2022, the PA-C uploaded Part One of a new Delegation Agreement for Core Duties to the Respondent's profile identifying the Respondent as the Supervising Physician.

12. The document advised that the Respondent, as the Supervising Physician, needed to complete Part 2 of the agreement. The notice states that "[the PA-C] may not begin working until [the] primary Supervising Physician completes the delegation agreement."

13. By email dated August 23, 2022, the Board notified the Respondent and the PA-C that it had no record of an approved Delegation Agreement for Core Duties between the Respondent and the PA-C.

14. The email also notified the Respondent that the ASP noted on the Addendum was not a Board-approved Primary Supervising Physician.

15. The Board requested that the Respondent explain how the PA-C was practicing as a physician assistant under the Respondent's and the ASP's supervision without a Board-approved Delegation Agreement for Core Duties with the Respondent.

16. The Respondent did not respond to the Board's inquiry.

17. On October 13, 2022, the Respondent completed Part Two of the Delegation Agreement and the PA-C was advised via email that she may now work under the Respondent's supervision.

18. By letter dated November 9, 2022, the Board notified the Respondent that it received information that she was serving as a supervising physician for a PA-C without a

Board-approved Delegation Agreement for Core Duties and without a Board-approved Delegation Agreement Addendum for Advance Duties.

19. The Board directed the Respondent to address these allegations in a written response within ten (10) business days.

20. On November 22, 2022, the Respondent, through counsel, submitted a response stating that the Respondent and the PA-C joined a new practice on August 1, 2021. The letter further stated,

As a result, the [PA-C] was required to submit a new Core Duties Delegation Agreement with a new supervising physician. The [PA-C] and the [Respondent] completed and hand-signed [a] new Delegation Agreement and gave it to the transition team contracted by the Practice credentialing department to mail. . . in advance of the [PA-C's] August 1st start date. According to the previous credentialing coordinator...the originals of the [PA-C's] Delegation Agreement [were] mailed to the Board on July 23, 2021.

Relying on the assurance that [PA-C's] new Delegation Agreement had been submitted and received, the [PA-C] began treating patients under [the Respondent's] supervision after August 1, 2021.<sup>2</sup> During the next year, neither the [PA-C] nor [the Respondent] received any information that the new Delegation Agreement had not been properly submitted or approved.<sup>3</sup>

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<sup>2</sup> Pursuant to Health Occ. § 15-302.1, a physician assistant may not practice until the physician assistant and the primary supervising physician have received written acknowledgment of the Board's receipt of the Delegation Agreement for Core Duties.

<sup>3</sup> COMAR 10.32.03.06B states that the Board shall notify the primary supervising physician and the physician assistant of the Board's receipt of the delegation agreement and that upon receipt of a delegation agreement at the Board of Physicians, a physician may delegate and a physician assistant may perform delegated core medical acts.

21. The letter further stated that the Respondent was not “involved in the actual submission of [the PA-C’s] Core Duties Delegation Agreement in July 2021”... and that “[the PA-C] and [the Respondent] had every reason to believe that the new Agreement had been properly submitted by the Practice credentialing department.”

22. The Board’s investigation determined that the Respondent served as a Supervising Physician for a physician assistant, who practiced without a Board-approved Delegation Agreement for Core Duties and without a Board-approved Delegation Agreement Addendum for Advanced Duties, in the absence of filing delegation agreements with the Board on a Board-approved form and prior to receiving confirmation of approval from the Board.

### **CONCLUSIONS OF LAW**

Based on the findings of fact, Panel B concludes that the Respondent: is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii); and violated 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).

### **ORDER**

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

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

**ORDERED** that, within **ONE 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, 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 with appropriate terms and conditions, 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 Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; 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* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

06/14/2023  
Date

***Signature On File***

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

CONSENT

I, Joanna Macapinlac Delaney, D.O., 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 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***

6/12/23  
Date

Joanna Macapinlac Delaney, D.O.  
Respondent



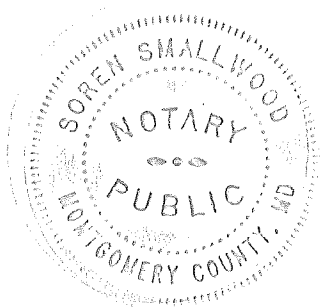
NOTARY

STATE OF Maryland

CITY/COUNTY OF Montgomery

I **HEREBY CERTIFY** that on this 12<sup>th</sup> day of June, 2023, before me, a Notary Public of the foregoing State and City/County, did personally appear Joanna Macapinlac Delaney, D.O., and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSTH my hand and seal.



Soren Smallwood  
Notary Public

My commission expires: 11/18/26

Soren Smallwood  
Notary Public  
Montgomery County, MD  
My Commission Expires: November 18, 2026