

IN THE MATTER OF
CHARLES GRAHAM, D.O.

Respondent

License Number: H87930

*** BEFORE THE**
*** MARYLAND STATE**
*** BOARD OF PHYSICIANS**
*** Case Number: 7722-0051 B**

* * * * *

ORDER AFTER SHOW CAUSE HEARING

On December 9, 2021, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Maryland Board”) and Charles Graham, D.O. (the “Respondent”) entered into a Disposition Agreement (“Disposition Agreement”). On March 30, 2023, Panel B issued a Violation of Disposition Agreement and Notice to Show Cause, which charged the Respondent with violating the terms and conditions of the Disposition Agreement.

On July 26, 2023, the show cause hearing was conducted before Panel B. The Respondent attended and was represented by counsel. An Assistant Attorney General from the Office of the Attorney General’s Health Occupations Prosecution and Litigation Unit appeared as the Administrative Prosecutor for the State and presented the State’s case.

FINDINGS OF FACT

Panel B makes the following factual findings:

1. At all times relevant, the Respondent was, and is, licensed to practice medicine in the State of Maryland. On July 19, 2019, the Respondent initially was licensed to practice medicine in Maryland, under License Number H87930. The Respondent’s current Maryland license is scheduled to expire on September 30, 2024.

2. On June 12, 2020, the Respondent was scheduled to provide emergency care coverage at a medical center in Nevada. After arriving on his shift, the Respondent was still impaired from consuming an excessive amount of alcohol the previous day and night. The Respondent was immediately removed from duty and did not provide any patient care. The medical center then revoked the Respondent's privileges.

3. On October 12, 2020, the medical center in Nevada determined that the Respondent made sufficient efforts to remedy the issues that led to his loss of privileges and authorized the Respondent to return to clinical practice with restrictions.

4. On September 22, 2021, the North Carolina Medical Board and the Respondent entered into a Non-Disciplinary Consent Order.

5. On December 9, 2021, Panel B and the Respondent entered into a Disposition Agreement, which required that the Respondent "comply with all aspects of the monitoring agreement into which he entered with the North Carolina Professionals Health Program ["NCPHP"] and will fulfill all conditions of the monitoring agreement."

6. The Respondent's Disposition Agreement with Panel B also provided:

if the North Carolina Professionals Health Program discharges the Respondent for unsuccessful completion of the monitoring agreement/rehabilitation plan, or if the Respondent fails to comply with any term or condition of this Agreement, this Agreement shall be treated as a public Consent Order, the violation of which authorizes the Board or a Board panel, after notice and an opportunity to be heard, to take any action prescribed under §§ 14-404(a) and 14-405.1 of the Maryland Medical Practice Act, including a reprimand, probation, suspension or revocation of the Respondent's medical license; and/or fine.

7. The Respondent failed to comply with the requirements of his monitoring agreement with NCPHP, and, on October 7, 2022, at the request of the North Carolina

Medical Board, the Respondent voluntarily surrendered his license to practice medicine in North Carolina.¹

8. On December 1, 2022, the Respondent applied for the reinstatement of his North Carolina medical license.

9. On December 12, 2022, the Respondent signed a new five-year monitoring contract with the NCPHP.

10. On February 13, 2023, the North Carolina Medical Board and the Respondent entered into a Consent Order that indefinitely suspended the Respondent's license to practice medicine.

11. On March 28, 2023, the North Carolina Medical Board and the Respondent entered into another Consent Order, which lifted the suspension, allowing the Respondent to practice medicine in North Carolina with conditions, including maintaining his contract with NCPHP.

12. The Respondent's conduct constitutes a failure to comply with the December 9, 2021 Disposition Agreement that the Respondent entered into with Panel B.

CONCLUSIONS OF LAW

¹ The Respondent acknowledges that he failed to comply with the December 9, 2021 Disposition Agreement that he entered into with Panel B. For privacy reasons, details of the failure to comply, and of this matter, in general, are not disclosed in this document.

Panel B concludes, and it is undisputed, that the Respondent failed to comply with the December 9, 2021 Disposition Agreement that the Respondent entered into with Panel B.

SANCTION

The Respondent has been candid and cooperative during the Maryland Board's investigation and this proceeding. The Respondent has also made the necessary efforts to assure Panel B that he is committed to successfully addressing the issues raised in this matter. The Panel finds that the appropriate sanction is that the Respondent is reprimanded and required to comply with his obligations with NCPHP.

ORDER

It is, by Board Disciplinary Panel B, hereby

ORDERED that the Respondent Charles Graham, D.O., is **REPRIMANDED**; and it is further

ORDERED that the Respondent shall comply with the following: (1) the terms and conditions of the March 28, 2023, Consent Order the Respondent entered into with the North Carolina Medical Board; (2) the rules and requirements of NCPHP; and (3) any monitoring contracts that he has entered, and enters, into with NCPHP; and it is further

ORDERED that the Respondent shall also sign any written release/consent forms to authorize the Board to exchange with (i.e., disclose to and receive from) NCPHP verbal and written information concerning the Respondent, and to ensure that the Board is authorized to receive the medical records of the Respondent, including, but not limited to,

mental health and drug and alcohol evaluation and treatment records. The Respondent shall not withdraw the release/consent; and

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Order After Show Cause Hearing (“Order”); and it is further

ORDERED that, if the Respondent allegedly fails to comply with any term or condition imposed by this 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 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 any costs incurred in fulfilling the terms of this Order; and it is further

ORDERED that this Order goes into effect on the date this Order is signed by the Executive Director of the Board or her designee. The Executive Director or her designee signs this Order on behalf of Panel B; and it is further

ORDERED that this Order is a public document.

Signature On File

09/28/2023
Date

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