

IN THE MATTER OF  
M. LISA ATTEBERY, D.O.

Respondent

License Number: H88528

\* BEFORE THE  
\* MARYLAND STATE  
\* BOARD OF PHYSICIANS  
\* Case Number: 2220-0268

\* \* \* \* \*

**CONSENT ORDER**

**PROCEDURAL BACKGROUND**

The Maryland Board of Physicians (the “Maryland Board”) received information that M. Lisa Attebery, D.O., (the “Respondent”) License Number H88528, was disciplined by the Delaware Board of Medical Licensure and Discipline (the “Delaware Board”). In a Consent Agreement dated May 5, 2020, the Delaware Board disciplined the Respondent by placing the Respondent on probation for a period of 2 years requiring the Respondent to enroll in the Delaware Professionals’ Health Monitoring Program (“DPHMP”) for substance abuse evaluation, and requiring the Respondent to complete and/or furnish proof of completion of nine acceptable continuing education contact hours.

Based on the above referenced Delaware Board sanction, the Maryland Board has grounds to charge the Respondent with violating the following provisions of the Maryland Medical Practice Act (the “Act”), under H. O. § 14-404(a):

- (a) 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:
  - (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the

Veteran's Administration for an act that would be grounds for disciplinary action under this section,

The Maryland Board has determined that the acts for which the Respondent was disciplined in Delaware would be grounds for disciplinary action under H.O. § 14-404(a).

The grounds for disciplinary action under H.O. § 14-404(a) are as follows:

- (3)(ii) Is guilty of 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.

Based on the action taken by the Delaware Board, the Respondent agrees to enter into this Consent Order with the Maryland Board of Physicians, consisting of Procedural Background, Findings of Fact, Conclusions of Law, and Order of reciprocal action.

### **I. FINDINGS OF FACT**

The Board finds the following:

1. At all times relevant hereto, the Respondent was a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed in Maryland on or about November 18, 2019.
2. The Respondent is board-certified in surgery.
3. The Delaware Board found Between January 2018 and November 2018, the Respondent wrote multiple prescriptions for controlled substances, specifically Tramadol and Hydromorphone to a family member. The Respondent had evaluated the patient in her office for one visit and diagnostic studies were ordered. No documented follow-up visits were completed. Other than records for that one visit in June, 2018,

Respondent did not maintain treatment records or prescription records for the family member.

4. Additionally, in April, May, June, and October of 2018, the Respondent wrote multiple prescriptions to herself for controlled substances, specifically Tramadol and Hydromorphone, to treat pain associated with a flare up of chronic illness for which she was under the care of a specialist in Philadelphia. Respondent did not maintain her own records of her treatment or of her prescriptions. The specialist in Philadelphia was aware that the Respondent was taking the medications and documented this fact in her records.

5. The Delaware Board further found that between January 2018 and January 2019, while Respondent was treating patients, she wrote over 250 prescriptions for controlled substances to 171 patients. During this time period, the Respondent had not registered for access to the Prescription Monitoring Program (“PMP”) and did not query the PMP for any of the patients she wrote prescriptions for.

6. By Order dated May 5, 2020, the Delaware Board placed the Respondent on probation for 2 years subject to certain terms and conditions. A copy of the Consent Agreement is attached hereto.

## **II. CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Maryland Board concludes as a matter of law that the disciplinary action taken by the Delaware Board against the Respondent was for an act or acts that would be grounds for disciplinary action under Health Occ. § 14-404(a)(3ii) and (43) had those offenses been committed in this state, and would thus subject him to discipline under Health Occ. §14-404(a)(21).

**III. ORDER**

It is hereby:

**ORDERED** that the Respondent's license to practice medicine in the State of Maryland be and is hereby placed on **PROBATION**; subject to the following terms and conditions:

- a. The Respondent shall remain in compliance with the terms and conditions of the May 5, 2020 Delaware Board Consent Agreement;
- b. The Maryland Board Consent Order shall remain in effect until the Delaware Board deems it appropriate to terminate the probationary terms and conditions of its May 5, 2020 Consent Agreement;
- c. If Respondent fails to comply with any of the terms of this Consent Order, that failure may constitute a violation of probation and, after required notice and hearing, the Maryland Board may suspend or revoke the Respondent's license.

**ORDERED** that this **CONSENT ORDER** is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§4-101 through 4-601 (2014).

06/30/2020  
Date

***Signature on File***

Christine A. Farrelly  
Executive Director  
Maryland Board of Physicians

## CONSENT

I, M. Lisa Attebery, D.O. 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

6/22/2020  
Date

M. Lisa Attebery, D.O.  
Respondent

## NOTARY

STATE OF DELAWARE

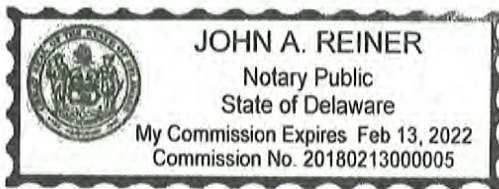
CITY/COUNTY OF SUSSSEX

I HEREBY CERTIFY that on this 22nd day of JUNE, 2020, before me, a Notary Public of the State and City/County aforesaid, personally appeared M. Lisa Attebery, D.O. and made oath in due form of law that the foregoing Consent Order was his/her voluntary act and deed.

AS WITNESS my hand and notarial seal.

John A. Reiner  
Notary Public

My Commission expires: FEB 13 2022





C.S. , who is now estranged. Respondent had evaluated the patient in her office for one visit and diagnostic studies were ordered. No documented follow-up visits were completed. Other than records for that one visit in June, 2018, Respondent did not maintain treatment records or prescription records on C.S.

5. In April, May, June and October of 2018, Respondent wrote multiple prescriptions to herself for controlled substances, specifically Tramadol and Hydromorphone, to treat pain associated with a flare up of a chronic illness for which she was under the care of a specialist in Philadelphia. Respondent did not maintain her own records of her treatment or of her prescriptions. The specialist in Philadelphia was aware that the Respondent was taking the medications and documented this fact in her records.

6. Between January 2018 and January 2019, while Respondent was treating patients, she wrote over 250 prescriptions for controlled substances to 171 patients. During this time period, Respondent had not registered for access to the Prescription Monitoring Program ("PMP") and did not query the PMP for any of the patients she wrote prescriptions for.

7. Respondent violated 24 *Del. C.* § 1731(b)(3), Board Regulation 8.1, and Board Regulation 8.1.13 in that she failed to adequately maintain and properly document patient records for C.S.

8. Respondent violated 24 *Del. C.* § 1731(b)(11) as she engaged in misconduct in the practice of medicine.

9. Respondent admits that the allegations set forth in paragraphs one (1) through eight (8) above are true and correct.

10. The State and Respondent agree that the appropriate disciplinary sanction is as follows:

- a. Respondent's license shall be placed on probation for a period of 2 years;



- b. Within 30 days of this Order, Respondent shall enroll in the Delaware Professionals' Health Monitoring Program (DPHMP) for a substance abuse evaluation. Respondent shall follow any treatment recommendations from that evaluation;
- c. Within ninety days of this Order, Respondent must complete and/or furnish proof of completion of nine acceptable continuing education contact hours. Of the nine, six of the contact hours must be in the subject area of safe prescribing of controlled substances and three must be in the subject of record keeping; these nine hours must be in addition to, and not in lieu of the thirty contact hours required for renewal; and
- d. Failure to comply with this Order may result in further discipline. This is a public disciplinary action reportable to the national practitioner databank.

11. The parties to this Consent Agreement are the State of Delaware and Respondent. The parties agree and acknowledge that nothing contained in this Consent Agreement shall affect any rights or interests of any person not a party to this Agreement.

12. Respondent acknowledges that she is waiving her rights under 24 *Del. C. Ch. 17* and 29 *Del. C. Ch. 101* to a hearing before the Board prior to the imposition of disciplinary sanctions.

13. Respondent hereby acknowledges and agrees that she has carefully read and understands this Consent Agreement, and is entering into this Consent Agreement freely, knowingly, voluntarily, and after having received or having been afforded the opportunity to receive the advice of counsel.

14. Respondent acknowledges that this Consent Agreement is a public record within the meaning of 29 *Del. C. § 10002* and will be available for public inspection and copying as provided for by 29 *Del. C. § 10003*.

15. The parties acknowledge and agree that this Consent Agreement is subject to approval by the Board.

16. The parties acknowledge and agree that if the Board does not accept this Consent Agreement, it shall have no force or effect, except as follows:

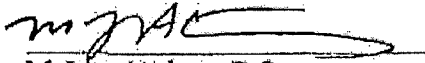
- a. Neither Respondent, nor anyone on her behalf, will in any way or in any forum challenge the ability of the Board or any of its members to conduct an evidentiary hearing relating to the allegations in the subject Complaint;
- b. The Consent Agreement, or conduct or statements made in negotiating the Consent Agreement, will be inadmissible at any administrative, civil or criminal legal proceeding; and
- c. No provision contained in the Agreement shall constitute or have the effect of an admission by Respondent as to any fact alleged in the Complaint in this matter or in this Agreement.

17. If the Board accepts the Consent Agreement and enters it as an Order, the Consent Agreement shall be admissible as evidence at any future proceedings before the Board.

18. Respondent acknowledges and agrees that the Board will report this Consent Agreement to the licensing authority of any other state in which she is licensed to practice.

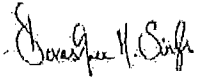
19. The parties acknowledge and agree that this Consent Agreement, along with any exhibits, addendums, or amendments hereto, encompasses the entire agreement of the parties and supersedes all previous understandings and agreements between the parties, whether oral or written. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

20. This Consent Agreement, and any disciplinary sanctions contained herein, shall be effective upon acceptance by the Board and entry of the Board's Order.



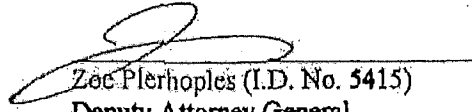
M. Lisa Attebery, D.O.  
Respondent

Dated: 4/23/2020



Devashree Singh  
Executive Director  
Delaware Board of Medical Licensure and Discipline

Dated: 4.29.2020



Zac Pierhopes (I.D. No. 5415)  
Deputy Attorney General

Dated: 4/29/2020

**BEFORE THE DELAWARE BOARD OF MEDICAL LICENSURE AND DISCIPLINE**

**IN RE: M. LISA ATTEBERY, D.O.**

**LICENSE NO.: C2-0012056**

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**Case No.: 10-19-19**

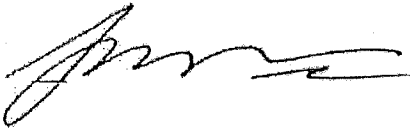
**ORDER**

**WHEREAS**, the Board of Medical Licensure and Discipline has reviewed this matter;

and

**WHEREAS**, the Board of Medical Licensure and Discipline approves the Consent Agreement of the parties and intends to enter it as an Order of the Board;

**IT IS HEREBY ORDERED** this     5th     day of     May    , 2020



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Dr. Garrett Colmorgen, M.D., President