

IN THE MATTER OF

*

BEFORE THE MARYLAND

ALYSE BECK, RCP

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STATE BOARD OF PHYSICIANS

Respondent.

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Case Number 7716-0026

License Number L06144

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ORDER AFTER SHOW CAUSE HEARING

On December 1, 2015, Alyse Beck, a Respiratory Care Practitioner (“RCP”) licensed by the Maryland State Board of Physicians (the “Board”) since 2013, entered into an agreement with the Board wherein she agreed to enroll in the Maryland Professional Rehabilitation Program (“MPRP”) within ten (10) business days of the agreement and comply with all of the MPRP’s recommendations. Ms. Beck did not enroll in the MPRP. On May 18, 2016, following a show cause hearing, Board Disciplinary Panel A (“Panel A”) issued an order finding that Ms. Beck failed to comply with the terms of the December 1, 2015 agreement and ordered that her license be suspended until she had complied with the agreement. On September 14, 2016, following notification by the MPRP that Ms. Beck tested positive for alcohol and fentanyl in contravention of her Participant Rehabilitation Agreement, Panel A issued a Notice to Show Cause alleging a violation of the terms and conditions of the May 18, 2016 Order and the MPRP Participant Rehabilitation Agreement. On December 7, 2016, Panel A held a hearing where Ms. Beck had the opportunity to argue why her license should not be subject to further discipline.

FINDINGS OF FACT

December 1, 2015 Agreement

On December 1, 2015, Ms. Beck entered into an agreement with the Board wherein she was referred for treatment to the MPRP. The agreement required Ms. Beck to enroll in the MPRP within ten (10) business days and to comply with her Participant Rehabilitation

Agreement and fulfill all conditions of the Participant Rehabilitation Agreement. The Agreement also provided that

[I]f the Respondent fails to comply with any term or condition of this Agreement, a Board panel, after notice and an opportunity to be heard may take an action prescribed under Section 14-5A-17(a) of the Maryland Medical Practice Act, which includes reprimand, probation, or the suspension or revocation of the Respondent's respiratory care practitioner's license.

Ms. Beck failed to enroll in the MPRP and, on May 18, 2016, after a show cause hearing, Panel A suspended her license to practice respiratory care.

May 18, 2016 Order

On May 11, 2016, Ms. Beck appeared at a show cause hearing before Panel A and conceded that she violated the December 1, 2015 agreement by failing to enroll in the MPRP. On May 18, 2016, Panel A issued an order finding that Ms. Beck failed to comply with the terms of the December 1, 2015 agreement and ordered that her license be suspended until she had complied with the agreement. The Order required Ms. Beck to enroll in the MPRP program within ten (10) business days and to "comply with all terms and conditions of the December 1, 2015 agreement [.]". The May 18, 2016 Order also:

ORDERED that if the Board or Panel A determines after notice and an opportunity for a hearing before an Administrative Law Judge of the Office of Administrative Hearings if there is a genuine dispute as to a material fact or a show cause hearing before the Board or Panel A if there is no genuine dispute as to a material fact, that Ms. Beck has failed to comply with this Order, the Board or Panel A may reprimand Ms. Beck, place Ms. Beck on probation with appropriate terms and conditions, impose a civil monetary fine, or suspend or revoke Ms. Beck's license to practice medicine in Maryland[.]

Violation of May 18, 2016 Order

In accordance with the May 18, 2016 Order, Ms. Beck enrolled in the MPRP and entered into a Participant Rehabilitation Agreement on June 1, 2016. Under the terms of Ms. Beck's Participant Rehabilitation Agreement and the addendum agreements, Ms. Beck was required to

completely abstain from all mood-altering substances, including alcohol, unless prescribed for a legitimate medical purpose.

On July 12, 2016, the MPRP notified the Board that Ms. Beck tested positive for alcohol on July 5, 2016. Then, on August 1, 2016, the MPRP notified the Board that Ms. Beck tested positive for fentanyl on July 25, 2016. The test results noted: "positive fentanyl and metabolite at levels that are consistent with ingestion, no history of RX and denial of use to PRP on 8/1/16." On August 17, 2016, the MPRP notified the Board that Ms. Beck tested positive for fentanyl a second time on August 8, 2016. Again, the test results noted: "positive fentanyl metabolite at a level that is consistent with ingestion, no history of RX and denial of use to PRP on 8/1/16." Finally, on August 19, 2016, the MPRP notified the Board that the program discharged Ms. Beck for cause based on the multiple positive toxicology screenings.

Show Cause Hearing

On September 14, 2016, Panel A issued a Notice to Show Cause, alleging a violation of the terms and conditions of the May 18, 2016 Order and the Participant Rehabilitation Agreement.

On December 7, 2016, Ms. Beck appeared at a show cause hearing before Panel A for the second time. The State was represented by Administrative Prosecutor, Tracee Orlove Fruman. Ms. Beck admitted that she did not successfully complete the MPRP program and that she tested positive on three occasions, in violation of the Participant Rehabilitation Agreement that she entered into with the MPRP and the May 18, 2016 Order. Ms. Beck informed the Panel that she had recently completed an inpatient 28 day treatment program and that she planned to continue with intensive outpatient treatment. Ms. Beck asked the Panel to continue her suspension and give her another chance to obtain treatment through the MPRP.

Ms. Beck has had several opportunities to comply with the Board's and Board Panel's orders and has failed to comply. First, Ms. Beck failed to enroll in the MPRP in violation of the December 1, 2015 agreement. The Panel suspended Ms. Beck's license, but gave Ms. Beck a second chance to enroll in the MPRP and obtain treatment. Ms. Beck enrolled in the MPRP on June 1, 2016, but within the first three months in the program, she had three positive toxicology screens. As a result of the positive toxicology results, the MPRP discharged Ms. Beck for cause. The Panel has given Ms. Beck repeated opportunities to comply with the terms and conditions of her MPRP Participant Rehabilitation Agreement and advised Ms. Beck on several occasions that non-compliance with the MPRP could result in the revocation of her license.

CONCLUSIONS OF LAW

Panel A finds that Ms. Beck violated the terms and conditions of the May 18, 2016 Order and her MPRP Participant Rehabilitation agreement. Pursuant to the Order, upon finding that Ms. Beck failed to comply with the Order, Panel A is authorized to impose additional sanctions on Ms. Beck's license, including revocation.

ORDER

On an affirmative vote of a majority of a quorum of Disciplinary Panel A, it is hereby:

ORDERED that Ms. Beck's license to practice respiratory care in Maryland (License Number L06144) is **REVOKED**; and it is further

ORDERED that Ms. Beck may not apply for reinstatement of her license to practice respiratory care for a minimum of **ONE YEAR** from the date of this Order; and it is further

ORDERED that the suspension imposed by the May 18, 2016 Order is hereby terminated as moot based upon the revocation; and it is further

ORDERED that this Order is a public document pursuant to Md. Code Ann., Gen. Prov.

§§ 4-101 *et seq.*

12/12/2016
Date

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