

IN THE MATTER OF	*	BEFORE THE MARYLAND
MEDSTAR GOOD SAMARITAN	*	STATE BOARD OF
HOSPITAL	*	PHYSICIANS
Respondent hospital	*	Case Number: 2218-0063B

CONSENT ORDER

On January 8, 2018, the Maryland State Board of Physicians (the "Board") notified **MedStar Good Samaritan Hospital** (the "Respondent hospital") of its violation under the Maryland Physician Assistants Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") § 15-101 *et seq.* (2014 Repl. Vol. & 2017 Supp.), by failing to file a report. The pertinent provisions under Health Occ. II are as follows:

§ 15-103. Reporting of change in employment terms.

...

(b) Termination of employment of physician assistant. – An employer of a physician assistant shall report to the Board, on the form prescribed by the Board, any termination of employment of the physician assistant if the cause of termination is related to a quality of care issue.

(c) *Grounds for disciplinary action under §15-314.* – Except as otherwise provided under subsections (b) and (d)¹ of this section, a hospital, a related institution, an alternative health care system, or an employer of a physician assistant shall report to the Board any limitation, reduction, or other change of the terms of employment of the physician assistant or any termination of employment of the physician assistant for any reason that might be grounds for disciplinary action under §15-314 of this title.

...

(g) *Term for submission of report.* -- The hospital, related institution, alternative health system, or employer shall submit the report within 10 days of any action described in this section.

...

¹ (d) does not apply to this case.

- (i) *Civil penalty.* --- (1) The Board may impose a civil penalty of up to \$1,000 for failure to report under this section.
- (j) *Report.* -- An employer shall make the report required under this section to the Board within 5 days after the date of termination of employment.
- (k) *Regulations.* -- The Board shall adopt regulations to implement the provisions of this section.

The applicable regulations under **Md. Code Regs 10.32.22** provide in pertinent part:

.03 Mandated Reports.

A. Subject to the limitations set out in §§ B, C and D of this regulation, the reporting entity shall report to the Board in writing any change made with respect to a health care provider:

- (1) Whom the reporting entity employs[.]

B. A reporting entity shall inform the Board of any change that has been made, in whole or in part, because the reporting entity had reason to believe that the health care provider:

...

- (3) Disrupted the workplace[.]

.05. Time Frames for Submission of Reports.

...

B. Allied Health Providers.

...

- (2) With respect to physician assistants:

...

a) An employer of a physician assistant who terminates the physician assistant because of a quality of care issue shall report the termination within 5 days of the termination[.]

On April 25, 2018, Panel B 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 and Order.

I. FINDINGS OF FACT

The Board finds:

1. The Respondent hospital is located in Baltimore, Maryland.²
2. At all times relevant, Mr. A was the President of both the Respondent hospital and a second hospital owned by Health Care system A.³
3. Physician Assistant A was employed as a physician assistant at the Respondent hospital from approximately August 2010 until April 11, 2017.
4. On or about June 16, 2017, Physician Assistant A filed his 2017 renewal application with the Board. He answered affirmatively to question which asked:

Has your employment or contractual relationship with any hospital, HMO or other health care facility, health care provider, or institution, armed services or the Veterans Administration been terminated for disciplinary reasons.
5. Physician Assistant A responded to question n referenced in ¶ 4, “My employment with [Health Care system A] was terminated due to [sic] disagreement with [sic] co-worker.”

² The Respondent hospital is part of a health care system (“Health Care system A”) that owns multiple hospitals in the Baltimore-Washington metropolitan area.

³ In order to maintain confidentiality, identifying names will not be used in this document.

6. During the Board's investigation of Physician Assistant A's response, Board staff discovered that the Respondent hospital had failed to file a report notifying the Board of Physician Assistant A's April 11, 2017 termination of employment for disciplinary reasons.

7. On or about October 3, 2017, Board staff sent Mr. A a letter notifying the Respondent hospital of its failure to file the 10-Day Report following Physician Assistant A's termination of employment, and requesting a written response.

8. On or about October 16, 2017, the Respondent hospital (through Mr. A) filed the mandated 10-Day Report with the Board, and Mr. A stated that the hospital's failure to timely file was an oversight and not common practice. Further, Mr. A stated that the Respondent hospital's administrative staff was prioritizing the retraining of staff involved in the "off-boarding" process to ensure this does not reoccur.

9. Mr. A cited the reasons for Physician Assistant A's termination of employment for "cause" as including: 1) inappropriate behavior not aligned with Hospital System A's "values or expectation"; 2) creating a hostile work environment; and 3) two occurrences of failure to perform timely patient care.

10. The Respondent hospital's termination of employment of Physician Assistant A was related to a quality of care issue.

11. The Respondent hospital's termination of employment of Physician Assistant A could be grounds for action under Health Occ. II § 15-314, specifically Health Occ. II § 15-314(3)(ii) (unprofessional conduct in the practice of medicine) or (22) (fails to meet appropriate standards for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State).

II. CONCLUSIONS OF LAW

Based on the findings of fact, the Respondent hospital's failure to timely report Physician Assistant A's termination, which in whole or in part related to a quality care issue that might be grounds for disciplinary action under Health Occ. II § 15-314(a), to the Board constitutes a violation of Health Occ. II §15-103(b); and, constitutes a violation of Health Occ. II 15-103(c).

The Respondent hospital's failure to make the report to the Board within 5 days of Physician Assistant A's termination of employment constitutes a violation of Health Occ. II §15-103(j). The Respondent hospital's failure to submit the report to the Board within 10 days of Physician Assistant A's termination of employment constitutes a violation of Health Occ. II §15-103(g).

III. ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by the Board, hereby

ORDERED that within **THIRTY (30) DAYS** of the date of this Consent Order, the Respondent shall pay a civil fine in the amount of **FIVE HUNDRED DOLLARS (\$500.00)** by money order or bank certified check made payable to the Maryland Board of Physicians, P.O. Box 37217, Baltimore, Maryland, 21297, for deposit into the General Fund of Maryland, and it is further

ORDERED that, unless stated otherwise in the order, any time period prescribed in this order begins when the Consent Order goes into effect. The Consent Order goes

into effect upon the signature of the Board's Executive Director, who signs on behalf of the Board, and it is further

ORDERED that this Consent Order shall be a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 through 4-601 (2014 & 2016 Supp.).

May 16, 2018
Date

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

CONSENT

I, Bradley S. Chambers, on behalf of MedStar Good Samaritan Hospital, acknowledge that I have been advised of my right to be represented by the attorney of my choice throughout proceedings before the Board, including the right to counsel with an attorney prior to signing this Consent Order. I have knowingly, willfully and intelligently waived my right to be represented by an attorney before signing this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into 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 own behalf, and to all other substantive and procedural protections provided by law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this

Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that I might have followed after any such hearing.

I sign this Consent Order, having been advised of my right to be represented by the attorney of my choice before signing and having waived that right, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

Signature on File

May 1, 2018
Date

Bradley S. Chambers, President
MedStar Good Samaritan Hospital

STATE/ DISTRICT OF Maryland

CITY/COUNTY OF: Baltimore

I HEREBY CERTIFY that on this 1st day of May, 2018, before me, a Notary Public of the State/District and County aforesaid, personally appeared Bradley S. Chambers, and gave oath in due form of law that the foregoing Consent Order was their voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Linda M. Regner
Notary Public

My commission expires: June 25, 2018