

IN THE MATTER OF \* BEFORE THE MARYLAND  
PEOPLE ENCOURAGING PEOPLE, INC. \* STATE BOARD  
The Respondent \* OF PHYSICIANS  
\* Case Number: 2220-0130

\* \* \* \* \*

**FINAL ORDER**

On or about January 23, 2020, the Maryland State Board of Physicians (the “Board”) issued a *Notice of Failure to File a Report* (the “Notice”), notifying People Encouraging People, Inc. (the “Respondent”) of its failure to comply with the provisions of the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.).

The pertinent provisions of the Act are as follows:

**Health Occ. Section 14-413. Reports to be made to Board.**

- (a) Hospitals and related institutions. --
  - (1) Each hospital and related institution shall submit to the Board a report within 10 days after:
    - (i) The hospital or related institution denied the application of a physician for staff privileges or limited, reduced, otherwise changed, or terminated the staff privileges of a physician, or the physician resigned whether or not under formal accusation, if the denial, limitation, reduction, change, termination, or resignation is for reasons that might be grounds for disciplinary action under Section 14-404 of this subtitle;
    - (ii) The hospital or related institution took any disciplinary action against a salaried, licensed physician without staff privileges, including termination of employment,

suspension, or probation, for reasons that might be grounds for disciplinary action under Section 14-404 of this subtitle;

(iii) A licensed physician voluntarily resigned from the staff, employ, or training program of the hospital or related institution for reasons that might be grounds for disciplinary action under Section 14-404 of this subtitle; or

(iv) The hospital or related institution placed any other restrictions or conditions on any of the licensed physicians as listed in items (i) through (iii) of this paragraph for any reasons that might be grounds for disciplinary action under Section 14-404 of this subtitle.

(2) The hospital or related institution shall state in the report the reasons for its action or the nature of the formal accusation pending when the physician resigned.

....

(e) Penalty for failure to report. –

(1) The Board may impose a civil penalty of up to \$ 5,000 for failure to report under this section.

(2) The Board shall remit any penalty collected under this subsection into the General Fund of the State.

The pertinent regulations adopted by the Board are as follows:

**COMAR 10.32.22.06 Enforcement.**

M. It is not a defense to the allegation of a failure to report that:

(1) An employee of the reporting entity was not aware of:

(a) The change made by the reporting entity; or

(b) The obligation to report[.]

....

O. If the Board finds after a hearing that a reporting entity failed to file any report required by this chapter, the Board shall issue a final disposition with findings of fact, conclusions of law, and civil penalty. In its final disposition, the Board may impose a civil penalty as follows:

(1) With respect to reports concerning physicians:

(a) \$2,500 for the first occurrence in a calendar year; or

(b) \$5,000 for any subsequent occurrence in a calendar year[.]

The Notice informed the Respondent that if it did not request a hearing on the Notice within 30 days, the Board would issue a Final Order imposing a civil penalty of \$2500. The Respondent subsequently notified the Board by letter that it would not request a hearing.

More than 30 days have passed since the Notice was issued and the Respondent has not requested a hearing. Therefore, the Board issues this Final Order, as indicated in the Notice.

### **FINDINGS OF FACT**

The Board finds the following:

1. During a separate preliminary investigation, the Board received information

that on or about April 1, 2019 a Maryland licensed physician (the “Physician”)<sup>1</sup> had been terminated for disciplinary reasons from the Respondent, a Maryland non-profit behavioral healthcare corporation

2. Based on the information, the Board initiated an investigation into the Respondent.

3. In furtherance of the investigation, the Board’s investigator obtained relevant personnel records of the Physician. The records revealed the following.

4. Effective April 1, 2019, the Respondent terminated the Physician, who it had been employing since January 2016.

5. According to the records obtained, the Physician was terminated based on “concerns about the quality of care provided by” the Physician that were ongoing for several months before the Physician’s termination.

6. According to a memorandum by the HR Director of the Respondent, dated October 15, 2018, the Physician was given “an extremely strong written warning” and placed on a “90-day probationary period,” during which, “any infraction ... will result in termination.” This disciplinary action was the result of an incident where the Physician visited a patient and noted that he had lost a significant amount of weight, complained about an inability to eat, demonstrated diminished cognition, and yet the Physician failed to take any action to ensure that the patient received emergency care.

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<sup>1</sup> To ensure privacy, the names of certain individuals involved in this case are not disclosed in this document. The Respondent may obtain the identity of the referenced individuals or entities in this document by contacting the administrative prosecutor.

7. Four days after the Physician's meeting with the patient, another staff member visited the patient, and

found him in a deplorable condition, appearing emaciated. ... An ambulance was called immediately, and [the patient] was taken to the hospital for further care. Upon arrival at the hospital, [the patient] was immediately considered incompetent to make his own medical decisions... He was admitted and immediately treated, including being placed on a feeding tube.

8. According to a memorandum by the president of the Respondent, dated March 29, 2019, at least six separate instances where the Physician's medical care was deemed substandard, including the October 2018 incident described above, led to the termination. In addition to the October 2018 incident described above, the instances included:

1. June 2018 – The Physician failed to adequately document the need to prescribe two weeks' worth of medication to a patient who had been deemed at high risk of suicide and had previously been restricted to three days' worth of medication at a time. The patient subsequently died of an apparent overdose.
2. August 2018 – The Physician failed to order and review regular lab tests for lithium levels in a patient who subsequently experienced lithium toxicity and had to be hospitalized in the ICU for several weeks.
3. March 2019 – The Physician failed to follow company policy by securing a second opinion and failed to consider any alternatives before he prescribed benzodiazepines to a patient undergoing methadone treatment. The patient died of an overdose.
4. March 2019 – The Physician failed to document a rationale to support his prescription of a stimulant to a patient who was "chronically suicidal."
5. March 2019 – The Physician failed to order and review regular lab tests for lithium levels in a patient who subsequently intentionally

overdosed on lithium she was being prescribed. Regular testing may have revealed that the patient was not taking her prescribed dose of lithium, but hoarding it instead.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's failure to timely report the termination of the Physician to the Board, as described above, constitutes a violation of Health Occ. §14-413 as cited above.

Specifically, the Respondent failed to report to the Board within 10 days that effective April 1, 2019, it terminated its employee, the Physician, at least in part for reasons that might be grounds for disciplinary action under Health Occ. § 14-404(a), specifically: (3) ("Is guilty of: (ii) Unprofessional conduct in the practice of medicine"); (4) ("Is professionally, physically, or mentally incompetent"); and/or (22) ("Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State").

### ORDER

It is thus by the Board hereby:

**ORDERED** that the Respondent shall pay a civil fine of \$2500.00. 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; and it is further

**ORDERED** that the effective date of this Order is the date the Order is signed by the Executive Director of the Board or her designee. The Executive Director or her

designee signs the Order on behalf of the Board which has imposed the terms and conditions of this Consent Order; and it is further

**ORDERED** that this Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

02/24/2020  
Date

## *Signature on File*

Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians

### **NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW**

Pursuant to Md. Code Ann., Health Occ. § 14-5B-14.1(a), the Respondent has the right to seek judicial review of this Final Order. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Final Order. The cover letter accompanying this final order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Respondent files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

**Maryland State Board of Physicians  
Christine A. Farrelly, Executive Director  
4201 Patterson Avenue  
Baltimore, Maryland 21215**

Notice of any petition should also be sent to the Board's counsel at the following address:

**Noreen M. Rubin**  
**Assistant Attorney General**  
**Department of Health and Mental Hygiene**  
**300 West Preston Street, Suite 302**  
**Baltimore, Maryland 21201**