

IN THE MATTER OF
ANN RUSCHER, M.D.

Applicant

*** BEFORE THE**
*** MARYLAND STATE**
*** BOARD OF PHYSICIANS**
*** Case Number: 2222-0115B**

* * * * *

CONSENT ORDER

On September 19, 2022, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) notified Ann Ruscher, M.D. (the “Applicant”), of its intent to deny her application for initial medical licensure in Maryland. The Applicant completed the application (“Application”), on February 11, 2022. The basis for Panel B’s action was pursuant to the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et. seq.* (2021 Repl. Vol.).

The pertinent provisions of the Act provide the following:

Health Occ. § 14-205. Miscellaneous powers and duties.

(b) *Additional powers.*

(3) Subject to the Administrative Procedure Act and the hearing provisions of § 14-405 of this title, a disciplinary panel may deny a license to an applicant . . . for:

(i) Any of the reasons that are grounds for action under § 14-404 of this title[.]

Health Occ. § 14-404. Denials, reprimands, suspensions, and revocations – Grounds.

(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 Veterans' Administration for an act that would be grounds for disciplinary action under this section[.]

With respect to Health Occ. § 14-404(a)(21), acts that would be grounds for disciplinary action under Health Occ. § 14-404(a) include:

- (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[.]

On December 21, 2022, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on the negotiations occurring as a result of this DCCR, the Applicant agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel B makes the following findings of fact:

2021 Reciprocal Action Taken by the Wisconsin Medical Examining Board

1. On or about March 27, 2021, the Applicant voluntarily entered into a Stipulation agreement (the “Stipulation”) with the Wisconsin Medical Examining Board

(the “Wisconsin Board”) with respect to an incident that occurred in 2016 during the performance of the Applicant’s job duties at a Healthcare Facility.¹

2. On April 21, 2021, the Wisconsin Board issued a Final Decision and Order (the “Wisconsin Order”) in accordance with the terms of the Stipulation that included imposition of a reprimand and an \$850 fine.

3. In the Wisconsin Order, the Wisconsin Board concluded that the Applicant had “engaged in unprofessional conduct ... by departing from or failing to conform to the standard of minimally competent medical practice which creates an unacceptable risk of harm to a patient or the public whether or not the act or omission resulted in actual harm to any person,” in violation of Wis. Admin. Code § Med 10.03(2)(b).

The Application

4. On or about February 11, 2022, the Board received the Applicant’s Application.²

5. The Application contained a series of questions to which the Applicant was required to respond “YES” or “NO”. The Application requested a written explanation for any “YES” responses.

6. The Applicant responded “YES” to two questions on the Character and Fitness section of the Application:

Question 2. Has a state licensing or disciplinary board (including Maryland), a comparable body in the armed services, or

¹ For confidentiality reasons, specific information relating to the incident and the Healthcare Facility will not be disclosed. The Applicant is aware of the incident and facility referred to in this document.

² In the Application, the Applicant stated that she is actively licensed in Wisconsin, Illinois, and Iowa, and has an inactive license in Pennsylvania.

the Veterans Administration, ever taken action against your license? Such actions include, but are not limited to, limitations of practice, required education admonishment or reprimand [*sic*], suspension, probation or revocation.

Question 3. Has any licensing or disciplinary board in any jurisdiction (including Maryland), a comparable body in the armed services, or the Veterans Administration, ever filed any complaints against you or investigated you for any reason?

7. The Applicant provided written explanations for her affirmative responses.

Specifically, the Applicant stated:

- a. On 4/21/21 the Wis. Med. Exam. Board reprimanded [her]. [The Applicant] agreed to it to avoid the expense and emotional stress of a hearing. The factually detailed Order does not say what [the Applicant] did wrong only that [the Applicant] violated the rule. But [she] met all the required standards of care ... [The Applicant's] employer ... took no action against [the Applicant]. [The facility] where the surgery took place took no action against [the Applicant] or [the Applicant's] privileges.
- b. No complaints or charges have been filed. Wisconsin investigation resulted in the reprimand. [The Applicant] reported the Wisconsin reprimand to [Iowa]. [Iowa] investigated and on 10/11/21 determined that it did not warrant any disciplinary action and it closed the investigation.

Board Investigation

8. On or about March 15, 2022, the Board informed the Applicant that it had initiated an investigation with respect to her responses to Questions #2 and #3 on her Application.

9. As part of its investigation, the Board obtained the Wisconsin Final Order, dated April 21, 2021, which confirmed that the Applicant was disciplined after the Wisconsin Board found that the Applicant had engaged in unprofessional conduct for failure to meet the standard of care which created an unacceptable risk of harm.

CONCLUSIONS OF LAW

Panel B concludes as a matter of law that, under Health Occ. § 14-205(b)(3)(i), Panel B could deny the Applicant a license to practice medicine in Maryland because there are grounds for action under Health Occ. § 14-404. The Applicant's actions, as described above, constitute grounds for Panel B to deny her Application under the following provisions of Health Occ. § 14-404(a): Health Occ. § 14-404(a)(21), is disciplined by a licensing or disciplinary authority . . . for an act that would be grounds for disciplinary action under this section[.] Acts that would be grounds for disciplinary action under Health Occ. § 14-404(a) include the following: (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. The Health Occ. § 14-404(a)(3)(ii) charge is dismissed.

ORDER

It is, by Panel B, hereby:

ORDERED that the Application for Initial Medical Licensure for Ann Ruscher, M.D., which Dr. Ruscher completed on February 11, 2022, is **GRANTED**; and it is further

ORDERED that Ann Ruscher, M.D. is **REPRIMANDED**; and it is further

ORDERED that this Consent Order is a public document. See Health Occ. §§ 1-607, 14-411.1(b)(2) and Md. Code Ann., Gen. Prov. § 4-333(b)(6) (2021 Repl. Vol.).

01/23/2023
Date

Signature On File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Ann Ruscher, M.D., assert that I am aware of my right to consult with, and be represented by, legal counsel in considering this Consent Order. I have chosen to proceed without legal counsel, and I acknowledge that the decision to proceed without legal 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.

1-17-2023
Date

Signature On File

Ann Ruscher, M.D.
Applicant

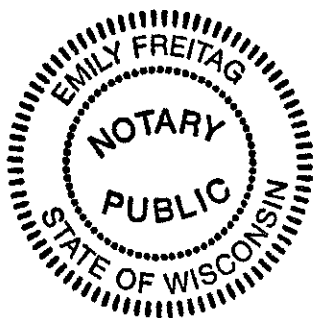
NOTARY

STATE OF Wisconsin

CITY/COUNTY OF Dane

I HEREBY CERTIFY that on this 17th day of January, 2023, before me, a Notary Public of the foregoing State and City/County, did personally appear Ann Ruscher, M.D. and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSTH my hand and seal.



Emily Freitag
Notary Public

My commission expires: 6/28/24