

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE MARYLAND</b>
<b>JULIA F. SLASKI, RPSGT</b>	*	<b>STATE BOARD OF</b>
<b>Respondent</b>	*	<b>PHYSICIANS</b>
<b>License Number: Z00361</b>	*	<b>Case Number: 2017-0313B</b>

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**CONSENT ORDER**

On August 2, 2017, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged Julia F. Slaski, RPSGT, (the “Respondent”), License Number Z00361, under the Maryland Polysomnography Act (the “Act”), Md. Code Ann., Health Occ. II (“Health Occ. II”) § 14-5C-01 *et seq.* (2014 Repl. Vol. & 2016 Supp.).

The Respondent was charged under the following provisions of the Act:

**Health Occ. II § 14-5C-17**

(a) *In general.* – Subject to the hearing provisions of § 14-405 of this title, the Board, on the affirmative vote of a majority of a quorum of the Board, may deny a license to any applicant, or a disciplinary panel, on the affirmative vote of a majority of a quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the applicant of licensee:

...

(3) Is guilty of unprofessional...conduct in the practice of polysomnography;

...

(8) Provides professional services while:

...

(ii) Using any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article or any other drug that is in excess of therapeutic amounts or without valid medical indication;

...

(21) (i) Has been subject to investigation or disciplinary action by a licensing or disciplinary authority or by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes; and

(ii) Has:

...

2. Allowed the license, if any, issued by the state or country to expire or lapse[.]

On October 25, 2017, Disciplinary 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

Disciplinary Panel B finds:

##### BACKGROUND

1. At all times relevant, the Respondent was a polysomnographic technologist licensed to practice in the State of Maryland. The Respondent was initially licensed in Maryland on or about October 3, 2013. The Respondent's license expired on or about May 30, 2017.<sup>1</sup>

2. The Respondent became certified as a Registered Polysomnographic Technologist (RPSGT) on August 31, 2013. Her certification remains current through August 31, 2018.

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<sup>1</sup> A polysomnographic technologist's license is considered not to lapse on the expiration date if a complaint and investigatory proceedings had commenced prior to the expiration date. See *Health Occ. § 14-5C-16*. Therefore, the Board maintains jurisdiction over the Respondent's license for the purpose of these proceedings.

3. From on or about February 6, 2015 to August 4, 2016, the Respondent was employed as a polysomnographic technologist at a medical center in Glen Burnie, Maryland (Practice A).

4. On or about November 4, 2016, the Board received an anonymous phone complaint stating that the Respondent had been arrested for passing a fraudulent prescription.

5. On or about November 4, 2016, the Board initiated an investigation. As part of its investigation, the Board conducted interviews and subpoenaed relevant records, including the Respondent's criminal records from the District Court for Baltimore County.

#### **Criminal Case**

6. In or about August 2016, the Respondent attempted to fill a prescription for a schedule IV sedative at a pharmacy in Essex, Maryland (Pharmacy A). The pharmacist working at the time contacted the physician listed on the Respondent's prescription (Physician A) to confirm the validity of the prescription. Physician A denied that the Respondent was a patient and denied having written a prescription for the Respondent.<sup>2</sup>

7. On or about August 2, 2016, the Pharmaceutical Division of the Baltimore County Police Department (the "Division") received a call from Pharmacy A stating that the Respondent had passed a fraudulent prescription for a Schedule IV controlled dangerous substance (CDS). In response, on or about August 2, 2016, the Division arrested the Respondent for obtaining CDS via a fraudulent/forged prescription.

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<sup>2</sup> Physician A is a practitioner at Practice A where the Respondent was employed at the time.

8. On or about October 11, 2016, the District Court for Baltimore County resolved the pending criminal charges by imposing probation before judgment (PBJ). As a result, the Respondent was ordered to complete six months of unsupervised probation.

### **Board Investigation**

9. On or about November 14, 2016, the Board subpoenaed and received the above information relating to the Respondent's criminal charges and disposition.

10. On or about December 5, 2016, the Board sent a notice of investigation to the Respondent, and requested a written response. The Respondent failed to submit a written response to the Board.

11. On or about January 23, 2017, the Respondent was interviewed under oath by Board staff:

- a. The Respondent stated that she had found "a prescription that looked like it was already completely filled out,<sup>3</sup> aside from the date[.]" She only acknowledged that she had written the date on the prescription.<sup>4</sup>
- b. The Respondent stated that Physician A was assisting her with her treatment;<sup>5</sup>
- c. Practice A terminated the Respondent from employment as a result of the Respondent's prescription forgery.

12. On or about January 27, 2017, the Board subpoenaed and received the Respondent's treatment records from her provider, Nurse Practitioner A. The Respondent had been treated by Nurse Practitioner A since November 2014. On or about June 30, 2016, Nurse Practitioner A had prescribed medications to the

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<sup>3</sup> The Respondent stated the prescription had been filled out by Physician A, a physician employed at Practice A. Physician A however, was not the Respondent's treating physician. Nurse Practitioner A, a provider from another practice, was treating the Respondent.

<sup>4</sup> The handwriting in the body of the prescription appeared to be the same as the handwriting of the date.

<sup>5</sup> Physician A denied that she had been treating the Respondent. See ¶ 14b.

Respondent including the Schedule IV sedative at issue in the forged August 2016 prescription.

13. The prescription for the Schedule IV sedative was written on Physician A's prescription pad and had been purportedly signed by Physician A.<sup>6</sup> The handwriting in the body of the prescription and the date appeared to have been written by the same individual but differed from Physician A's handwriting. The prescription had been completed for 30 tablets with two refills.

14. On or about February 7, 2017, Physician A was interviewed under oath by Board staff.

- a. The Respondent had worked as a sleep technician in the sleep laboratory associated with Practice A;
- b. Physician A denied ever providing medical services or writing any prescriptions to the Respondent;
- c. Physician A stated that she did not know how the Respondent had obtained a prescription from Physician A's prescription pad.<sup>7</sup> Physician A stated that she routinely kept her prescription pad in a locked drawer in her office;<sup>8</sup>
- d. Physician A confirmed that the Respondent was terminated from Practice A as a result of the Respondent passing a fraudulent/forged prescription that she (the Respondent) had obtained during the course of her employment at Practice A. She had "stamped" the prescription.

## II. CONCLUSIONS OF LAW

Based on the Findings of Fact, Disciplinary Panel B concludes as a matter of law that the Respondent's conduct constituted violations of Health Occ. II § 14-5C-17(a)(3) (unprofessional conduct in the practice of polysomnography) and (21) (has been subject

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<sup>6</sup> According to Physician A, the prescription had been "stamped." See ¶ 14d.

<sup>7</sup> Physician A maintains that the prescription the Respondent obtained was "an old prescription from several years back."

<sup>8</sup> The Respondent stated during her interview that she had found the prescription in a "book" at her home; however, this was inconsistent with the criminal statement of charges. The police officer documented that the Respondent had told him she had "gotten some prescription paper from [Physician A's] office," where she was employed at the time.

to investigation or disciplinary action by a court of any state for an act that would be grounds for disciplinary action). Disciplinary Panel B agrees to dismiss the charges under Health Occ. II § 14-5C-8(ii) (providing professional service while using any narcotic or controlled dangerous substance).

### III. ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by Disciplinary Panel B, hereby:

**ORDERED** that the following terms and conditions of this Consent Order shall not take effect until the Respondent files a petition of reinstatement with the Board, to include a reinstatement application, application fee, and complete any basic qualification for licensure as required in the Board's statutes and regulations including but not limited to any required continuing education units and a criminal history background check; and it is further

**ORDERED** that on the administrative reinstatement of the Respondent's polysomnographic license, said license shall be immediately **SUSPENDED**; and it is further **ORDERED**:

1. The Respondent shall enroll in the Maryland Professional Rehabilitation Program ("MPRP") for evaluation and treatment. The Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP. The Respondent shall fully and timely cooperate and comply with all of MPRP's referrals, rules, and requirements, including but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered into with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and toxicology screenings as directed by MPRP;

2. The Respondent shall sign and update the written release/consent forms requested by the Board and MPRP. The Respondent shall sign the release/consent forms to authorize MPRP to make verbal and written disclosures to the Board, including disclosure of any and all MPRP records and files possessed by MPRP. The

Respondent shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of the Respondent's current therapists and treatment providers) verbal and written information concerning the Respondent and to ensure that MPRP is authorized to receive the medical records of the Respondent, including, but not limited to, mental health and drug or alcohol treatment records;

3. The Respondent shall remain in the MPRP for the length of time recommended by the MPRP. The Respondent shall fully, timely, and satisfactorily cooperate and comply with all MPRP recommendations and requirements, including but not limited to, the terms and conditions of any Rehabilitation Agreement(s) and Rehabilitation Plan(s) entered into with the MPRP; and it is further

**ORDERED** that after evaluation by the MPRP, the Respondent may petition the Board to terminate the suspension of her polysomnography license and Panel B will determine, based on the MPRP evaluation, whether the Respondent is safe to resume the practice of polysomnography and whether to terminate the suspension and/or terminate her enrollment in MPRP; and it is further

**ORDERED** that on the termination of the Respondent's suspension, Panel B or the Board may modify the Consent Order terms related to the enrollment in MPRP and impose additional terms and conditions including but not limited to probation, after providing the Respondent with an opportunity to be heard; and it is further

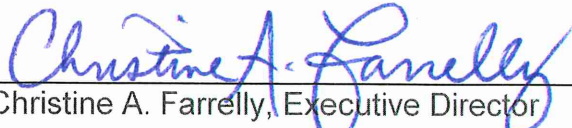
**ORDERED** that if the Respondent fails to comply with any of the terms and conditions of this Consent Order, the disciplinary panel in its discretion, after notice and opportunity for a show cause hearing before a disciplinary panel of the Board or an evidentiary hearing at the Office of Administrative Hearings, may impose additional sanctions authorized under the Polysomnography Act, including a reprimand, suspension, probation, revocation and/or a monetary fine; and it is further

**ORDERED** that the Respondent shall comply with all laws governing the practice of medicine under the Maryland Polysomnography Act and all rules and regulations promulgated thereunder; and it is further

**ORDERED** that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

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

11/29/2017  
Date

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

**CONSENT**

I, Julia F. Slaski, RPSGT, License No. Z00361, by affixing my signature hereto, acknowledge that:

I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the sole 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 filed after any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of the Consent Order.

11-26-17  
Date

Julia Slaski  
Julia F. Slaski, RPSGT

STATE/ DISTRICT OF \_\_\_\_\_

CITY/COUNTY OF:



I HEREBY CERTIFY that on this 26<sup>th</sup> day of November, 2017, before me, a Notary Public of the State/District and County aforesaid, personally appeared Julia F. Slaski, RPSGT, and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

**AS WITNESS**, my hand and Notary Seal.



Notary Public

My commission expires: November 6, 2019