

IN THE MATTER OF  
OMEGA M. PINDELL, PA-C

Respondent

License Number: C00968

\* BEFORE THE  
\* MARYLAND STATE  
\* BOARD OF PHYSICIANS  
\* Case Number: 2219-0169 A

.....  
**CONSENT ORDER**

On December 3, 2019, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged Omega M. Pindell, PA-C (the “Respondent”), License Number C00968, with violating the Maryland Physician Assistants Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) § 15-314 (2014 Repl. Vol. & 2019 Supp.).

The pertinent provisions of the Act provide:

(a) *In general.* -- Subject to the hearing provisions of § 15-315 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum, may reprimand any physician assistant, place any physician assistant on probation, or suspend or revoke a license if the physician assistant:

...

(3) Is guilty of:

...

(ii) Unprofessional conduct in the practice of medicine;

...

(42) Performs delegated medical acts without the supervision of a physician[.]

On February 12, 2020, Panel A was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring as a result of the DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

### **FINDINGS OF FACT**

Panel A finds:

#### **I. Background**

1. At all times relevant to these charges, the Respondent was, and is, licensed as a physician assistant in the State of Maryland. She was initially licensed in Maryland on or about August 21, 1986. The Respondent last renewed her license on or about June 30, 2019. Her license will expire on June 30, 2021.

2. During all times relevant to these charges, the Respondent was a physician assistant employed full time by a Maryland Hospital in an outpatient clinic which provides primary care and specialty services (“Hospital A<sup>1</sup>”).

3. The Respondent began her employment as a physician assistant with Hospital A on or about February 23, 1998. The last Delegation Agreement approved by the Board while the Respondent was employed by Hospital A was terminated in December 2017.

---

<sup>1</sup> In order to maintain confidentiality and privacy, names of facilities and employees are not identified in this Consent Order. The Respondent is aware of the identities of the facility and the individuals referenced herein.

4. On or about November 13, 2018, the Respondent resigned from her position at Hospital A for personal reasons.<sup>2</sup>

## **II. Complaint**

5. On November 21, 2018, the Board received a Termination of Employment (Delegation Agreement) Report from Physician A at Hospital A, requesting that the delegation agreement between herself and the Respondent be terminated effective August 16, 2018. Physician A stated that the reason for termination was “resignation.”

6. Board staff was unable to process this request because there was no record of the Board having approved a Delegation Agreement between Physician A and the Respondent.

7. On December 14, 2018, Board staff contacted Physician A by email, with a copy to the Respondent, requesting that Physician A submit an explanation why she submitted the Report. In addition, Board staff requested that if the Respondent had been practicing as a physician assistant under Physician A’s supervision, Physician A should specify the inclusive dates of her practice as well as the name and address of each facility where the Respondent practiced under Physician A’s supervision.

8. On December 14, 2018, Physician A submitted a response by email stating:

I was asked by my supervisor to be the supervising physician for Marlene Pindell<sup>3</sup> in December of 2016.<sup>4</sup> I completed the paperwork and gave it to my supervisor with the impression that my supervisor would take care of sending off this paperwork. Mrs. Pindell has been practicing under my supervision

---

<sup>2</sup> Personnel records from Hospital A state that the Respondent is “eligible for rehire.”

<sup>3</sup> The Respondent’s middle name is Marlene.

<sup>4</sup> Physician A subsequently reported that it was October 2017 when she was asked to be the Respondent’s supervisor.

from 12/16 until 8/18.<sup>5</sup> She has only practiced under my supervision at [Hospital A].

### III. Investigation

9. Based on the above information, the Board opened the case for preliminary investigation.

10. On January 2, 2019, the Board sent a subpoena to Hospital A requesting the complete personnel/human resources/quality assurance-risk management file of the Respondent from December 2016 to January 2, 2019.

11. On February 19, 2019, the Board notified the Respondent of its investigation of an allegation that she practiced as a physician assistant at Hospital A without an approved Delegation Agreement from December 2016 to August 2018 and requested a response to the allegations.

12. On or February 25, 2019, the Respondent submitted a written response by email, stating:

I am responding of (sic) a letter I received from you, dated February 19, 2019 regarding an investigation into the possibility that I worked without a job description during the period from December 2016 to August 2018. I did in fact have a job description with [Physician A] as you (sic) supervising (sic). I have attached correspondence between [Physician A] and [Board staff] who is a representative at your agency.

The Respondent attached a copy of the email correspondence of December 14, 2018 between Board staff and Physician A. (See paragraphs 7 and 8 above.)

---

<sup>5</sup> Physician A subsequently reported that the Respondent had practiced under her supervision from October 2017 to August 2018.

13. On May 13, 2019, the Board issued a subpoena to Hospital A for the complete medical records of six patients. The medical records confirm that the Respondent provided medical care to patients from December 2017 to August 2018 without a Delegation Agreement approved by the Board.

14. On May 20, 2019, the Respondent submitted additional information to the Board pertaining to her practicing without a Delegation Agreement from December 2016 to August 2018. The Respondent stated in pertinent part:

...both Physician A and I completed our parts of the paperwork for the new Delegation Agreement. We both signed the document and returned it to [Physician B], the Office Medical Director, who in turn gave it to Employee A, the Assistant Office Manager. Employee A was to request a check from Hospital A and then submit the document, with the payment to the MD Board of Physicians. This is the process for submitting Delegation Agreement (sic) for [Hospital A.] ...Once paperwork is complete and returned to [Physician B], I am no longer a part of the submission process. Additionally, PAs are not given a copy of the approved Delegation Agreement. .... I was credentialed by [Hospital A] during that time, but also [Physician A] received monetary compensation for serving as my Supervising Physician. If it (sic) found that in fact, I did not have an executed agreement in place, then it was without my knowledge, the knowledge of my Supervising Physician and without the knowledge of my Office Medical Director.

15. Personnel Records of the Respondent from Hospital A contain a copy of a Physician Assistant/Primary Supervising Physician Delegation Agreement for Core Duties, signed by the Respondent and Physician A on October 23, 2017.<sup>6</sup> The Delegation Agreement contained the email address for the Respondent and Physician A.

16. The Board's Delegation Agreement form states in pertinent part:

---

<sup>6</sup> This is the Delegation Agreement that the Respondent referenced that she and Physician A completed. (See paragraph 14)

A physician assistant (PA) may begin working after the Board receives the completed delegation agreement and acknowledges receipt of the delegation agreement. Unless otherwise specified, acknowledgements will be sent to the physician assistant and supervising physician by email. The email will be sent once Board staff reviews the delegation for completeness and verifies that the agreement meets all requirements. (emphasis in original).

17. The Respondent performed medical acts at Hospital A without having received an acknowledgement from the Board of completeness and verification that the agreement of October 23, 2017 met all requirements.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent violated Health Occ. §15-314(a)(42) by performing medical acts at Hospital A without a Board-approved Delegation Agreement from October, 2017 through November, 2018. Panel A dismisses the remaining ground under Health Occ. § 15-314(a)(3)(ii).

### ORDER

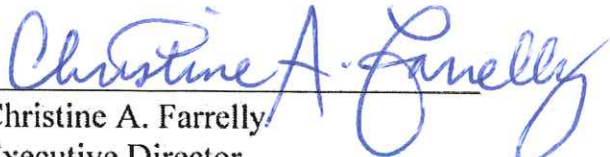
It is hereby:

**ORDERED** that the Respondent is **REPRIMANDED**; and it is further

**ORDERED** that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board. The Executive Director signs the Consent Order on behalf of the disciplinary panel which has imposed the sanction in this Consent Order; and it is further

**ORDERED** that this Consent Order is a public document. *See* Md. Code Ann., Health Occ. §§ 1-607, 14.411.1(b)(2) and Gen. Prov. § 4-333(b)(6) (2014 & 2019 Supp.)

— 03/16/2020  
Date

  
Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians

**CONSENT**

I, Omega M. Pindell, PA-C, assert that I am aware of my right to consult with and be represented by counsel in considering this Consent Order and in any proceedings that would otherwise result from the charges currently pending. I have chosen to proceed without counsel and I acknowledge that the decision to proceed without 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.

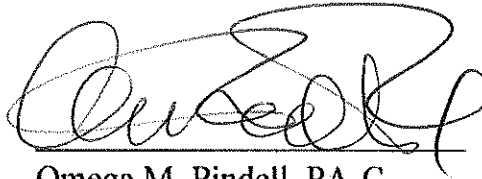
I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural 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.

3/5/20  
Date

  
Omega M. Pindell, PA-C  
Respondent

**NOTARY**

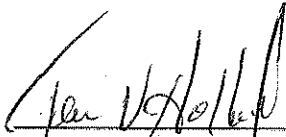
STATE OF Maryland

CITY/COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 5 day of March 2020, before me, a Notary Public of the foregoing State and City/County, personally appeared Omega M. Pindell, PA-C, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.



AS WITNESSETH my hand and notarial seal.

  
\_\_\_\_\_  
Notary Public

My Commission expires: 10/22/23

3/5/20  
Date



TERRE VERNELL HOLLAND  
Notary Public, State of Maryland  
Anne Arundel County  
My Commission Expires October 22, 2023