

IN THE MATTER OF * BEFORE THE
TASHA M. ANDERSON, PA-C * MARYLAND STATE
Respondent * BOARD OF PHYSICIANS
License Number: C05296 * Case Number: 7716-0082B
* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On October 16, 2017, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”), pursuant to a *Violation of Order Terminating Suspension and Imposing Probation and Charges Under the Maryland Physician Assistants Act (the “Violation”)*, charged **TASHA M. ANDERSON, PA-C**, (the “Respondent”), License Number C05296, with violating the probationary conditions imposed under the Order Terminating Suspension and Imposing Probation (the “Order”), dated April 1, 2016; and with violating the Maryland Physician Assistants Act (the “Act”), Md. Code Ann., Health Occ. II (“Health Occ. II”) §§ 15-101 *et seq.* (2014 Repl. Vol. and 2016 Supp.). Pursuant to the *Order*, the Respondent was placed on probation for a minimum period of five years.

In the *Violation*, Panel B charged the Respondent with violating the following probationary conditions of the Order:

Condition No. Two (2)

Ms. Anderson shall remain in the Maryland Professional Rehabilitation Program (“MPRP”) and continue in a Board-monitored Rehabilitation Agreement for the length of time recommended by the MPRP, to the extent that the duration of Ms. Anderson’s Rehabilitation Agreement with the MPRP parallels the probationary period. Ms. Anderson 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, any evaluations and treatment recommended by the MPRP, complete abstinence, random monitored toxicology screens as required by the MPRP, self-help fellowship meetings and in-patient substance abuse treatment if recommended by the MPRP;

Condition No. Five (5)

For the entire duration of the probationary period, Ms. Anderson shall abstain completely from the ingestion of alcohol, CDS, any narcotics, cocaine, or other mood-altering substances unless she is a bona fide patient of a license health care provider who has been provided a copy of this order and any prior orders;

Condition No. Six (6)

The Respondent shall comply with the Maryland Physician Assistants Act and all laws, statutes and regulations pertaining to the practice of being a PA[.]

Panel B also charged the Respondent with violating the following provision of the Act under Health Occ. II § 15-314:

(a) *Grounds.* -- 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[.]

After the *Violation* was issued, the Board came into the receipt of information, after which Panel B voted to summarily suspend the Respondent's license to practice as a physician assistant pursuant to Md. Code Ann., State Govt § 10-226(c)(2)(i) (2014 Repl. Vol. & 2016 Supp.), concluding that the public health, safety or welfare

imperatively required emergency action. Panel B also voted to amend the *Violation* to charge the Respondent with additional violations of the *Order* and the Act.

Prior to the issuance of an Order of Summary Suspension and amended *Violation*, the Respondent agreed to enter into the following Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order, Consent and Notary.

FINDINGS OF FACT

Disciplinary Panel B makes the following Findings of Fact:

1. The Respondent was originally licensed to practice as a physician assistant in Maryland on January 2, 2014, under License Number C05296. The Respondent's latest license was given the expiration date of June 30, 2019.

2. The Board initiated an investigation of the Respondent under Case Number 2015-0771B after receiving a Mandated 10-Day Report, dated April 27, 2015, from a health care facility (the "Facility")¹ that is located in Maryland. The Facility reported that it investigated the Respondent's workplace actions and determined that she "was writing prescriptions for herself and was using another provider's log on to write additional prescriptions for herself." The Facility reported that after conducting its investigation, it terminated her employment, effective April 27, 2015, and terminated her privileges at the Facility and at another affiliated health care facility.

3. The Facility submitted a follow-up report, dated April 30, 2015, in which it reported that it performed a drug test on the Respondent prior to her termination, which was "positive."

¹ For confidentiality reasons, the names of health care facilities will not be disclosed in this document. The Respondent is aware of all health care facilities referenced herein.

4. After considering this information, Panel B issued an Order for Summary Suspension, dated August 11, 2015, in which it summarily suspended the Respondent's physician assistant's license pursuant to Md. Code Ann., State Gov't II § 10-226(c)(2), concluding that the public health, safety or welfare imperatively required emergency action.

5. On August 11, 2015, Panel B issued disciplinary charges against the Respondent under Case Number 2015-0771B, alleging, *inter alia*, that

the Respondent, while working in her capacity as a physician assistant at [the Facility], electronically wrote approximately 17 prescriptions in the names of various staff providers at [the Facility] for Percocet 5/APAP 325 mg (an opioid medication and Schedule II controlled dangerous substance), without their authorization, permission or consent, and filled the prescriptions at area pharmacies. The Respondent wrote the prescriptions, which were typically for 60 pills each, at approximately two-week intervals, from October 2014, to April 2015. The Respondent was not a patient or under the care of any of the providers in whose names she wrote the prescriptions.

6. Panel B's disciplinary charges alleged that the Respondent's actions constituted violations of the following provisions of the Act under Health Occ. II § 15-314(a):

- (2) Fraudulently or deceptively uses a license;
- (3) Is guilty of: (ii) unprofessional conduct in the practice of medicine;
- (8) Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article; [and]
- (11) Willfully makes or files a false report or record in the practice of medicine[.]

7. On August 26, 2015, Panel B conducted a show cause hearing in which it permitted the Respondent to show cause as to why the suspension it issued in its Order for Summary Suspension should not be continued. After hearing arguments from the parties, the Board continued the summary suspension of her license.

8. The Respondent resolved Panel B's disciplinary charges through a Consent Order, dated December 3, 2015. In the Consent Order, Panel B found that the Respondent violated the following provisions of the Act under Health Occ. II § 15-314(a): (2), Fraudulently or deceptively uses a license; (3), Is guilty of: (ii) Unprofessional conduct in the practice of medicine; (8), Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article; and (11), Willfully makes or files a false report or record in the practice of medicine.

9. Pursuant to the Consent Order, Panel B terminated the Order for Summary Suspension, dated August 11, 2015, and suspended the Respondent's physician assistant's license until April 1, 2016, subject to certain conditions, including but not limited to, her enrollment in the MPRP. Panel B also ordered that after the conclusion of the suspension, it would place her on probation for five years, subject to a series of probationary terms and conditions.

10. On April 1, 2016, Panel B issued the *Order*, in which it terminated the suspension it imposed under its December 3, 2015, Consent Order. Panel B placed the Respondent on probation for five years, subject to a series of probationary terms and conditions, which included the following:

Condition No. Two (2)

Ms. Anderson shall remain in the Maryland Professional Rehabilitation Program ("MPRP") and continue in a Board-monitored Rehabilitation Agreement for the length of time recommended by the MPRP, to the extent that the duration of Ms. Anderson's Rehabilitation Agreement with the MPRP parallels the probationary period. Ms. Anderson 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, any evaluations and treatment recommended by the MPRP, complete abstinence, random monitored toxicology screens as required by the MPRP, self-help fellowship meetings and in-patient substance abuse treatment if recommended by the MPRP;

Condition No. Five (5)

For the entire duration of the probationary period, Ms. Anderson shall abstain completely from the ingestion of alcohol, CDS, any narcotics, cocaine, or other mood-altering substances unless she is a bona fide patient of a license health care provider who has been provided a copy of this order and any prior orders;

Condition No. Six (6)

The Respondent shall comply with the Maryland Physician Assistants Act and all laws, statutes and regulations pertaining to the practice of being a PA[.]

11. On or about January 6, 2017, MPRP notified the Board that in a toxicology test, the Respondent tested positive for a substance that was prohibited under the express terms of the *Order* and prohibited under the Participation Rehabilitation Agreement ("PRA") she entered into with MPRP.² The Respondent reportedly informed MPRP that the positive test result may have occurred due to her accidental ingestion of the substance.

² For confidentiality reasons, the specific findings from toxicology testing will not be disclosed in this document. The Respondent is aware of the specific toxicology test findings referenced herein.

12. On or about August 28, 2017, MPRP notified the Board that the Respondent tested positive for another substance that was prohibited under the express terms of the *Order* and the PRA. The Respondent denied the use of the substance.

13. After receiving these findings, the State issued the *Violation*, alleging that the Respondent violated the *Order* when she tested positive for a substance that was prohibited under the express terms of the Order and PRA on or about August 28, 2017, in violation of Conditions Two (2), Three (3) and Five (5) of the Order. The charges also alleged that the Respondent's positive test finding constituted a violation of the following provision of the Act under Health Occ. II § 15-314(a): (3) Is guilty of: (ii) Unprofessional conduct in the practice of medicine.

14. While the above charges were pending, the Respondent underwent additional toxicology screening pursuant to her PRA. In a toxicology test taken on November 13, 2017, the Respondent tested positive for another substance prohibited under the express terms of the *Order* and PRA. The Respondent also admitted to ingesting substances that violated the express terms of the *Order* and the PRA.

15. Based on the above findings, Panel B voted to amend the *Violation* to reflect the positive toxicology report referenced in ¶ 14, *supra*.

CONCLUSIONS OF LAW

Based on the foregoing facts, Disciplinary Panel B concludes that the public health, safety or welfare imperatively require emergency action in this case, pursuant to Md. Code Ann., State Gov't § 10-226 (c)(2)(i) (2014 Repl. Vol. & 2016 Supp.).

Panel B also concludes as a matter of law that the Respondent violated Probationary Conditions Two (2), Five (5) and Six (6) of the Order Terminating

Suspension and Imposing Probation dated April 1, 2016; and with violating the following provision of the Maryland Physician Assistants Act: Health Occ. II § 15-314(a)(3), Is guilty of: (ii) Unprofessional conduct in the practice of medicine.

ORDER

IT IS thus, by Panel B of the Board, hereby:

ORDERED that the Respondent's license to practice as a physician assistant in Maryland is **SUSPENDED** for a minimum period of **SIX (6) MONTHS**, subject to the following terms and conditions:

1. The Respondent shall continue her enrollment in the Maryland Professional Rehabilitation Program ("MPRP"). The Respondent shall be entered 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 or required 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 be responsible for ensuring that any treatment provider(s) submit written reports to the MPRP and to the Board at least once every three (3) months regarding her attendance, progress, payment of fees, and recommendations as to the continuation, frequency, and/or termination of treatment. The Respondent shall sign any consent forms required to authorize Panel B and the MPRP to receive written reports from her treating mental health and health professionals or any treatment providers.

AND IT IS FURTHER ORDERED that, after six (6) months, if MPRP finds that the Respondent is safe to return to practice as a physician assistant and if the Respondent has complied with the conditions above, the Respondent may petition Panel B to terminate the suspension of the Respondent's license. If Panel B determines that it is safe for the Respondent to return to practice, the suspension shall be terminated, and Panel B may impose any conditions and terms it deems appropriate on the Respondent's return to practice as a physician assistant, including, but not limited to, probation; and it is further

ORDERED that if the Respondent allegedly fails to comply with any term or condition of this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings. If

there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board or a disciplinary panel; and it is further

ORDERED that if, after the appropriate hearing, the Board or a disciplinary panel determines that the Respondent has failed to comply with any term or condition of this Consent Order, the Board or a disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice as a physician assistant in Maryland. The Board or a disciplinary panel a disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; and it is further

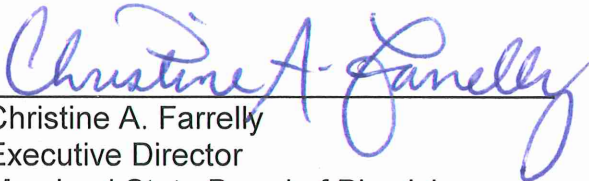
ORDERED that the Respondent shall comply with the Maryland Physician Assistants Act, Md. Code Ann., Health Occ. §§ 15-101 *et seq.*, and all laws and regulations governing the practice of medicine in Maryland; and it is further

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, 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 Panel B; and it is further

ORDERED that this Consent Order is a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 Vol. & 2017 Supp.)

12/14/2017
Date


Christine A. Farrelly
Executive Director
Maryland State Board of Physicians


CONSENT

I, Tasha M. Anderson, PA-C, acknowledge that I was represented by counsel before entering 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.

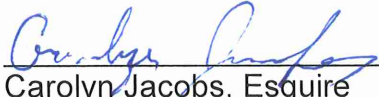
I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections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

12/14/17
Date


Tasha M. Anderson, PA-C
Respondent

Read and approved:



Carolyn Jacobs, Esquire
Counsel for Ms. Anderson

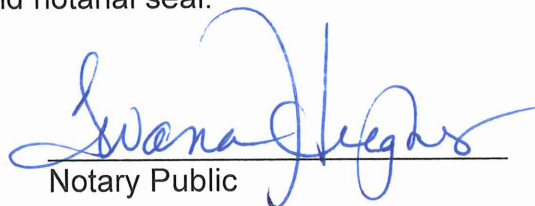
NOTARY

STATE OF Maryland

CITY/COUNTY OF Baltimore

I HISEBY CERTIFY that on this 14th day of December 2017, before me, a Notary Public of the foregoing State and City/County, personally appeared Tasha M. Anderson, 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: 9/30/20