

IN THE MATTER OF  
ADOLFO LOPEZ, M.D.  
Respondent

\* BEFORE THE  
\* MARYLAND STATE BOARD OF  
\* PHYSICIANS  
\* Case Number: 2217-0043B

License Number: D14811

\*\*\*\*\*

**CONSENT ORDER**

On June 19, 2017, Disciplinary Panel B of the Maryland State Board of Physicians (the "Board") charged Adolfo Lopez, M.D. (the "Respondent"), License Number D14811, with violating the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") § 14-101 *et seq.* (2014 Repl. Vol. & 2016 Supp.).

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

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

(a) *In general.* -- 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:

...

(3) Is guilty of:

...

(ii) Unprofessional conduct in the practice of medicine[.]

On September 27, 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, and is, a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice on or about February 1, 1973, and his license is currently scheduled to expire on September 30, 2018.
2. The Respondent is board-certified in Allergy and Internal Medicine. At all times relevant to these charges, he was employed as a solo practitioner in Towson, Maryland ("Practice A").<sup>1</sup>
3. In or about April, 1994, the Respondent began treating Patient A, a female presently in her 90s, who is the Complainant in this matter. At all times relevant, the Respondent had been conducting home visits for Patient A.<sup>2</sup>

### **THE COMPLAINT**

4. On or about March 28, 2017, the Board received a written complaint from Patient A<sup>3</sup> alleging the Respondent had requested a loan from her in the amount of \$500. Patient A stated she agreed to loan the Respondent \$500. When she provided the Respondent with a blank check to complete, without Patient A's permission, he filled out the check for \$5,000.

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<sup>1</sup> In order to maintain confidentiality, the names of patients and facilities will not be used in this document.

<sup>2</sup> According to Patient A, the Respondent had been conducting home visits for two years. The Respondent stated that he had been conducting home visits to her for the past 10 years. Patient A's medical records support that she had been seeing the Respondent for medical care since 1994.

<sup>3</sup> Due to Patient A's hand injury, she requested that a friend ("Witness 1") draft the complaint. Patient A signed the complaint.

5. On receipt of the complaint, the Board initiated an investigation into Patient A's allegations.

6. By letter dated March 31, 2017, the Board notified the Respondent of its receipt of the complaint and initiation of the investigation, and requested a written response.

7. On or about April 8, 2017, the Board received a written response from the Respondent who acknowledged his acceptance of a loan from Patient A.

8. In furtherance of its investigation, Board staff conducted interviews and subpoenaed Patient A's medical records and other relevant documents. The Board's investigation is set forth in pertinent part below.

## **BOARD'S FINDINGS**

### **Correspondence**

9. On or about October 4, 2016, the Respondent sent Patient A a letter certifying that he had borrowed \$5,000 from her, and that the "arrangement" was to "pay in installments, until the loan amount is paid back."

10. On or about December 9, 2016, Patient A sent a letter to the Respondent stating in part that they had a "major misunderstanding" and she had thought he had asked for a short-term loan in the amount of \$500. Patient A stated, "Even though we have never had a social relationship, I felt that I could trust you because of our long-term doctor-patient relationship." Patient A requested that the Respondent repay her by March 15, 2017.

### **Interview of Patient A**

11. On or about April 13, 2017, Board staff interviewed Patient A under oath. Patient A stated in pertinent part:

- a. In or about September, 2016, the Respondent telephoned Patient A stating that he was having financial trouble and requested a personal loan from Patient A in the amount of \$500;<sup>4</sup>
- b. When the Respondent arrived at Patient A's residence to retrieve the check for the loan, no one was present except for Patient A;
- c. Patient A requested that the Respondent fill out the check, as she had a hand injury;
- d. Patient A subsequently signed the check, but stated that she did not "glance" at the amount the Respondent had written on the check because she "was having so much trouble writing";
- e. Patient A stated that it was her understanding she was signing for the amount of \$500;
- f. After the Respondent had left Patient A's residence, Patient A documented the check amount as \$500 in her bank registry book; and
- g. Patient A discovered the Respondent had made out the check for \$5,000 when she received her bank statement.

### **Interview of Respondent**

12. On or about April 28, 2017, Board staff interviewed the Respondent under oath. According to the Respondent:

- a. The Respondent stated he and Patient A had a "beautiful relationship" and "share[d] so many things in common";

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<sup>4</sup> Patient A acknowledged the Respondent was difficult to understand, but her perception was that he requested \$500.

- b. The Respondent was experiencing financial difficulties. The Respondent's bank accounts had been inaccessible for several weeks due to an "internal investigation";
- c. The Respondent had asked another patient for a loan prior to asking Patient A but the patient had refused;
- d. The Respondent knew Patient A could afford to loan him the money because Patient A had told the Respondent that she was "loaded";
- e. The Respondent stated that in September, 2016, he specifically asked Patient A for a \$5,000 loan. Patient A had agreed to the loan and said "come for the check";
- f. On or about September 2, 2016, when the Respondent went to Patient A's residence to pick up the check, he filled out the check due to Patient A's hand injury and poor eye sight. The Respondent did not confirm the amount of the loan with Patient A;
- g. In or about September, 2016, the Respondent received a call from Patient A regarding the loan and the Respondent promised Patient A that he would repay the \$5,000; and
- h. At the time of the interview, the Respondent had yet to repay any amount of the loan to Patient A.<sup>5</sup>

## **II. CONCLUSION OF LAW**

Based on the Findings of Fact, the Board concludes as a matter of law that the Respondent engaged in unprofessional conduct in violation of Md. Code Ann., Health Occ. II § 14-404(a)(3)(ii).

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<sup>5</sup>In August 2018, the Respondent repaid the amount of the loan to Patient A.

### III. ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by the Board, hereby

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

**ORDERED** that the Respondent is placed on **PROBATION** for a minimum period of **ONE (1) YEAR**.<sup>6</sup> During the probationary period, the Respondent shall comply with all of the following probationary terms and conditions:

1. Within **TWO (2) YEARS** of the date of this Consent Order, the Respondent shall pay a civil fine in the amount of \$5,000.00 by money order or bank certified check made payable to the Maryland Board of Physicians, P.O. Box 37217, Baltimore, Maryland, 21297, for deposit into the General Fund of Maryland;
2. Within **SIX (6) MONTHS**, the Respondent shall successfully complete a Board disciplinary panel-approved course in ethics. The course may not be used to fulfill the continuing medical education credits required for license renewal. The Respondent must provide documentation to the Board that the Respondent has successfully completed the course; and it is further

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

**ORDERED** that if the Respondent allegedly fails to comply with any term or condition of probation or this Consent Order, the Respondent shall be given notice and

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<sup>6</sup> If the Respondent's license expires while the Respondent is on probation, the probationary period and any probationary conditions will be tolled.

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 Panel B; and it is further

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

**ORDERED** that there shall be no early termination of **PROBATION**; 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 is a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 Vol. & 2016 Supp.)

10/26/2017

Date

Christine A. Farrelly

Christine A. Farrelly  
Executive Director

Maryland State Board of Physicians

**CONSENT**

I, Adolfo Lopez, M.D., acknowledge that I have been advised of my right to be represented by the attorney of my choice throughout proceedings before the Board, including the right to counsel with an attorney prior to signing this Consent Order. I have knowingly, willfully and intelligently waived my right to be represented by an attorney before signing 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 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 followed after any such hearing.

I sign this Consent Order, having been advised of my right to be represented by the attorney of my choice before signing and having waived that right, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

Oct 19, 2017  
Date

A. Lopez  
Adolfo Lopez, M.D.



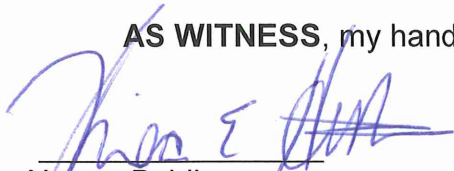
**NOTARY**

**STATE OF MARYLAND**

**CITY/COUNTY OF** Baltimore

I HEREBY CERTIFY that on this 19<sup>th</sup> day of October, 2017, before me, a Notary Public of the foregoing State and City/County aforesaid, personally appeared Adolfo Lopez, M.D., and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

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

  
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Notary Public

My commission expires: Apr 9, 2019

