

Edith Mihaescu, M.D.

Date: May 23, 2018

Damean W. E. Freas, D.O., Chair
Disciplinary Panel B
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, MD 21215-2299

Re: Surrender of License to Practice Medicine
Edith Mihaescu, M.D. License Number: D29054
Case Number: 2218-0083B

Dear Dr. Freas and Members of the Disciplinary Panel B,

Please be advised that, pursuant to Md. Code Ann., Health Occ. ("Health Occ. II") § 14-403 (2014 Repl. Vol. & 2017 Supp.), I have decided to **SURRENDER** my license to practice medicine in the State of Maryland, License Number D29054, effective immediately. I understand that upon surrender of my license, I may not give medical advice or treatment to any individual, with or without compensation, and cannot prescribe medications or otherwise engage in the practice of medicine in the State of Maryland as it is defined in the Maryland Medical Practice Act (the "Act"), Health Occ. II §§ 14-101 *et seq.* and other applicable laws. In other words, as of the effective date of this Letter of Surrender, I understand that the surrender of my license means that I am in the same position as an unlicensed individual in the State of Maryland.

I understand that this Letter of Surrender is a **PUBLIC DOCUMENT**, and upon Disciplinary Panel B's ("Panel B") acceptance, becomes a **FINAL ORDER** of Panel B of the Maryland State Board of Physicians (the "Board").

I acknowledge that the Board initiated an investigation of my practice and on January 30, 2018, Panel B issued disciplinary charges against me under Health Occ. II § 14-404(a)(3)(ii), (4), and (33). Specifically, Panel B alleged that I had allowed my practice environment to become unsafe, that I failed to comply with a Board subpoena, and that I failed to submit to an examination ordered by the Board pursuant to Health Occ. II § 14-402. A copy of the charges is attached as Attachment 1. I have decided to surrender my license to practice medicine in the State of Maryland to avoid further investigation and prosecution of these disciplinary charges.

I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender to avoid further prosecution of the disciplinary charges. I

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acknowledge that for all purposes related to medical licensure, the charges will be treated as if proven.

I understand that by executing this Letter of Surrender I am waiving my right to a hearing to contest the disciplinary charges. In waiving my right to contest the charges, I am also waiving the right to be represented by counsel at the hearing, to confront witnesses, to give testimony, to call witnesses on my own behalf, and all other substantive and procedural protections provided by law, including the right to appeal to circuit court.

I understand that the Board will advise the Federation of State Medical Boards, the National Practitioner Data Bank, and the Healthcare Integrity and Protection Data Bank of this Letter of Surrender. I also understand that in the event I would apply for licensure in any form in any other state or jurisdiction that this Letter of Surrender may be released or published by the Board to the same extent as a final order that would result from disciplinary action, pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014), and that this Letter of Surrender constitutes a disciplinary action by Panel B.

I affirm that I will provide access to and copies of medical records to my patients in compliance with Title 4, subtitle 3 of the Health General Article.

I further recognize and agree that by submitting this Letter of Surrender, my license will remain surrendered unless and until the Board grants reinstatement. In the event that I apply for reinstatement of my Maryland License, I understand that Panel B or its successor is not required to grant reinstatement; and, if it does grant reinstatement, may impose any terms and conditions the disciplinary panel considers appropriate for public safety and the protection of the integrity and reputation of the profession. I further understand that if I file a petition for reinstatement, I will approach Panel B or its successor in the same position as an individual whose license has been revoked.

I acknowledge that I may not rescind this Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have been advised of my right to be represented by an attorney of my choice throughout proceedings before Panel B, including the right to consult with an attorney prior to signing this Letter of Surrender. I have consulted with an attorney and was represented by counsel at the time of signing this letter. I understand both the nature of Panel B's actions and this Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Letter of Surrender. I make this decision knowingly and voluntarily.

Very truly yours,

Signature on File

Edith Mihaescu, M.D.

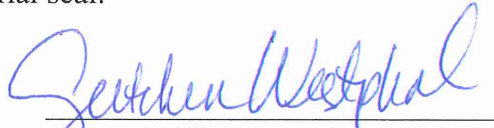
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NOTARY

STATE OF Maryland
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 23rd day of May, 2018 before me, a Notary Public of the City/County aforesaid, personally appeared Edith Mihaescu, M.D., and declared and affirmed under the penalties of perjury that the signing of this Letter of Surrender was a voluntary act and deed.

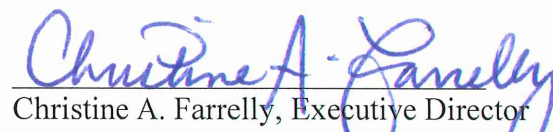
AS WITNESS my hand and Notarial seal.


Notary Public

My commission expires: 9/4/2019

ACCEPTANCE

On behalf of Disciplinary Panel B, on this 23rd day of May, 2018, I, Christine A. Farrelly, accept the **PUBLIC SURRENDER** of Edith Mihaescu, M.D.'s license to practice medicine in the State of Maryland.


Christine A. Farrelly, Executive Director
Maryland Board of Physicians

Attachment 1

IN THE MATTER OF

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BEFORE THE

EDITH MIHAESCU, M.D.

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MARYLAND STATE

Respondent

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BOARD OF PHYSICIANS

License Number: D29054

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Case Number: 2218-0083B

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AMENDED CHARGES UNDER THE MARYLAND MEDICAL PRACTICE ACT

Disciplinary Panel B of the Maryland State Board of Physicians (the "Board") hereby charges **EDITH MIHAESCU, M.D.**, (the "Respondent"), License Number D29054, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") §§ 14-101 *et seq.* (2014 Repl. Vol.). Disciplinary Panel B's Amended Charges supersede the Charges issued against the Respondent on January 17, 2018.

Specifically, Panel B charges the Respondent with violating the following provisions of Health Occ. II §§ 14-401 *et seq.*:

§ 14-402. Examination of licensed physician or other regulated health professional; Physician Rehabilitation Program

- (a) In general. -- In reviewing an application for licensure, certification, or registration or in investigating an allegation brought against a licensed physician or any allied health professional regulated by the Board under this title, the Physician Rehabilitation Program may request the Board to direct, or the Board on its own initiative may direct, the licensed physician or any allied health professional regulated by the Board under this title to submit to an appropriate examination.
- (b) Implied consent to examination. -- In return for the privilege given by the State issuing a license, certification, or registration, the licensed, certified, or registered individual is deemed to have:
 - (1) Consented to submit to an examination under this section, if requested by the Board in writing; and
 - (2) Waived any claim of privilege as to the testimony or examination reports.

- (c) Failure to submit to examination. -- The unreasonable failure or refusal of the licensed, certified, or registered individual to submit to an examination is prima facie evidence of the licensed, certified, or registered individual's inability to practice medicine or the respective discipline competently, unless the Board finds that the failure or refusal was beyond the control of the licensed, certified, or registered individual.

§ 14-404

(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 is:

...
(3) Is guilty of:

(ii) Unprofessional conduct in the practice of medicine;

(4) Is professionally, physically, or mentally incompetent;

...

(33) Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel[.]

ALLEGATIONS OF FACT¹

Disciplinary Panel B bases its charges on the following facts that it has cause to believe are true.

1. At all times relevant, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was originally licensed to practice medicine in Maryland on March 1, 1983. Her license is scheduled to expire on September 30, 2019.

¹ The statements of the Respondent's conduct herein are intended to provide the Respondent with notice of Disciplinary Panel B's intent to summarily suspend her license. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

2. At all times relevant, the Respondent has practiced as a psychiatrist at a private office in Westminster, Maryland.
3. On or about October 30, 2017, the Board received a complaint from a professional counselor. The complainant expressed concern regarding the Respondent's availability and prescribing practices.
4. Thereafter, the Board initiated an investigation. In furtherance of the Board's investigation, on or about December 19, 2017, Board staff conducted an unannounced site visit to the Respondent's office in Westminster. Board staff delivered a copy of the Complaint, a request for a response, and subpoenas for records.
5. At the Respondent's office, Board staff notified the Respondent of the reason for the visit. Although the Respondent had been seeing patients, she appeared disheveled, and repeatedly stated, "I do not care" about the allegations raised and stated she "does not care about the Board."
6. The Respondent's office was in a state of extreme disorganization, with large mounds of papers, other clutter, and a dog cage holding a dog in the waiting area. The other rooms of the office, including the room in which the Respondent sees patients, were filled with piles of paper, trash, food, medication samples, and patient charts, to the point where Board staff was unable to open one of the office doors.
7. Board staff also obtained pharmacy records, which documented that the Respondent was prescribing controlled dangerous substances to patients.

8. On or about December 21, 2017, Board staff made a second unannounced visit to the Respondent's office in Westminster. The purpose of the visit was to deliver subpoenas for individual patient records, and a subpoena to appear for an interview at the Board's office on December 28, 2017 at 1:00 p.m.
9. The office was dark and no one answered the door initially on this date. Board staff inquired at a medical office nearby, "Suite E", and the receptionist there informed Board staff that the Respondent's patients often come into Suite E looking for the Respondent.
10. Shortly thereafter, the Respondent arrived, and let Board staff into the office. The office remained in a state of total disarray, with piles of clutter, food, and papers dominating much of the space. Used dog toys and dog hair were observed covering the couch in the office where the Respondent sees patients.
11. On December 28, 2017, the Respondent failed to appear for the interview to which she had been subpoenaed. The Respondent failed to offer any explanation for her absence.
12. On or about December 21, 2017, by letter, the Board directed the Respondent to submit to a psychological examination facilitated by the Maryland Professional Rehabilitation Program ("MPRP").
13. On or about January 5, 2018, the Respondent met with MPRP representatives for an initial consultation. At this meeting, MPRP representatives informed the Respondent again of the pending psychological examination ordered by the Board under its authority pursuant to Health Occ. II § 14-402 and recommended by MPRP.

14. However, following the initial consultation, the Respondent failed or refused to respond to multiple attempts to contact her to schedule the psychological examination, and provided no justification for her failure to respond.

GROUND FOR DISCIPLINE

The Respondent's conduct, including, but not limited to: allowing her practice environment to be filthy, unsafe, and partially inaccessible, with patient files and medication samples strewn about the room; her failure to comply with the Board's subpoena, without justification; and her unreasonable failure or refusal to submit to an examination ordered by the Board pursuant to Health Occ. II § 14-402 constitutes unprofessional conduct in the practice of medicine, in violation of Health Occ. II § 14-404(a)(3)(ii); and failure to cooperate with a lawful investigation of the Board, in violation of Health Occ. II § 14-404(a)(33).

In addition, the Respondent's unreasonable failure or refusal to submit to an examination ordered by the Board pursuant to Health Occ. II § 14-402 constitutes prima facie evidence that the Respondent is professionally, physically, or mentally incompetent, in violation of Health Occ. II § 14-404(a)(4).

NOTICE OF POSSIBLE SANCTIONS

If, after a hearing, the Board or a disciplinary panel of the Board finds that there are grounds for action under Health Occ. II §§ 14-404(a)(3)(ii), (4), and/or (33), the Board or 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 medicine in Maryland. The Board or disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent.

NOTICE OF CASE RESOLUTION CONFERENCE

A conference before Disciplinary Panel B sitting as the Disciplinary Committee for Case Resolution ("DCCR"), in this matter is scheduled for **Wednesday, April 25, 2018, at 9:00 a.m.** the Board's office, 4201 Patterson Avenue, Baltimore, Maryland 21215. The Respondent must confirm in writing her intention to attend the DCCR. The Respondent should send written confirmation of her intention to participate in the DCCR to: Christine A. Farrelly, Executive Director, Maryland State Board of Physicians, 4201 Patterson Avenue, 4th Floor, Baltimore, Maryland 21215. The nature and purpose of the DCCR is described in the attached letter to the Respondent.


If the case cannot be resolved at the DCCR, a pre-hearing conference and a hearing in this matter will be scheduled at the Office of Administrative Hearings, 11101 Gilroy Road, Hunt Valley, Maryland 21031. The hearing will be conducted in accordance with Md. Code Ann., Health Occ. II § 14-405 and Md. Code Ann., State Gov't II §§ 10-201 *et seq.* (2014 Repl. Vol. and 2016 Supp.).

Respectfully submitted,

BRIAN FROSH
ATTORNEY GENERAL

Date

1/30/18



Christopher Anderson
Assistant Attorney General
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