

IN THE MATTER OF * BEFORE THE MARYLAND
 ROBERT J. ORLINO, M.D. * STATE BOARD OF
 Respondent * PHYSICIANS
 License Number: D34846 (Inactive) * Case Number: 2218-0062

* * * * *

CONSENT ORDER

BACKGROUND

The Maryland Board of Physicians (the “Maryland Board”) received information that Robert J. Orino, M.D., (the “Respondent”), License Number: D034846 (Inactive), was disciplined by the Virginia Board of Medicine (the “Virginia Board”). In an Order dated July 17, 2017, the Virginia Board disciplined the Respondent by reprimand.

Based on the above referenced Virginia sanction, the Maryland Board has grounds to charge the Respondent with violating the following provisions of the Maryland Medical Practice Act (the “Act”), under H. O. § 14-404(a):

- (a) 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:
 - (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veteran’s Administration for an act that would be grounds for disciplinary action under this section,

The Maryland Board has determined that the acts for which the Respondent was disciplined in Virginia would be grounds for disciplinary action under H.O. § 14-404(a).

The grounds for disciplinary action under H.O. § 14-404(a) are as follows:

- (3) Is guilty of:
 - (ii) Unprofessional conduct in the practice of medicine

- (22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State;

- (40) Fails to keep adequate medical records as determined by appropriate peer review;

Based on the action taken by the Virginia Board, the Respondent agrees to enter into this Consent Order with the Maryland Board of Physicians, consisting of Procedural Background, Findings of Fact, Conclusions of Law, and Order of reciprocal action.

I. FINDINGS OF FACT

The Board finds the following:

1. The Respondent was initially licensed in Maryland on or about March 11, 1987. The Respondent was granted inactive status on or about September 17, 2009.

2. The Virginia Board found that in his care and treatment of a patient, with whom he was cohabiting, the Respondent:
 - a. prescribed controlled substances for pain without first performing or documenting a proper physical examination, evaluation or assessment and without sufficient objective evidence or diagnostic testing or studies to support his diagnoses;

 - b. routinely prescribed controlled substances to the patient for mental health conditions in the absence of adequate medical indication, evaluation and/or assessment, without regularly recording these prescriptions in his treatment record, and/or instead of referring the patient for appropriate evaluation and treatment, and/or adjunct psychological counseling;

- c. failed to adequately monitor and manage the patient's prescribed medications;
- d. failed to adequately/appropriately treat the patient's complaints of Attention Deficit Disorder with Hyperactivity.

3. The Virginia Board found that the Respondent prescribed Ambien to a family member outside of a bona fide practitioner-patient relationship.

A copy of the Virginia Board Order is attached hereto.

II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Maryland Board concludes as a matter of law that the disciplinary action taken by the Virginia Board against the Respondent was for an act or acts that would be grounds for disciplinary action under Health Occ. § 14-404(a)(3)(ii)(22) and (40) had those offenses been committed in this state.

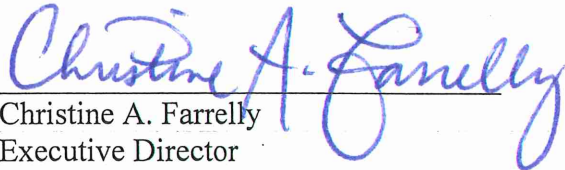
III. ORDER

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

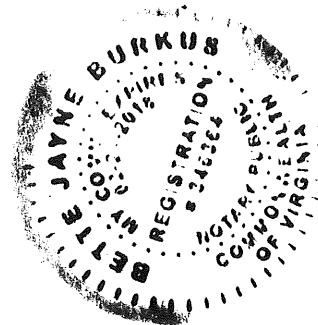
ORDERED that the Respondent's license to practice medicine in the State of Maryland be and is hereby **REPRIMANDED**; and be it further.

ORDERED that this **CONSENT ORDER** is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§4-101 through 4-601 (2014).

11/22/2017
Date


Christine A. Farrelly
Executive Director
Maryland Board of Physicians

I HEREBY CERTIFY that on this 17 day of November, 2017, before me, the subscriber, a Notary Public for the State and City/County aforesaid, personally appeared Robert J. Orino, M.D., and made oath in due form of law that the execution of the foregoing Consent Agreement was his voluntary act and deed.



AS WITNESSETH my hand and my notarial seal

Jayne Burkus
Notary Public

MY COMMISSION EXPIRES:

2/28/2018

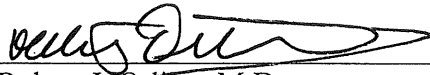
CONSENT

I, Robert J. Orlino, M.D., acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I admit to the Findings of Fact and Conclusions of Law, and I agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

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 behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

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

11/17/17
Date


Robert J. Orlino, M.D.
Respondent

STATE OF VA

CITY/COUNTY OF NEWPORT NEWS

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: ROBERT JOSEPH ORLINO, M.D.
License Number: 0101-037181
Case Number: 170035

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Medicine ("Board") and Robert Joseph Orino, M.D., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Dr. Orino's license to practice medicine and surgery in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Robert Joseph Orino, M.D., was issued License Number 0101-037181 to practice medicine and surgery on August 9, 1984, which is scheduled to expire on July 31, 2018.
2. Dr. Orino violated Virginia Code § § 54.1-2915.A(3), (13) and (16), 54.1-3303.A and 54.1-3408.A, and 18 VAC 85-20-26.C of the Regulations Governing the Practice of Medicine in his care and treatment of Patient A, with whom he was cohabiting and who had a history of alcohol abuse/misuse from approximately September 2012 through August 2015. Specifically:
 - a. During the treatment period, Dr. Orino prescribed Patient A controlled substances, to include Percocet (C-II) and diazepam (C-IV), for pain the patient reported was caused by various physical ailments, without first performing or documenting a proper physical examination, evaluation or assessment and without sufficient objective evidence or diagnostic testing or studies to support his diagnoses, as follows:
 - Dr. Orino's January 30, 2013 treatment note indicates that he prescribed Patient A #30 diazepam based on complaints of muscle spasms in her back which she reported interfered with her sleep.

- Dr. Orfino's May 26, 2013 "Phone Note" indicates that he prescribed Patient A #30 Percocet in response to the patient's request for medication to treat pain she stated was caused by a shoulder injury she incurred as a teenager. Further, he also prescribed the patient #30 Ambien (C-IV) on this date, yet failed to document this prescription in his treatment record. Moreover, prescription records indicate that on or about June 7, 2013, Dr. Orfino prescribed Patient A an additional #30 Percocet, in the absence of a corresponding treatment record documenting the prescription or a physical assessment or examination.
- b. Dr. Orfino routinely prescribed Patient A controlled substances, to include benzodiazepines and Ambien (C-IV), for mental health conditions such as anxiety, depression and insomnia and also for "stresses," in the absence of adequate medical indication, evaluation and/or assessment, without regularly recording these prescriptions in his treatment record, and/or instead of referring the patient for appropriate evaluation and treatment, and/or adjunct psychological counseling. Further, Dr. Orfino failed to adequately monitor and manage the patient's prescribed medications. Specifically:
- Dr. Orfino's December 10, 2012 "Phone Note" indicates that he prescribed Patient A alprazolam (C-IV) for "stress" per the patient's request.
 - Dr. Orfino's January 9, 2013 "Phone Note" indicates that he prescribed Patient A Wellbutrin SR (C-VI, with three refills) and Ambien in response to her request for medication to help her quit smoking and for a "sleeping aid."
 - Prescription records indicate that from March 8 to April 28, 2013, Patient A filled prescriptions written by Dr. Orfino for #90 triazolam (C-IV), despite the fact that this medication is recommended for short-term (seven to ten days) treatment of transient insomnia. Further, Dr. Orfino failed to document these prescriptions in his treatment record and failed to document a corresponding assessment or evaluation warranting such prescribing.
 - Dr. Orfino's April 29, 2013 medication note indicates only that he prescribed Patient A Wellbutrin (with two refills).
 - Dr. Orfino's June 30, 2013 "Medication Update" indicates that he "removed" the patient's Wellbutrin and Ambien prescriptions, instructed her to "stop Prozac" (which he had not prescribed) and prescribed her Lexapro (C-VI) and lorazepam (C-IV) to "help her" with the "anxiety and stresses" in her life. Further, prescription records indicate that, despite the patient's prior suicide attempt by alprazolam overdose, Patient A filled prescriptions written by Dr. Orfino, from July 1 – September 3, 2013, for #180 lorazepam.
 - Dr. Orfino provided Patient A with early Ambien #30 prescriptions and/or multiple refills, thereby enabling her to obtain early fills/refills of this medication on three occasions (on August 14, 2012, 17 days early; on April 14, 2014, 6 days early; and on May 28, 2014, 15 days early).

c. Dr. Orino failed to adequately/appropriately treat Patient A's complaints of Attention Deficit Disorder with Hyperactivity ("ADHD"). Specifically:

i. Prior to prescribing Patient A Adderall (C-IV), Dr. Orino failed to consult the patient's primary care physician ("PCP") who had previously treated her for various complaints, and/or failed to properly evaluate the patient for this diagnosis. Specifically, this PCP's February 23, 2015 office note indicates that at this visit, despite having taken Adderall for at least 17 months (since at least September 2013) to treat her purported ADHD, Patient A complained of persistent and/or increasing symptoms of stress, inability to stay focused and concentrate, and paranoia, and that she advised the patient to wean from and stop Adderall within one week, and to begin Wellbutrin and psychological counseling to determine whether she was experiencing ADHD, anxiety with paranoia, or borderline personality disorder. Subsequently, Patient A failed to follow her PCP's treatment plan and, alternatively, began ADHD treatment with Dr. Orino, who started prescribing her Adderall on April 12, 2015.

ii. Subsequently, from approximately April 12 through July 31, 2015, Dr. Orino failed to properly manage and/or monitor Patient A's Adderall medication regimen. Specifically, during the treatment period, Dr. Orino allowed Patient A to self-titrate her Adderall dosage without adequate medical indication for doing so and/or prescribed her excessive amounts of Adderall, as follows:

- Dr. Orino's April 30, 2015 "Phone Note" indicates that he increased Patient A's daily Adderall dosage from 35mg (previously prescribed by her PCP), to 40mg.
- Dr. Orino's May 20, 2015 "Phone Note" indicates that he increased Patient A's Adderall dosage to 60mg daily, in response to Patient A's report that she had been consuming that dosage and needed it to get through the day.
- From April 12 to July 31, 2015, Dr. Orino prescribed Patient A approximately #489 Adderall.

iii. Subsequently, on or about August 10, 2015, Patient A was admitted to a psychiatric center under a temporary detention order ("TDO") in an acutely psychotic, delusional, disorganized state.

iv. On August 31, 2015, ten days after her discharge from the psychiatric center and prior to her follow-up appointment with her outpatient psychiatrist, Dr. Orlino prescribed Patient A #90 Adderall. By his own admission, he failed to contact or consult with Patient A's mental health provider(s) prior to this prescribing.

3. Dr. Orlino violated §§ 54.1-2915.A(12), (16), (17) and (18), 54.1-3303.A and 54.1-3408.A of the Code and 18VAC85-20-25.A-C and 18VAC85-20-26.C of the Board's Regulations. In that, on October 23, 2013 he prescribed #60 Ambien to Individual B, a family member, outside of a bona fide practitioner-patient relationship.

4. On January 23 - 24, 2016, Dr. Orlino completed a face-to-face continuing medical education ("CME") course (17 AMA PRA Category 1 credits) in medical record keeping and on February 20-21, 2016, Dr. Orlino completed a face-to-face CME course (21 AMA PRA Category 1 credits) in Opioids, Pain Management and Addiction.

5. Dr. Orlino, by and through his counsel, has certified to the Board that he has read and shall comply with the Drug Laws for Practitioners as published by the Board.

See Confidential Attachment for the names of the patient and individual referenced above.

CONSENT

Robert Joseph Orlino, M.D., by affixing his signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document and am represented by Gerald C. Canaan, Esq.;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;
4. I waive my right to an informal conference;
5. I neither admit nor deny the Findings of Fact and Conclusions of Law contained herein but waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;
6. I consent to the entry of the following Order affecting my licensure to practice medicine and surgery in the Commonwealth of Virginia.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS that Robert Joseph Orlino, M.D., is REPRIMANDED.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

Jennifer L. Deschenes
Jennifer Deschenes, J.D., M.S.
Deputy Executive Director
Virginia Board of Medicine

ENTERED: 7/17/2017

SEEN AND AGREED TO:

Robert Joseph Orino
Robert Joseph Orino, M.D.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Chesapeake, TO WIT:

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this
12th day of July, 2017.

Diana Minton
Notary Public

My commission expires: 2/28/2018

Registration No.: 322694

