

IN THE MATTER OF	*	BEFORE THE
EDWARD I. OBAZEE, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D41430	*	Case Number: 2016-0785A
* * * * *	*	* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On November 6, 2017, Disciplinary Panel A ("Panel A") of the Maryland State Board of Physicians (the "Board") charged **EDWARD I. OBAZEE, M.D.** (the "Respondent"), License Number D41430, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") §§ 14-101 *et seq.* (2014 Repl. Vol. and 2016 Supp.), Md. Code Ann.; Health Occ. I ("Health Occ. I") §§ 1-201 *et seq.* (2014 Repl. Vol. and 2016 Supp.); and the Board's sexual misconduct regulations, codified at Md. Code Regs. ("COMAR") 10.32.17 *et seq.*

Panel A charged the Respondent with violating the following provisions of the Act under Health Occ. II § 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:
 - (3) Is guilty of:
 - (i) Immoral conduct in the practice of medicine; or
 - (ii) Unprofessional conduct in the practice of medicine[.]

The pertinent provisions of Health Occ. I § 1-212 provide as follows:

(a) *Adoption of regulations.* – Each health occupations board authorized to issue a license or certificate under this article shall adopt regulations that:

- (1) Prohibit sexual misconduct; and
- (2) Provide for the discipline of a licensee or certificate holder found to be guilty of sexual misconduct.

The pertinent provisions of COMAR 10.32.17 provide:

.01 Scope.

This chapter prohibits sexual misconduct against patients or key third parties by individuals licensed or certified under Health Occupations Article, Titles 14 and 15, Annotated Code of Maryland.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

...

(2) Sexual Impropriety.

- (a) "Sexual impropriety" means behavior, gestures, or expressions that are seductive, sexually suggestive, or sexually demeaning to a patient or a key third party regardless of whether the sexual impropriety occurs inside or outside of a professional setting.

...

(3) "Sexual misconduct: means a health care practitioner's behavior toward a patient, former patient, or key third party, which includes:

- (a) Sexual impropriety;
- (b) Sexual violation; or
- (c) Engaging in a dating, romantic, or sexual relationship which violates the code of ethics of the American Medical Association, American

Osteopathic Association, American Psychiatric Association, or other standard recognized professional code of ethics of the health care practitioner's discipline or specialty.

(4) Sexual Violation.

(a) "Sexual violation" means health care practitioner-patient or key third party sex, whether or not initiated by the patient or key third party, and engaging in any conduct with a patient or key third party that is sexual or may be reasonably interpreted as sexual, regardless of whether the sexual violation occurs inside or outside of a professional setting.

(b) "Sexual violation" includes, but is not limited to:

- (i) Sexual intercourse, genital to genital contact;
- (ii) Oral to genital contact;
- (iii) Oral to anal contact or genital to anal contact;
- (iv) Kissing in a romantic or sexual manner;
- (v) Touching the patient's breasts, genitals, or any sexualized body part;

.03 Sexual misconduct.

- A. Individuals licensed or certified under Health Occupations Article, Titles 14 and 15, Annotated Code of Maryland, may not engage in sexual misconduct.
- B. Health Occupations Article, §§ 14-404(a)(3) and 15-314(3), Annotated Code of Maryland, includes, but is not limited to sexual misconduct.

On January 10, 2018, the Respondent appeared before Panel A, sitting as a Disciplinary Committee for Case Resolution. As a result of negotiations occurring before Panel A, 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

Panel A makes the following Findings of Fact:

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on March 11, 1991, under License Number D41430. The Respondent's license is active through September 30, 2019.
2. The Respondent is board-certified in internal medicine.
3. At all times relevant hereto, the Respondent maintained a medical office located at 8507 Liberty Road, Randallstown, Maryland 21133.
4. In or around March 2016, the Board received a complaint from a former patient of the Respondent who alleged that the Respondent touched her in an inappropriate manner when taking a radiograph during an office visit. The Board did not proceed on that complaint.
5. The Board then initiated an investigation of this matter. As part of its investigation, Board investigators contacted the Respondent's former employees and received information that the Respondent had engaged in a sexual relationship with a former employee (the "Patient"),¹ to whom he also provided medical care.
6. The Board's investigation determined that the Respondent engaged in a sexual relationship with the Patient, whom he had employed at his practice and to whom he had provided medical care. The Respondent engaged in a sexual relationship with the Patient while concurrently providing medical care to her.

¹ For confidentiality reasons, the names of complainants, patients, health care practitioners or individuals other than the Respondent will not be identified in this document. The Respondent is aware of the identity of all individuals referenced herein.

7. The Respondent had hired the Patient to work at his practice on a part-time basis in or around January 2016. In or around May 2016, the Respondent prescribed a psychotropic medication for the Patient. At or around the time the Respondent prescribed this medication, he expressed an interest in having an intimate relationship with the Patient and had sexual relations with her in his office. The Respondent then continued to engage in a sexual relationship with the Patient for a period of months while he employed her. The Patient began to experience side effects from the medication the Respondent had prescribed, which caused her to seek medical attention from a hospital emergency department.

8. The Patient left the Respondent's employment in or around June 2016, for reasons unrelated to her care from or relationship with Respondent. The Respondent continued to have a sexual/intimate relationship with the Patient after she left employment.

9. Board investigators interviewed the Respondent under oath on or about June 21, 2017. The Respondent admitted that in or around May 2016, he evaluated the Patient for a medical condition and prescribed a psychotropic medication for her, and during that same time frame had a "sexual encounter" with her in his office, and engaged in a "personal" and "physical" relationship with her for approximately two months, while he employed her in his office.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent violated the following provisions of the Act and COMAR: Health Occ. II § 14-404(a)(3) Is guilty of: (i) Immoral conduct in the practice of medicine; and (ii)

Unprofessional conduct in the practice of medicine; Health Occ. I § 1-212; and COMAR 10.32.17.02B(3)(prohibiting sexual improprieties/misconduct).

ORDER

It is, on the affirmative vote of a majority of the quorum of Panel A, hereby:

ORDERED that the Respondent's license is **REPRIMANDED**; and it is further

ORDERED that the Respondent is placed on **PROBATION** for a minimum period of **ONE (1) YEAR**,² to begin upon the effective date of this Consent Order, subject to the following probationary terms and conditions:

1. Within **SIX (6) MONTHS**, the Respondent shall successfully complete a Board disciplinary panel-approved course in maintaining appropriate physician-patient boundaries. The Board disciplinary panel will not accept a course taken over the Internet. 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 he has successfully completed the course.

2. The Respondent shall comply with the Maryland Medical Practice Act, Md. Code Ann., Health Occ. II §§ 14-101 – 14-702, and all laws and regulations governing the practice of medicine in Maryland.

AND IT IS FURTHER ORDERED that after **one (1) year**, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated through an order of the Board or Panel A. The Respondent may be required to appear before the Board or Panel A to discuss his petition for termination. The Board or Panel A will grant the

² If the Respondent's license expires while the Respondent is on probation, the probationary period and any probationary conditions will be tolled.

petition to terminate the probation if the Respondent has complied with all of the probationary terms and conditions and there are no pending complaints related to the charges; and it is further

ORDERED that if the Respondent allegedly fails to comply with any term or condition of probation or the 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 Panel A; and it is further

ORDERED that, after the appropriate hearing, if the Board or Board Disciplinary Panel determines that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Board or Board 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 Board 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, 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 A; and it is further

ORDERED that the Respondent shall not apply for early termination of probation; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the condition of this Consent Order; and it is further

ORDERED that this Consent Order shall be a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen Prov. §§ 4-101 -- 4-601 (2014 and 2017 Supp.).

01/18/2018
Date

Christine A. Farrelly
Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Edward I. Obazee, M.D., acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, 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, Conclusions of Law and Order.

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 as provided by law. I acknowledge the legal authority and the jurisdiction of Disciplinary Panel A 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 Disciplinary Panel B 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 Order, and understand its meaning and effect.

1/16/18
Date

Edward I. Obazee
Edward I. Obazee, M.D.
Respondent

Read and approved:

M. Natalie McSherry
M. Natalie McSherry, Esquire
Counsel for Dr. Obazee

NOTARY

STATE OF Maryland
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 16th day of January,
2018, before me, a Notary Public of the foregoing State and City/County, did personally
appear Edward I. Obazee, M.D., and made oath in due form of law that signing the
foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.



Sheila McGovern Becker
Notary Public

My commission expires: 4-7-2020