

IN THE MATTER OF	*	BEFORE THE
WILLIAM S. VAUGHN, III, M.D.	*	MARYLAND STATE BOARD
Respondent	*	OF PHYSICIANS
License Number: D43641	*	Case Number: 2016-0737A
* * * * *		

**ORDER FOR SUMMARY SUSPENSION OF LICENSE
TO PRACTICE MEDICINE**

Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) hereby **SUMMARILY SUSPENDS** the medical license of William S. Vaughn, III, M.D. (the “Respondent”), License Number D43641, to practice in the State of Maryland. Panel A takes such action pursuant to its authority under Md. Code Ann., State Gov’t II § 10-226(c)(2)(i) (2014 Repl. Vol. & 2017 Supp.), concluding that the public health, safety, or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS

Based on information received by, and made known to Panel A, and the investigatory information obtained by, received by and made known to and available to Panel A and the Office of the Attorney General, including the instances described below, Panel A has reason to believe that the following facts are true:¹

¹ The statements regarding the Respondent’s conduct are intended to provide the Respondent with notice of the basis of the suspension. 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.

BACKGROUND

1. The Respondent was originally licensed to practice medicine in Maryland on July 31, 1992. He allowed his license to expire on September 30, 2017.²
2. The Respondent's primary self-designated concentrations are internal medicine and pediatrics; however, he is not board-certified in any medical specialty.
3. The Respondent was formerly licensed by the District of Columbia Board of Medicine ("D.C. Board"). He allowed his license to expire in 2010, following disciplinary action that was initiated in 2005.³
4. The Respondent is not presently licensed to practice medicine in any State or jurisdiction.
5. During all times relevant to this suspension, the Respondent was employed approximately 40 hours weekly at an urgent care center located in Potomac, Maryland ("Facility B").⁴
6. On June 23, 2017, Panel A charged the Respondent under the Maryland Medical Practice Act pursuant to Md. Code Ann., Health Occ. § 14-404(a)(3)(ii)(unprofessional conduct in the practice of medicine) and (27)(sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purposes), based on investigative

² Md. Code Ann., Health Occ. II § 14-403 provides in pertinent part, "...the individual may not surrender the license...nor may the license...lapse by operation of law while the individual is under investigation or while charges are pending."

³ On or about September 20, 2005, the D.C. Board summarily suspended the Respondent's medical license for prescribing large amounts of CDS to a patient after terminating their physician-patient relationship and without documenting the CDS prescriptions in a medical record. Based on these investigative findings, by Order dated May 16, 2006, the D.C. Board revoked the Respondent's medical license. The D.C. Board terminated the Respondent's probation retroactive to December 31, 2008. The Respondent allowed his D.C. license to expire in 2010. On August 27, 2008, the Maryland Board imposed reciprocal action based on the D.C. Board's Order, and placed the Respondent on one year of probation. By Order dated April 7, 2010, the Maryland Board terminated the Respondent's probation.

⁴ In order to maintain confidentiality, identifying names will not be used in this document, but will be provided to the Respondent on request.

findings following the Board's receipt of a complaint filed by the mother of two former patients of the Respondent, alleging that he had prescribed controlled dangerous substances ("CDS") and other medications to her daughters at a restaurant location ("Restaurant A") without conducting formal office visits.⁵

UNAUTHORIZED PRACTICE

SURRENDER OF DEA CERTIFICATE OF REGISTRATION

7. On or about July 20, 2017, in response to a parallel criminal investigation, the Respondent surrendered his Drug Enforcement Administration ("DEA") certificate of registration to a diversion investigator, during an interview with a Baltimore County Police Detective and a federal agent.

8. On July 20, 2017, the Respondent signed DEA Form 104, a voluntary surrender of controlled substance privileges, and in so doing agreed to the following:

In view of my alleged failure to comply with the Federal requirements pertaining to controlled substances, and as an indication of my good faith in desiring to remedy any incorrect or unlawful practices on my part:

In view of my desire to terminate handling of controlled substances listed in schedules II-V:

I hereby voluntarily surrender my Drug Enforcement Administration Certificate of Registration, unused order forms, and all my controlled substances listed in Schedules II-V as evidence of my intent to relinquish my privilege to handle controlled substances listed in Schedules II-V.

I understand that submission of this document to DEA, including any employee of DEA, shall result in the immediate termination of my registration...

...

I understand that, beginning on the date that I sign below, I am not authorized to order, manufacture, distribute, possess, dispense, administer, prescribe, or engage in any other controlled substance activities whatsoever...

⁵ The hearing is presently pending at the Office of Administrative Hearings.

9. The Respondent continued to prescribe CDS on several occasions after surrendering his DEA certificate of registration. A Prescription Drug Monitoring Program printout received in response to an October 26, 2017 Board subpoena, reflected that the Respondent prescribed CDS on the following dates after surrendering his DEA certificate of registration:

- July 21, 2017 prescription for 30 tablets of phentermine, a Schedule IV CDS, to Patient D;
- July 21, 2017 prescription for 30 tablets of phentermine to Patient E;
- July 21, 2017 prescription for 30 tablets of phentermine to Patient F;
- July 21, 2017 prescription for 30 tablets of phentermine to Patient G;
- July 22, 2017 prescription for 30 tablets of zolpidem tartrate, a Schedule IV CDS, to Patient H;
- July 24, 2017 prescription for 120 tablets of alprazolam to Patient I;
- July 25, 2017 prescription for 150 tablets of oxycodone with acetaminophen to Patient J;
- July 28, 2017 prescription for 30 tablets of phentermine to Patient K;
- July 28, 2017 prescription for 30 tablets of phentermine to Patient L;
- July 28, 2017 prescription for 30 tablets of phentermine to Patient M;
- July 29, 2017 prescription for 30 tablets of carisoprodol, a Schedule IV CDS, to Patient N;
- August 8, 2017 prescription for 60 tablets of Vyvanse, a Schedule II CDS stimulant, to Patient O;
- September 25, 2017 prescription for 240 cc of promethazine with codeine, a Schedule V CDS, to Patient P; and
- September 26, 2017 prescription for 30 tablets of phentermine to Patient Q.

UNAUTHORIZED PRACTICE OF MEDICINE

10. As stated above, the Respondent allowed his medical license to expire on September 30, 2017.

11. On or about November 1, 2017, based on information received that the Respondent was continuing to practice medicine with an expired license, Board staff conducted a site visit of Facility B. The Respondent and Employee A were present

during the visit. There were no other physicians or physician extenders present at Facility B.

12. Employee A is the office administrator at Facility B.

13. During the November 1, 2017 site visit, the Respondent acknowledged to Board staff that he was aware that his medical license had expired.

14. During the November 1, 2017 site visit, the Respondent acknowledged that he had provided medical care to four to five patients on November 1, 2017.⁶

15. During the November 1, 2017 site visit, the Respondent stated that he had also rendered medical care to approximately 20 patients at Facility B the day before, on October 30, 2017.

FEDERAL INDICTMENT

16. On or about November 29, 2017, the Respondent was indicted in the United States District Court for the District of Maryland pursuant to 21 U.S.C. § 841(a)(1), prohibiting a person to knowingly or intentionally...distribute, or dispense, or possess with an intent to...distribute or dispense, a controlled substance.

17. Specifically, the federal government charged the Respondent with 66 counts of prescribing Adderall to four separate patients, a Schedule II controlled dangerous substance ("CDS"), outside the usual course of professional practice and without a legitimate medical purpose. **Attachment A, Indictment**

⁶ A review of patient records, reflects that on November 1, 2017, the Respondent conducted office visits for 5 patients, identified as Patients R, S, T, U, V.

CONCLUSION OF LAW

Based on the foregoing facts, the Board concludes that the public health, safety or welfare imperatively requires emergency action in this case, pursuant to Md. Code Ann., State Gov't. II § 10-226 (c)(2)(i) (2014 Repl. Vol. & 2017 Supp.).

ORDER

Based on the foregoing, it is:

ORDERED that pursuant to the authority vested by Md. Code Ann., State Gov't II § 10-226(c)(2), the Respondent's medical license **D43641** to practice as a physician in the State of Maryland be and is hereby **SUMMARILY SUSPENDED**; and be it further

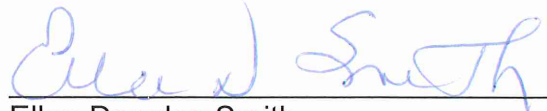
ORDERED that a post-deprivation hearing in accordance with Md. Code Regs. 10.32.02.08B(7)(c), D and E on the Summary Suspension, in which Panel A will determine whether the summary suspension will continue, has been scheduled for **January 10, 2018, at 1:30 p.m.**, at the Maryland State Board of Physicians, 4201 Patterson Avenue, Baltimore, Maryland 21215-0095; and be it further

ORDERED that at the conclusion of the **SUMMARY SUSPENSION** hearing held before Panel A, the Respondent, if dissatisfied with the result of the hearing, may request within ten (10) days an evidentiary hearing, such hearing to be held within thirty (30) days of the request, before an Administrative Law Judge at the Office of Administrative Hearings, Administrative Law Building, 11101 Gilroy Road, Hunt Valley, Maryland 21031-1301; and be it further

ORDERED that a copy of this Order of Summary Suspension shall be filed with the Board in accordance with Md. Code Ann., Health Occ. II § 14-407 (2014 Repl. Vol. & 2017 Supp.); and be it further

ORDERED that this is an Order of Panel A, and, as such, is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 & 2017 Supp.).

12/28/17
Date


Ellen Douglas Smith
Deputy Director
Maryland State Board of Physicians

ATTACHMENT A

FEDERAL
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2017 NOV 29 PM 4:07

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

WILLIAM SAMUEL VAUGHN, III
a/k/a "Skip,"

Defendant

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*
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CRIMINAL NO. PWG170634

(Distribution and Dispensation and
Causing and Attempting to Cause
the Distribution and Dispensation
of Controlled Dangerous Substances,
21 U.S.C. § 841(a)(1); Forfeiture,
21 U.S.C. § 853)

INDICTMENT

COUNTS ONE THROUGH SIXTY-SIX

The Grand Jury for the District of Maryland charges that:

Introduction

At all times relevant to this Indictment:

1. Defendant **WILLIAM SAMUEL VAUGHN, III, a/k/a "Skip,"** was a physician who held Maryland medical license number D43641 and Drug Enforcement Administration ("DEA") registration number BV0813407.
2. **VAUGHN** practiced out of an urgent care center located in Potomac, Maryland.
3. The Controlled Substances Act governed the manufacture, distribution, and dispensing of controlled substances in the United States. Under the Controlled Substances Act, there were five schedules of controlled substances—Schedules I, II, III, IV, and V. Controlled substances were scheduled into these levels based upon their potential for abuse, among other things.

1911

1912

1913

4. Schedule II controlled substances, as defined in Title 21, United States Code, Section 812(b)(2), were drugs or other substances with a high potential for abuse, a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions, and abuse of which may lead to severe psychological or physical dependence.

5. Amphetamine was a stimulant and a Schedule II controlled substance. Amphetamine was commonly used for the treatment of attention deficit disorder, and was available in generic form and under the brand name Adderall.

6. Title 21, United States Code, Section 841(a)(1), provided that “[e]xcept as authorized by this subchapter, it shall be unlawful for any person to knowingly or intentionally . . . manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance.”

7. Title 21, United States Code, Section 802(10), provided that the term “dispense” meant to deliver a controlled substance to an ultimate user or research subject by, or pursuant to the lawful order of, a practitioner, including the prescribing and administering of a controlled substance and the packaging, labeling, or compounding necessary to prepare the substance for delivery.

8. Title 21, United States Code, Section 821, provided that “[t]he Attorney General [of the United States] is authorized to promulgate rules and regulations relating to the registration and control of the manufacture, distribution and dispensing of controlled substances.”

9. The Attorney General of the United States exercised his rulemaking authority regarding the dispensing of controlled substances through the promulgation of Title 21, Code of Federal Regulations, Section 1306.04, governing the issuance of prescriptions. This provision

provided, among other things, that in order for a prescription for a controlled substance to be effective, it must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. Moreover, an order purporting to be a prescription issued not in the usual course of professional treatment was not a prescription within the meaning and intent of Section 309 of the Controlled Substances Act [21 U.S.C. § 829], and the person knowingly issuing said order was subject to the penalties provided for violations of the law relating to controlled substances.

The Charges

10. On or about each of the dates listed below, in the District of Maryland and elsewhere, the defendant,

**WILLIAM SAMUEL VAUGHN, III,
a/k/a “Skip,”**

knowingly and intentionally distributed and dispensed, caused to be distributed and dispensed, and attempted to cause to be distributed and dispensed, a quantity of a mixture and substance containing a detectable amount of Amphetamine, a Schedule II controlled substance, outside the usual course of professional practice and without a legitimate medical purpose:

COUNT	RECIPIENT	DATE	CONTROLLED SUBSTANCES AND QUANTITY
1	Individual 1	1/22/2014	30 pills of Adderall 20 mg
2	Individual 1	2/2/2014	30 pills of Adderall 30 mg
3	Individual 1	2/26/2014	30 pills of Adderall 30 mg
4	Individual 1	5/21/2014	30 pills of Adderall 30 mg
5	Individual 1	7/2/2014	30 pills of Adderall 30 mg

COUNT	RECIPIENT	DATE	CONTROLLED SUBSTANCES AND QUANTITY
6	Individual 1	9/10/2014	30 pills of Adderall 30 mg
7	Individual 1	11/5/2014	30 pills of Adderall 30 mg
8	Individual 1	12/17/2014	30 pills of Adderall 30 mg
9	Individual 1	2/20/2015	60 pills of Adderall 30 mg
10	Individual 1	3/25/2015	60 pills of Adderall 30 mg
11	Individual 1	8/5/2015	60 pills of Adderall 30 mg
12	Individual 1	9/16/2015	60 pills of Adderall 30 mg
13	Individual 1	10/14/2015	60 pills of Adderall 30 mg
14	Individual 1	1/20/2016	60 pills of Adderall 30 mg
15	Individual 1	3/16/2016	60 pills of Adderall 30 mg
16	Individual 1	4/13/2016	60 pills of Adderall 30 mg
17	Individual 1	5/13/2016	60 pills of Adderall 30 mg
18	Individual 1	7/6/2016	60 pills of Adderall 30 mg
19	Individual 1	8/6/2016	60 pills of Adderall 30 mg
20	Individual 1	10/26/2016	60 pills of Adderall 30 mg
21	Individual 1	11/26/2016	60 pills of Adderall 30 mg
22	Individual 1	12/26/2016	60 pills of Adderall 30 mg
23	Individual 1	4/26/2017	60 pills of Adderall 30 mg
24	Individual 1	5/26/2017	60 pills of Adderall 30 mg
25	Individual 2	2/15/2014	30 pills of Adderall 30 mg
26	Individual 2	4/2/2014	30 pills of Adderall 30 mg
27	Individual 2	5/21/2014	30 pills of Adderall 30 mg

COUNT	RECIPIENT	DATE	CONTROLLED SUBSTANCES AND QUANTITY
28	Individual 2	7/2/2014	30 pills of Adderall 30 mg
29	Individual 2	9/10/2014	30 pills of Adderall 30 mg
30	Individual 2	11/5/2014	30 pills of Adderall 30 mg
31	Individual 2	12/17/2014	60 pills of Adderall 30 mg
32	Individual 2	2/10/2015	60 pills of Adderall 30 mg
33	Individual 2	3/25/2015	60 pills of Adderall 30 mg
34	Individual 2	8/5/2015	60 pills of Adderall 30 mg
35	Individual 2	10/14/2015	60 pills of Adderall 30 mg
36	Individual 2	1/20/2016	60 pills of Adderall 30 mg
37	Individual 2	3/16/2016	60 pills of Adderall 30 mg
38	Individual 2	4/13/2016	60 pills of Adderall 30 mg
39	Individual 2	5/13/2016	60 pills of Adderall 30 mg
40	Individual 2	8/3/2016	60 pills of Adderall 30 mg
41	Individual 2	9/3/2016	60 pills of Adderall 30 mg
42	Individual 2	10/26/2016	60 pills of Adderall 30 mg
43	Individual 2	11/26/2016	60 pills of Adderall 30 mg
44	Individual 2	12/26/2016	60 pills of Adderall 30 mg
45	Individual 2	4/26/2017	60 pills of Adderall 30 mg
46	Individual 2	5/26/2017	60 pills of Adderall 30 mg
47	Individual 2	6/26/2017	60 pills of Adderall 30 mg
48	Individual 3	4/9/2016	30 pills of Adderall 20 mg
49	Individual 3	4/30/2016	60 pills of Adderall 20 mg

COUNT	RECIPIENT	DATE	CONTROLLED SUBSTANCES AND QUANTITY
50	Individual 3	5/11/2016	30 pills of Adderall 20 mg
51	Individual 3	5/30/2016	60 pills of Adderall 20 mg
52	Individual 3	11/10/2016	60 pills of Adderall 20 mg
53	Individual 3	12/10/2016	60 pills of Adderall 20 mg
54	Individual 4	2/15/2014	30 pills of Adderall 20 mg
55	Individual 4	3/15/2014	30 pills of Adderall 20 mg
56	Individual 4	5/18/2014	30 pills of Adderall 30 mg
57	Individual 4	8/14/2014	30 pills of Adderall 30 mg
58	Individual 4	10/5/2014	30 pills of Adderall 30 mg
59	Individual 4	12/16/2014	60 pills of Adderall 30 mg
60	Individual 4	1/15/2015	60 pills of Adderall 30 mg
61	Individual 4	3/9/2015	60 pills of Adderall 30 mg
62	Individual 4	3/29/2015	60 pills of Adderall 30 mg
63	Individual 4	6/11/2015	60 pills of Adderall 30 mg
64	Individual 4	7/27/2015	60 pills of Adderall 30 mg
65	Individual 4	8/13/2015	60 pills of Adderall 30 mg
66	Individual 4	9/13/2015	60 pills of Adderall 30 mg

21 U.S.C. § 841(a)(1)
18 U.S.C. § 2

FORFEITURE ALLEGATION

The Grand Jury for the District of Maryland further finds that:

1. Pursuant to Fed. R. Crim. Proc. 32.2, notice is hereby given to the defendant that the United States will seek forfeiture as part of any sentence in accordance with Title 21, United States Code, Section 853, as a result of the defendant's convictions under Counts One through Sixty-Six of this Indictment.

Narcotics Forfeiture

2. Pursuant to Title 21, United States Code, Section 853(a), upon conviction of an offense in violation of the Controlled Substances Act, as alleged in Counts One through Sixty-Six of the Indictment, the defendant,

**WILLIAM SAMUEL VAUGHN, III,
a/k/a "Skip,"**

shall forfeit to the United States of America:

- a. any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such violation; and
- b. any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

Substitute Assets

3. If, as a result of any act or omission of the defendant, any such property subject to forfeiture:
- a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third person;
 - c. has been placed beyond the jurisdiction of the Court;
 - d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided
without difficulty;

the United States of America shall be entitled to forfeiture of substitute property.

21 U.S.C. § 853

Stephen M. Schenning / Kott
Stephen M. Schenning
Acting United States Attorney

A TRUE BILL:

[Redacted signature block]

Foreperson

11/29/17.
Date