

IN THE MATTER OF * **BEFORE THE**
LAURIE BETH KREGER * **MARYLAND STATE**
Respondent * **BOARD OF PHYSICIANS**
License Number D44419 * **Case Number 7715-0078**

ORDER AFTER SHOW CAUSE HEARING

On April 16, 2015, Laurie Beth Kreger, M.D., entered into a Consent Order with Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) wherein she agreed that her license to practice medicine in Maryland would be suspended, subject to certain terms and conditions. The terms and conditions of the suspension included that Dr. Kreger enroll in the Maryland Professional Rehabilitation Program (“MPRP”), enter into a Board-monitored Rehabilitation Agreement, and comply with all of the MPRP’s recommendations.

FINDINGS OF FACT

Background

On or about January 2, 2015, the Board received a complaint from a pharmacist in Rockville, Maryland alleging that Dr. Kreger presented a prescription for Ritalin¹ to the pharmacy on or about December 31, 2014. Prior to filling the prescription, the pharmacist checked the Chesapeake Regional Information System for our Patients (“CRISP”) and identified multiple discrepancies including having the same prescriptions for controlled dangerous substances (“CDS”)² written by different providers, having prescriptions filled at different pharmacies, and paying for the prescriptions in cash every few days.

¹ Ritalin is a central nervous system stimulant and is a schedule II controlled dangerous substance (“CDS”).

² The substances included Ritalin, morphine (schedule II CDS used to treat pain), Percocet (schedule II CDS used to treat pain), Vicodin (schedule II CDS used to treat pain), and Nuvigil (a medication that promotes wakefulness).

The Board opened an investigation into the allegations and the investigation, in part, revealed that Dr. Kreger had a history of substance abuse and had been hospitalized on several occasions for issues related to substance abuse. On April 16, 2015, in lieu of a summary suspension and charges being issued, Dr. Kreger entered into a Consent Order with Panel B.

Consent Order

In the Consent Order, Panel B concluded that Dr. Kreger violated several grounds of the Maryland Medical Practice Act: Md. Code Health Occ. §14-404(a)(4) (is professionally, physically, or mentally incompetent); (8) (Is addicted to, or habitually uses, any narcotic or controlled dangerous substance as defined in §5-101 of the Criminal Law Article); and (9)(ii) (provides professional services while using any narcotic or controlled dangerous substance, as defined in §5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication).

Panel B suspended Dr. Kreger's license to practice medicine in Maryland, subject to certain terms and conditions, and until MPRP determined that she was safe to resume the practice of medicine. Pursuant to the Consent Order, Dr. Kreger agreed to enroll in the MPRP within 10 business days from the date of the Order, enter into a Board-monitored Rehabilitation Agreement, and comply with all of the MPRP's recommendations. The Consent Order also:

ORDERED that if the Respondent violates any condition of this Consent Order, including a violation of any term or condition of the MPRP Rehabilitation Agreement and Rehabilitation Plan, Disciplinary Panel B, in its discretion, after notice and opportunity for a show cause hearing before Disciplinary Panel B or an evidentiary hearing at the Office of Administrative Hearings, may impose additional sanctions authorized under the Medical Practice Act, including a reprimand, suspension, probation, revocation, and/or a monetary fine[.]

Dr. Kreger agreed and accepted to be bound by the Consent Order and all of its terms and conditions.

Violation of the Consent Order

On May 19, 2015, Dr. Kreger enrolled in the MPRP and signed a Participant Rehabilitation Agreement wherein she agreed to follow all treatment recommendations made by the MPRP.³ On June 5, 2015, the Board received notification from the MPRP that Dr. Kreger continued to obtain multiple prescriptions for controlled dangerous substances from multiple providers after the date she enrolled in the MPRP.⁴ In July of 2015, the MPRP reported that Dr. Kreger failed to follow several of the MPRP's recommendations, including providing names of inpatient treatment facilities for approval and providing documentation of medical justification for her recent and ongoing prescriptions.

Further, the MPRP reported that Dr. Kreger failed to check-in with the random toxicology call-in telephone system on July 27, 2015, November 5, 2015, January 9, 2016, January 17, 2016, February 14, 2016, March 2, 2016, and March 27, 2016.⁵ Finally, the MPRP reported that Dr. Kreger had a positive blood toxicology screening for phosphatidylethanol ("PEth")⁶ on January 11, 2016 and positive urine toxicology screenings for alcohol metabolites on February 15, 2016, February 16, 2016, and February 22, 2016.

Show Cause Hearing

On May 31, 2016, the State issued a Violation of Consent Order and Notice to Show Cause alleging a violation of the Consent Order based on Dr. Kreger's non-compliance with the

³ The Consent Order required Dr. Kreger to enroll in the MPRP within 10 business days from the date of the Consent Order. Dr. Kreger enrolled in the MPRP after the 10 business day deadline, but in light of the documentation presented to the MPRP that Dr. Kreger was hospitalized from April 29, 2015 until May 4, 2015, the Panel will excuse Dr. Kreger's late enrollment and does not find a violation of the Consent Order on this basis.

⁴ The prescriptions included: Oxycodone on May 21, 2015, Hydrocodone on May 22, 2015, and Methylphenidate on May 20, 24, and 29, 2016.

⁵ Dr. Kreger's Participant Rehabilitation Plan required Dr. Kreger to check-in daily, including weekends, and report for toxicology testing when randomly selected.

⁶ Phosphatidylethanol is a marker in blood of alcohol consumption.

MPRP's recommendations, missed check-in appointments, and positive toxicology screenings. On July 27, 2016, Dr. Kreger appeared at a Show Cause hearing before Panel B. She did not dispute that she failed to comply with the MPRP's recommendations in June and July of 2015 and failed to check-in with the random toxicology call-in telephone system on seven dates between July of 2015 and March of 2016.⁷

CONCLUSIONS OF LAW

Panel B concludes that Dr. Kreger violated the terms and conditions of the April 16, 2015 Consent Order by failing to fully comply with all of the MPRP's requirements and treatment recommendations. Pursuant to the terms of the Consent Order, the panel is authorized to impose additional sanctions on Dr. Kreger's license.

SANCTION

In determining the appropriate sanction in this case, the Panel has taken into consideration the positions of both parties as well as the recommendation of the MPRP, which was expressed in a letter to the Board, dated April 22, 2016. Both the State and Dr. Kreger advocated for continued treatment and participation with the MPRP and asked the Panel to impose a definitive timeline for when Dr. Kreger could return to practice. The MPRP noted that they believed that Dr. Kreger had made improvements, despite the ongoing issues of compliance, but indicated that they would like to see additional stability and documented progress before the clinical team would endorse her return to the practice of medicine. Accordingly, the MPRP recommended a fixed period of suspension and continued participation with the MPRP. Based on the limited duration that Dr. Kreger has been enrolled in the MPRP and the issues she has had

⁷ Dr. Kreger denied that she consumed any alcohol while enrolled in the MPRP and, therefore, disputed the positive toxicology screenings. In light of the other violations, which are discussed herein, the Panel need not reach this issue, and declines to do so.

with compliance, as discussed herein, the Panel finds that an eighteen (18) month suspension with continued participation in the MPRP is appropriate.

ORDER

On an affirmative vote of a majority of a quorum of Disciplinary Panel B, it is hereby

ORDERED that the April 16, 2015 Consent Order is terminated; and it is further

ORDERED that Dr. Kreger's license to practice medicine in Maryland (License Number D44419) is **SUSPENDED**⁸ for a minimum of **eighteen (18) months** beginning July 27, 2016.

During the period of suspension, Dr. Kreger shall comply with all of the following terms and conditions:

1. Dr. Kreger shall remain enrolled in the Maryland Professional Rehabilitation Program ("MPRP") and continue in her Participant Rehabilitation Agreement and Participant Rehabilitation Plan with the MPRP. Dr. Kreger shall fully and timely cooperate and comply with all of the MPRP's referrals, rules, and requirements, including but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered into with the MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and toxicology screening as directed by the MPRP;
2. Dr. Kreger shall sign and update the written release/consent forms requested or required by the Board and the MPRP. Dr. Kreger shall sign the release/consent forms to authorize the MPRP to make verbal and written disclosures to the Board, including disclosure of any and all the MPRP records and files possessed by the MPRP. Dr. Kreger shall also sign any written release/consent forms to authorize the MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of Dr. Kreger's current therapists and treatment providers) verbal and written information concerning Dr. Kreger and to ensure that the MPRP is authorized to receive the medical records of Dr. Kreger, including, but not limited to, mental health and drug or alcohol treatment records;
3. Dr. Kreger shall comply with the Maryland Medical Practice Act, Md. Code Ann., Health Occ. §§ 14-101—14-702, and all laws and regulations governing the practice of medicine in Maryland; and it is further

⁸ If Dr. Kreger's license expires while her license is suspended, the suspension period will be tolled. COMAR 10.32.02.05C(3).

ORDERED that, after a minimum of eighteen months from July 27, 2016, Dr. Kreger may submit a written petition to the Board or Panel B requesting termination of her suspension. After consideration of the petition, the suspension may be terminated through an order of the Board or Panel B. Dr. Kreger may be required to appear before the Board or Panel B to discuss her petition for termination. The Board or Panel B will grant the petition to terminate the suspension if Dr. Kreger has successfully complied with the terms and conditions of the suspension and there are no pending complaints related to the charges; and it is further

ORDERED that upon termination of Dr. Kreger's suspension, the Board or Panel B may impose a period of probation with terms and conditions to be determined by the Board or Panel B; and it is further

ORDERED that if the Board or Panel B determines, after notice and an opportunity for a hearing before an Administrative Law Judge of the Office of Administrative Hearings if there is a genuine dispute as to a material fact or a show cause hearing before the Board or Panel B if there is no genuine dispute as to a material fact, that Dr. Kreger has failed to comply with this terms and conditions of suspension or this Order, the Board or Panel B may reprimand Dr. Kreger, place Dr. Kreger on probation with appropriate terms and conditions, suspend or revoke Dr. Kreger's license to practice medicine in Maryland, or impose a civil monetary fine upon Dr. Kreger in addition to a sanction; and it is further

ORDERED that Dr. Kreger is responsible for all costs incurred in fulfilling the terms and conditions of this Order; and it is further

ORDERED that, unless stated otherwise in the Order, any time period prescribed in this order begins when the Order goes into effect. The Order goes into effect upon the signature of the Board's Executive Director, who signs on behalf of Panel B; and it is further

ORDERED that this Order is a public document pursuant to Md. Code Ann., Gen. Prov.

§§ 4-101 *et seq.*

10/28/2016
Date

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