

IN THE MATTER OF
PAUL F. AMBUSH, JR., M.D.
Respondent
License Number: D44955

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BEFORE THE
MARYLAND STATE
BOARD OF PHYSICIANS
Case Number: 2016-1000B

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CONSENT ORDER

On February 27, 2017, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (“the Board”) charged **PAUL F. AMBUSH, JR., M.D.** (“the Respondent”), License Number D44955, with violations of the Maryland Medical Practice Act (“the Act”), Md. Code Ann., Health Occ. II (“Health Occ. II”) §§ 14-101 *et seq.* (2014 Repl. Vol., 2016 Supp.). Specifically, Panel B charged the Respondent with violating the following provisions of 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: . . .

(ii) Unprofessional conduct in the practice of medicine; [and]

...

(11) Willfully makes or files a false report or record in the practice of medicine[.]

On May 24, 2017, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring as a result of the DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

Panel B makes the following Findings of Fact:

I. Background/Licensing Information

1. At all times relevant to these charges, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in the State of Maryland on or about August 6, 1993, under License Number D44955. The Respondent's license is active and scheduled to expire on September 30, 2018.

2. The Respondent is board-certified in pediatrics with a subspecialty certification in adolescent medicine.

3. At all times relevant to these charges, the Respondent practiced medicine as a solo practitioner in the State of Maryland.

II. The Complaint

4. On or about June 8, 2016, the Board received a referral about the Respondent's medical practice from the Medicaid Fraud Control Unit ("MFCU") of the Maryland Office of the Attorney General.

5. According to MFCU documents, in or around June 2015, an anonymous caller reported to MFCU staff that the Respondent wrote two prescriptions for the caller but used her neighbor's "Medicaid number." MFCU initiated an investigation based on these allegations. During the investigation, MFCU identified the neighbor ("Patient A")¹ as well as the anonymous caller ("Patient B"). The MFCU investigation determined that the Respondent wrote several prescriptions for Patient A but was unable to produce any patient records for her and had not billed Medicaid for any office visits by Patient A.

6. As a result of this complaint, the Board initiated an investigation of this matter under Case Number 2016-1000B.

¹ To ensure confidentiality, the names of patients are not disclosed in this Consent Order. The Respondent is aware of the identity of all patients referenced in this Consent Order.

III. Board Investigation

7. The Board's investigation determined that the Respondent and Patient A, an adult female, were involved in a personal relationship. From on or about January 12, 2014 through on or about January 1, 2015, the Respondent wrote approximately 35 prescriptions for Patient A. The prescriptions included, among others, one for 20 tablets of Percocet 5/325mg,² written on or about May 14, 2014, and another prescription for 20 tables of Percocet 5/325mg, written on or about September 8, 2014.

8. The Board's investigation determined that the Respondent did not maintain any medical records for Patient A. The Respondent stated during an investigative interview on or about December 14, 2016, that he prescribed medications to Patient A on multiple occasions "out of convenience." Some of the prescriptions that the Respondent wrote for Patient A were refills of medications prescribed by other physicians. The Respondent did not consult or coordinate care with Patient A's primary care physician or other prescribing physicians.

9. The Board's investigation determined that Patient A had requested that the Respondent assess Patient B, an adult female, because Patient B "was ill." The Respondent agreed to do so and examined Patient B inside Patient A's apartment. The Respondent diagnosed Patient B with a respiratory infection and prescribed an antibiotic and steroid. The Respondent did not treat Patient B at any time before or after this incident. The Respondent did not maintain any medical records for Patient B. The Respondent did not consult with or coordinate care with Patient B's primary care physician.

10. The Board's investigation determined that the Respondent admitted to writing prescriptions intended for Patient B in the name of Patient A. In his written response to the complaint as well as during an investigative interview, the Respondent said that he first wrote prescriptions for an antibiotic and steroid in Patient B's name.

² Percocet is a combination of oxycodone and acetaminophen and is a Schedule II controlled substance pursuant to the Controlled Substances Act, codified at 21 U.S.C. § 801 *et seq.*

While he was writing the prescriptions, Patient A told him that Patient B did not have health insurance. The Respondent then re-wrote the prescriptions for Patient B using Patient A's name.

11. The Board's investigation determined that the Respondent engaged in unprofessional conduct in the practice of medicine in that he: (a) wrote prescriptions in the name of Patient A knowing that they were intended for Patient B; (b) treated and prescribed medications, included controlled dangerous substances ("CDS"), to Patient A with whom he had a personal relationship; (c) failed to keep medical records of Patients A and B, whom he examined and prescribed medications, including CDS; and (d) failed to consult or coordinate care with Patient A's and Patient B's primary care physicians or other prescribing physicians when examining and prescribing medications to them.

12. The Board's investigation determined that the Respondent willfully made or filed a false report or record in the practice of medicine in that he wrote prescriptions in the name of Patient A knowing that they were intended for Patient B.

CONCLUSIONS OF LAW

Based on the forgoing Findings of Fact, Disciplinary Panel B of the Board concludes as a matter of law that the Respondent violated Health Occ. II § 14-404(a)(3) (is guilty of: . . . (ii) Unprofessional conduct in the practice of medicine), and Health Occ. II § 14-404(a)(11) (willfully makes or files a false report or record in the practice of medicine).

ORDER

It is, on the affirmative vote of a majority of the quorum of Board Disciplinary Panel B, hereby

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that the Respondent is placed on **PROBATION** for a minimum period

of **eighteen (18) months**.³ During the probationary period, the Respondent shall comply with all of the following probationary terms and conditions:

1. Within six (6) months, the Respondent shall pay a civil fine in the amount of \$5,000.00, by money order or certified bank check made payable to the Maryland Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297;
2. Within six (6) months, the Respondent shall successfully complete a Board disciplinary panel-approved course in medical ethics that includes specific education on professional 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;
3. During the probationary period, the Respondent is subject to a chart and/or peer review conducted by the Board or Board disciplinary panel or its agents. An unsatisfactory chart and/or peer review will constitute a violation of probation;
4. During the probationary period, the Board or Panel B will issue administrative subpoenas to the Prescription Drug Monitoring Program on a quarterly basis for the Respondent's CDS prescriptions. The administrative subpoenas will request a review of the Respondent's CDS prescriptions from the beginning of each quarter; and
5. The Respondent shall comply with the Maryland Medical Practice Act, Health Occ. II §§ 14-101 through 14-702, and all laws and regulations governing the practice of medicine in Maryland; and it is further

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

ORDERED that after eighteen (18) months, the Respondent may submit a written petition to the Board requesting termination of his probation. After consideration of the petition, the probation may be terminated through an order of the Board or Panel B. The Respondent may be required to appear before the Board or Panel B to discuss his petition for termination. The Board or Panel B will grant the petition to terminate the probation if the Respondent has complied with all of the probationary

³ If the Respondent's license expires while the Respondent is on probation, the probationary period and any probationary conditions will be tolled.

terms and conditions and there are no pending complaints related to the charges; and it is further

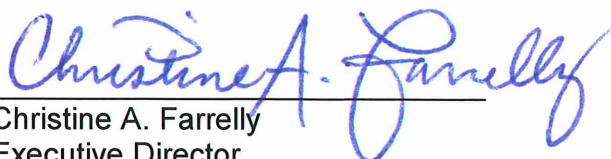
ORDERED that if the Board or Panel B determines, after notice and an opportunity for a hearing before an Administrative Law Judge of the Office of Administrative Hearings if there is a genuine dispute as to a material fact or a show cause hearing before the Board or Panel B if there is no genuine dispute as to a material fact, that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Board or Panel B 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 Panel B 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 the Respondent is responsible for all costs incurred in fulfilling the condition of this Consent Order; 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 B; and it is further

ORDERED that this Consent Order is a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014).

06/12/2017
Date


Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

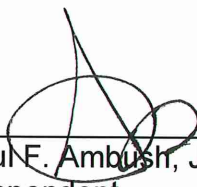
I, Paul F. Ambush, Jr., M.D., acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact,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

I acknowledge the validity to 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 B 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 A 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.

6/8/17

Date



Paul F. Ambush, Jr., M.D.
Respondent

Read and approved:



Michael von Diezelski, Esq.
Counsel for the Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Annapolis / Anne Arundel

I HEREBY CERTIFY that on this 8th day of June,
2017, before me, a Notary Public of the foregoing State and City/County, did personally
appear Paul F. Ambush, Jr., M.D., and made an 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.



Christina Marie Wilkins

Notary Public

My Commission Expires: 10/2/17