

IN THE MATTER OF	*	BEFORE THE
AMY A. ZIMMERMAN, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D45758	*	Case Number: 2017-0189B
* * * * *	*	* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On June 19, 2017, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") charged **AMY A. ZIMMERMAN, M.D.** (the "Respondent"), License Number D45758, with violating the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") §§ 14-101 *et seq.* (2014 Repl. Vol.); and the Board's sexual misconduct regulations, codified at Md. Code Regs. ("COMAR") 10.32.17 *et seq.*

Specifically, Panel B 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 is:

- (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 COMAR 10.32.17 provide as follows:

.02 Definitions.

B. Terms Defined.

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

(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.

.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.

On October 25, 2017, the Respondent appeared before Panel B, sitting as a Disciplinary Committee for Case Resolution. As a result of negotiations occurring before Panel B, 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 B makes the following Findings of Fact:

1. At all times relevant hereto, the Respondent was and is a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on February 23, 1994, under License Number D45758. The Respondent's Maryland medical license is active through September 30, 2019.

2. The Respondent is board-certified in ophthalmology and works at a private practice in Maryland.

3. On or about September 21, 2016, the Board received a complaint (the "Complaint") from the estranged spouse (the "Complainant")¹ of a former patient (the "Patient"), who alleged that the Respondent engaged in a sexual relationship with the Patient while providing medical care to the Patient.

4. Thereafter, the Board initiated an investigation of this matter.

5. By letter dated January 31, 2017, the Board notified the Respondent of its investigation and requested that she provide a written response to the allegations contained in the Complaint.

6. On or about February 22, 2017, the Board received the Respondent's written response. The Respondent also agreed to submit to an under-oath interview by Board investigators, which took place on April 14, 2017. In both her written response and in her interview, the Respondent acknowledged that she began providing medical care to the Patient in 2005 and continued providing such care until 2015. The Respondent stated that she entered into a sexual relationship with the Patient in 2009, which continued until 2013 or 2014. The Respondent admitted that she was involved in a sexual relationship with the Patient that was concurrent with the physician-patient relationship. The Respondent stated that her conduct constituted a "lapse in judgment" and apologized to the Board for her actions.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Respondent violated the following provision of the Act under Health Occ. II § 14-404(a): (3) Is guilty of: (ii) Unprofessional conduct in the practice of medicine.

¹ For confidentiality reasons, the names of complainants or patients will not be disclosed in this document. The Respondent is aware of the identity of all individuals referenced herein.

ORDER

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

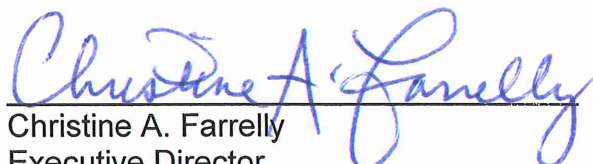
ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that the charge alleging a violation of Health Occ. II § 14-404(a)(3) is guilty of: (i) Immoral conduct in the practice of medicine, is hereby **DISMISSED**; and it is further

ORDERED that the charge alleging a violation of COMAR 10.32.17 is hereby **DISMISSED**; 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).

11/15/2017
Date


Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Amy A. Zimmerman, 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.

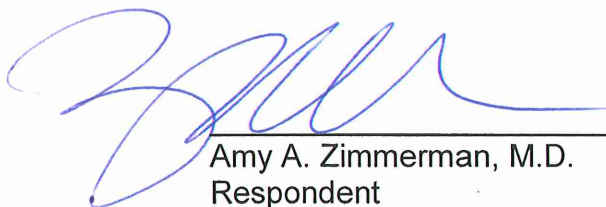
I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I

acknowledge the legal authority and the jurisdiction of 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 Order, and understand its meaning and effect.

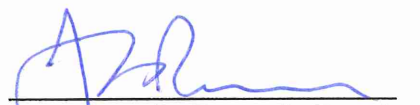
11/10/17

Date



Amy A. Zimmerman, M.D.
Respondent

Read and approved:



Laurence B. Russell, Esquire
Counsel for Dr. Zimmerman

NOTARY

STATE OF MD

CITY/COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 10th day of Nov.,
2017, before me, a Notary Public of the foregoing State and City/County, did personally
appear Amy A. Zimmerman, M.D., and made oath in due form of law that signing the
foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notary seal.



[Signature]

Notary Public

My commission expires: Feb. 03, 2018