

IN THE MATTER OF	*	BEFORE THE
PATRICK EUGENE CALLAHAN, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D46630	*	Case Number: 2017-0220B
* * * * *	*	* * * * *

**CONSENT ORDER**

Disciplinary Panel B of the Maryland State Board of Physicians (the "Board"), charged **PATRICK EUGENE CALLAHAN, M.D.** (the "Respondent"), License Number: D46630 with a violation of the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") §§ 14-101 *et seq.* The Respondent was charged with the following: **Health Occ. II § 14-404(a)**:

- (3) Is guilty of:
  - (ii) Unprofessional conduct in the practice of medicine[.]

**THE AMA CODE OF MEDICAL ETHICS**

The American Medical Association ("AMA") Code of Medical Ethics provides in pertinent part:

**OPINION 8.19 --Self-Treatment or Treatment of Immediate Family Members**

Physicians generally should not treat themselves or members of their immediate families. Professional objectivity may be compromised when an immediate family member or the physician is the patient; the physician's personal feelings may unduly influence his or her professional judgment, thereby interfering with the care being delivered. Physicians may fail to probe sensitive areas when taking the medical history or may fail to perform intimate parts of the physical examination. Similarly, patients may feel uncomfortable disclosing sensitive information or undergoing an intimate examination when the physician is an immediate family member. This discomfort is particularly the case when the patient is a minor child, and sensitive or intimate care should especially be avoided for such patients. When treating themselves or immediate family members, physicians may be inclined to treat problems that are beyond their expertise or training. If tensions develop in a physician's professional relationship with a family member, perhaps as a result of a negative medical outcome, such difficulties may be carried over into the family member's

personal relationship with the physician. Concerns regarding patient autonomy and informed consent are also relevant when physicians attempt to treat members of their immediate family.

Family members may be reluctant to state their preference for another physician or decline a recommendation for fear of offending the physician. In particular, minor children will generally not feel free to refuse care from their parents. Likewise, physicians may feel obligated to provide care to immediate family members even if they feel uncomfortable providing care.

It would not always be inappropriate to undertake self-treatment or treatment of immediate family members. In emergency settings or isolated settings where there is no other qualified physician available, physicians should not hesitate to treat themselves or family members until another physician becomes available. In addition, while physicians should not serve as a primary or regular care provider for immediate family members, there are situations in which routine care is acceptable for short-term, minor problems. Except in emergencies, it is not appropriate for physicians to write prescriptions for controlled substances for themselves or immediate family members.

On September 27, 2017, a conference with regard to this matter was held before a panel of the Board's Disciplinary Committee for Case Resolution ("DCCR"). 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**

Disciplinary Panel B makes the following Findings of Fact:

#### **I. BACKGROUND**

1. At all relevant times, the Respondent was and is a physician licensed to practice medicine in the State of Maryland. He was initially licensed in Maryland on October 1, 1994. His Maryland license is active through September 30, 2018.
2. The Respondent is board-certified in anesthesiology.
3. The Respondent has hospital privileges at a hospital ("Hospital A")<sup>1</sup> in Maryland.

---

<sup>1</sup> In order to maintain confidentiality, names of family members and the hospital are not specified in this document.

4. The Respondent practices anesthesiology at a private practice in Chestertown, Maryland.
5. On October 5, 2015, the Board received a complaint from an insurance company regarding the Respondent's prescribing practices. Specifically, the complaint alleged that since 2014, the Respondent has self-prescribed medications on 51 occasions, none of which were scheduled. The complaint also alleged that the Respondent prescribed medications to several relatives on 105 occasions, of which 16 prescriptions were scheduled medications prescribed to the same relative.
6. Thereafter, the Board initiated an investigation.
7. On November 28, 2016, the Board notified the Respondent of the complaint and full investigation, and requested a written response.
8. The Board also issued a subpoena to the Respondent for the medical records of the relatives for whom the Respondent prescribed medications.
9. On December 19, 2016, the Board received the Respondent's written response.
10. In his written response, the Respondent stated that he did not maintain "any formal records" for his relatives. He further described his practice of "sporadic and intermittent" prescribing of medications for one particular relative on a "limited, emergency" basis.
11. On January 23, 2017, the Board's staff interviewed the Respondent under oath. The Respondent stated that he did not self-prescribe any scheduled medications. However, the Respondent stated that he submitted refills for his regular, non-scheduled medications, which were originally prescribed by his physicians, whom he sees "maybe once a year or so."
12. The Respondent further stated that he did not keep a separate record of

medications that he "re-filled" for himself.

### CONCLUSIONS OF LAW

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

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by 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 **ONE (1) YEAR**.<sup>3</sup> 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 successfully complete a Board disciplinary panel-approved course in ethics. The 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 the Respondent has successfully completed the course;
2. The Panel will issue administrative subpoenas to the Maryland Prescription Drug Monitoring Program on a quarterly basis for the Respondent's CDS

---

<sup>3</sup> If the Respondent's license expires while the Respondent is on probation, the probationary period will be tolled.

prescriptions. The administrative subpoenas will request a review of the Respondent's CDS prescriptions from the beginning of each quarter;

3. 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, including compliance with the standard of care pertaining to self-prescribing and prescribing to family members; and it is further

**ORDERED** that, after **ONE (1) YEAR**, the Respondent may submit a written petition to the Disciplinary Panel B requesting termination of probation. There shall be no early termination of 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 her 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 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 this 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 B; and it is further

**ORDERED** that, after the appropriate hearing, if the Board or Disciplinary Panel determines that the Respondent has failed to comply with any term or condition of

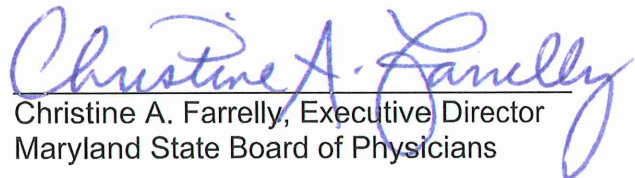
probation or this Consent Order, the Board or Disciplinary Panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice medicine in Maryland. The Board or Disciplinary Panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; and it is further

**ORDERED** that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions 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. §§ 4-101-4-601 (2014 Repl. Vo. & 2016 Supp.).

12/15/2017  
Date

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


CONSENT

I, Patrick Eugene Callahan, M.D., License No. D46630, by affixing my signature hereto, acknowledge that:

1. I am represented by counsel, Curtis H. Booth, Esquire, and I have consulted with counsel in this matter. I have knowingly and voluntarily agreed to enter into this Consent Order. By this Consent and for the purpose of resolving the issues raised by Disciplinary Panel B, I agree and accept to be bound by the foregoing Consent Order and its conditions.
2. I am aware that I am entitled to a formal evidentiary hearing, pursuant to Md. Health Occ. II, Code Ann. § 14-405 (2014 Repl. Vol.) and Md. State Gov't II, Code Ann. §§ 10-201 *et seq.* (2014 Repl. Vol.).
3. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have 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 am waiving those procedural and substantive protections.
4. I voluntarily enter into and agree to abide by the terms and conditions set forth herein as a resolution of the Charges against me. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this Consent Order or any adverse ruling of Disciplinary Panel A that might have followed any such hearing.

5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may be subject to disciplinary actions, which may include revocation of my license to practice as a physician.
6. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

Date 12/1/17

  
Patrick Eugene Callahan, M.D.  
Respondent

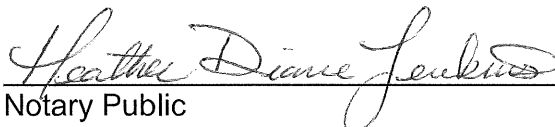
**NOTARY**

STATE OF Maryland

COUNTY OF Cecil

I HEREBY CERTIFY that on this 1<sup>st</sup> day of December, 2017, before me, a Notary Public of the State and County aforesaid, personally appeared Patrick Eugene Callahan, M.D., License Number: D46630, and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

**AS WITNESS, my hand and Notary Seal:**

  
Notary Public

My Commission expires: Oct. 28, 2020

