

C. Requirements.

- (1) In accordance with the requirements specified in §C(2) of this regulation, an applicant shall earn at least 50 credit hours of Category 1 CME during a 2-year period.¹

D. On the application form for renewal or reinstatement, the applicant shall attest to the fact that the applicant has completed the CME requirement.

Prior to the issuance of formal disciplinary charges, the Respondent agreed to enter into the following public Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. At all times relevant herein, the Respondent was and is a physician licensed to practice medicine in the State of Maryland. She was initially licensed in Maryland on June 26, 1997.
2. On July 14, 2016, the Respondent signed the affirmation in her 2016 renewal application that she had obtained the required 50 Category 1 CME credit hours during the two-year period.
3. During the renewal process, the Respondent received a Continuing Education Audit Notice, requiring that she submit documentation of her CME credits to the Board.
4. Based upon the information received from the Respondent she had obtained only 19.5 hours of the required 50 credit hours of Category I CME, not 50 hours as affirmed by the Respondent.
5. The Respondent's failure to provide documentation of 50 credit hours of Category I CME and signing the certification regarding CME requirements on the 2016 renewal constitute a failure to comply with the statute and regulations.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated §14-316(c) of the Health Occupations Article and COMAR 10.32.01.10C(1) by failing to obtain the requisite continuing medical education credits.

¹ "2-year period" means: (i) For license renewal, the 2 years preceding the expiration of the physician license or (ii) For license reinstatement, the 2 years preceding the date of the submission of the application for reinstatement of the physician license. COMAR 10.32.01.10A(2)(a).

ORDER

It is hereby:

ORDERED that the Respondent shall pay a civil penalty of Three Thousand Fifty Dollars (\$3,050) (One Hundred Dollars per missing CME credit hour pursuant to §14-316(d)(5) of the Health Occupations Article) to the Board within thirty (30) days of the date of this Order. The check should be made payable to the "Maryland Board of Physicians" and mailed to P. O. Box 37217, Baltimore, Maryland 21297-3217; and be it further

ORDERED that the Respondent shall be subject to the following terms and conditions:

1. For the two years preceding the expiration of the physician's license, 2018 renewal (2016-2018 renewal), the Respondent shall obtain the required 50 credit hours of Category I CME mandatory for the 2018 renewal and the outstanding 30.5 hours of Category I CME credits that were not obtained during the 2016 renewal, a total of 80.5 Category I CME credit hours;

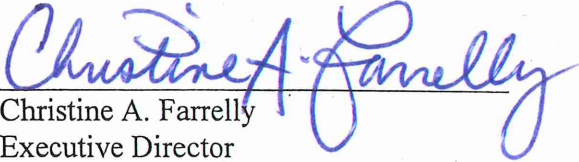
2. The Respondent shall send verification of all CME credits prior to sending in the 2018 renewal to the Board. Board staff will verify the 80.5 hours of Category I CME credits that are sent to the Board. All 80.5 hours of the Category I CME credits must be ACCME-approved;

3. The Respondent's license shall not be renewed in 2018 unless the requirements of paragraphs 1 and 2 are met;

4. If the Board, or Board Panel, 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 Board Panel if there is no genuine dispute as to a material fact, that the Respondent has failed to comply with any term or condition of this Consent Order, the Board or Board Panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, impose a civil monetary fine upon the Respondent, or suspend or revoke the Respondent's license to practice medicine in Maryland; and be it further

ORDERED that this is a public document of the Maryland Board of Physicians pursuant to Md. Code Ann., Gen. Prov. §§4-101 – 4-601 (2014).

07/12/2017
Date


Christine A. Farrelly
Executive Director

CONSENT

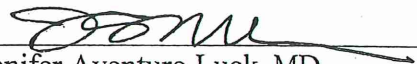
I, Jenifer Aventuro Luck, M.D., acknowledge that I have had an opportunity to consult with counsel before entering into and signing this document. By this Consent, and in order to resolve these matters, I agree to accept the Findings of Fact and Conclusions of Law and Order contained herein. Accordingly, I accept and submit to the foregoing Consent Order.

I acknowledge the validity of this Consent Order and I acknowledge that I am waiving my right to 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 behalf, and to all other substantive and procedural protections provided by the laws of the State of Maryland. I also affirm that I am waiving my right to appeal any adverse ruling of the Board or Board disciplinary panel that might have followed any hearing.

I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order.

I sign this Consent Order, after having read and reviewed it and after having had an opportunity to consult with counsel, without reservation, as my voluntary act and deed, and I acknowledge that I fully understand and comprehend the language, meaning, terms and effect of this Consent Order.

7/3/17
Date


Jenifer Aventuro Luck, MD
Respondent

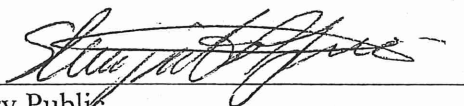
NOTARY

STATE OF MARYLAND

CITY/COUNTY OF MONTGOMERY

I HEREBY CERTIFY that on this 3rd day of July, 2017, before me, a Notary Public of the State and City/County aforesaid, personally appeared Jenifer Aventuro Luck, M.D. and made oath in due form of law that the foregoing Consent Order was his/her voluntary act and deed.

AS WITNESS my hand and notarial seal.

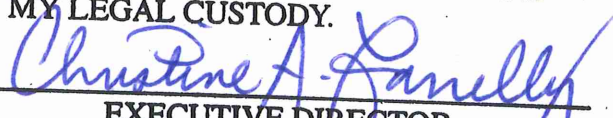


Notary Public

Shujaat S. Azim
Notary Public
Montgomery County, MD
My Comm. Expires 4/20/2019

My Commission expires: APRIL 20th, 2019

I HEREBY ATTEST AND CERTIFY UNDER PENALTY OF PERJURY ON 7/12/2017 THAT THE FORGOING DOCUMENT IS A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE AND IN MY LEGAL CUSTODY.


EXECUTIVE DIRECTOR
MARYLAND BOARD OF PHYSICIANS