

Katherine L. Ball, M.D.

May 5th, 2016

Devinder Singh, M.D., Chair
Disciplinary Panel A
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, Maryland 21215-2299

RE: Surrender of Medical License
License Number: D54495
Case Number: 7716-0027

Dear Dr. Singh and Members of Disciplinary Panel A:

I have decided to **SURRENDER** my license to practice medicine in the State of Maryland, License Number D54495, effective immediately. I understand that upon surrender of my license, I may not give medical advice or treatment to any individual, with or without compensation, and cannot otherwise engage in the practice of medicine in the State of Maryland as it is defined in the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ."), §§ 14-101 *et seq.*, (2014 Repl. Vol.) and other applicable laws. In other words, as of the effective date of this Letter of Surrender, I understand that the surrender of my license means that I am in the same position as an unlicensed individual in the State of Maryland.

I understand that this Letter of Surrender is a **PUBLIC** document and on Disciplinary Panel A of the Maryland State Board of Physicians' (the "Board's") acceptance becomes a **FINAL ORDER** of Disciplinary Panel A.

My decision to surrender my license to practice medicine in the State of Maryland has been prompted by the Board's investigation into allegations that I violated the terms and conditions of the December 8, 2015 Consent Order (the "Consent Order") I entered into with Panel A, attached as Attachment A. Specifically, I failed to comply with Condition 1 of the Consent Order that required me to fully and satisfactorily comply with the following condition: "Within TEN (10) DAYS of the execution of this Consent Order the Respondent shall enroll in the Maryland Professional Rehabilitation Program ("MPRP") for evaluation and shall comply with all MPRP recommendations, referrals, rules and requirements, including but not limited to, any treatment and further evaluation recommended by the MPRP." I was unwilling to sign the consent for service form

required for me to receive MPRP's services because I represented to the Board that I had financial constraints and privacy concerns relating to the program requirements.

I wish to make it clear that I have voluntarily, knowingly, and freely chosen to submit this Letter of Surrender in lieu of Disciplinary Panel A proceeding with further investigation and to avoid prosecution for violating the probationary conditions required under the Consent Order in MBP Case #7716-0027. I acknowledge that the Consent Order remains and will continue to be a valid Final Order of the Board, however, upon acceptance of the Letter of Surrender, I will not be required to comply with the conditions of the Order as long as I do not have or possess a medical license in Maryland.

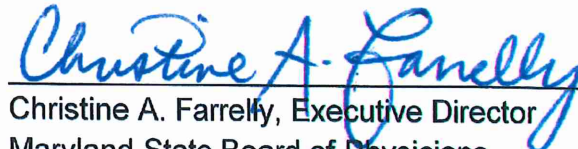
If Panel A issued disciplinary charges and this case were to proceed to a hearing, I agree that the State would be able to prove that I violated the terms and conditions of the Consent Order by failing to enroll in MPRP. For purposes related to medical licensure, these investigatory findings will be treated as if proven. I understand that by executing this letter of surrender, I am waiving any right to contest any charges that would issue from Panel A's investigative findings in a formal evidentiary hearing at which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf and all other substantive and procedural protections provided by law, including the right to appeal to circuit court.

I understand that Disciplinary Panel A will advise the Federation of State Medical Boards, the National Practitioner Data Bank, and the Healthcare Integrity and Protection Databank of this Letter of Surrender, and in any response to any inquiry, that I have surrendered my license in lieu of further disciplinary action. I also understand that in the event I apply for a license in any form in any other state or jurisdiction, this Letter of Surrender and the underlying investigative documents may be released or published by Disciplinary Panel A to the same extent as a final order that would result from disciplinary action, pursuant to Md. Code Ann., Gen. Prov. §§ 4-101-4-601 (2014), and that this Letter of Surrender is considered a disciplinary action by the Board.

I affirm that on or before the date of Disciplinary Panel A's acceptance of this Letter of Surrender, I will provide to Board staff my original Maryland medical license and my most recent renewal license issued by the Board. I also affirm that I will provide access to and copies of patient medical records in compliance with Title 4, subtitle 3 of the Health General article. I further recognize and agree that by submitting this Letter of Surrender, my license will remain surrendered for a minimum period of three (3) years, pursuant to Code Md. Regs. 10.32.02.06B(2)(b). In the event that I apply for reinstatement of my Maryland License, I understand that Panel A or its successor is not required to grant reinstatement; and, if it does grant reinstatement, may impose any terms and conditions the disciplinary panel considers appropriate for public safety and the protection of the integrity and reputation of the profession. I understand that when applying for reinstatement, I will approach Panel A or its successor in the same posture as one whose license has been revoked. I also understand that if I apply for

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On this 6th day of May, 2016, I, Christine A. Farrelly, Executive Director, on behalf of Disciplinary Panel A of the Maryland State Board of Physicians, accept Katherine L. Ball, M.D.'s **PUBLIC SURRENDER** of her license to practice medicine in the State of Maryland.




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

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reinstatement, I bear the burden of demonstrating my professional competence and fitness to practice medicine to the satisfaction of Panel A or its successor.

I acknowledge that I may not rescind this Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have consulted with an attorney before signing this Letter of Surrender. I understand both the nature of Panel A's actions and this Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning, and terms and effect of this Letter of Surrender. I make this decision knowingly and voluntarily.

Sincerely,


Katherine L. Ball, M.D.

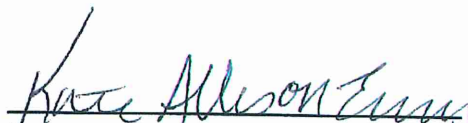
NOTARY

STATE OF Maryland

CITY/COUNTY OF Talbot

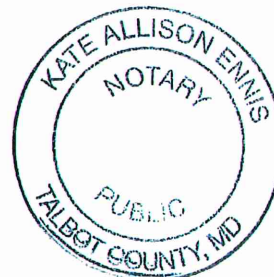
I HEREBY CERTIFY that on this 5 day of May 2016,
before me, a Notary Public of the State and City/County aforesaid, personally appeared
Katherine L. Ball, M.D. and declared and affirmed under the penalties of perjury that
signing the foregoing Letter of Surrender was her voluntary act and deed.

AS WITNESS my hand and official seal.


Notary Public

My Commission expires: 18 OCT 14

ACCEPTANCE



Attachment

IN THE MATTER OF

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BEFORE THE

KATHERINE L. BALL, M.D.

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MARYLAND STATE BOARD

Respondent

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OF PHYSICIANS

License Number: D54495

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Case Number: 2015-0793 A

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CONSENT ORDER

On or about May 13, 2015, Disciplinary Panel A of the Maryland State Board of Physicians (the "Board"), initiated an investigation of Katherine L. Ball, M.D. (the "Respondent"), License Number D54495, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") § 14-404(a) (2014 Repl. Vol.).

Based on its investigation, Disciplinary Panel A has grounds to charge the Respondent under the following provisions of the Act:

§ 14-404. Denials, reprimands, probations, suspensions, and revocations --
Grounds.

(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;

...

(11) Willfully makes or files a false report or record 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 medical 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...When treating themselves or immediate family members, physicians may be inclined to treat problems that are beyond their expertise or training.

...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 preferences for another physician or decline a recommendation for fear of offending the physician...

Prior to Disciplinary Panel A issuing charges, the Respondent agreed to enter into this public Consent Order with Disciplinary Panel A's approval, consisting of Findings of Fact, Conclusions of Law and Order.

I. FINDINGS OF FACT

Disciplinary Panel A finds the following:

Background

1. At all times relevant, the Respondent was licensed to practice medicine in the State of Maryland. The Respondent was originally licensed to practice medicine in Maryland on March 19, 1999. Her present license is scheduled to expire on September 30, 2016.
2. The Respondent is board-certified in Emergency and Internal Medicine.

3. The Respondent currently provides consulting services but is not currently practicing clinical medicine.

4. On or about May 13, 2015, the Board received a complaint from a member of the Respondent's immediate family (the "Complainant") alleging that the Respondent wrote prescriptions for levothyroxine¹ and propranolol² in the Complainant's name without her (the Complainant's) knowledge and/or consent.

5. The complaint alleges that on or about April 23, 2015, the Complainant received a picture,³ via text from another family member, of a prescription for levothyroxine found in the Respondent's home. The Complainant contacted the dispensing pharmacy ("Pharmacy A")⁴ and discovered that prescriptions for both levothyroxine and propranolol had been written in her name. The Complainant acknowledged that the Respondent had written her prescriptions for levothyroxine in the past, but the Complainant stated that she had not requested a prescription from the Respondent since 2009. Additionally, the Complainant stated she never requested a prescription for propranolol.

6. According to the complaint, at all times relevant, the Complainant resided in Mississippi and has had neither physical nor telephone contact with the Respondent since 2013.

7. Shortly thereafter, the Board opened an investigation into the allegations.

¹ Levothyroxine is a synthetic thyroid hormone used to treat thyroid hormone deficiency.

² Propranolol is a beta blocker used to treat heart tremors, angina, hypertension, and other heart circulatory conditions.

³ The picture showed a prescription bottle with Complainant's name for levothyroxine 100 mcg dated 06/15/2014.

⁴ In order to maintain confidentiality, facility, employee and patient names will not be used in this document, but will be provided to the Respondent on request.

8. On or about June 12, 2015 the Board subpoenaed Pharmacy A for copies of the original prescriptions written by the Respondent in the Complainant's name.

9. Pharmacy A's records indicated that from approximately February 20, 2013 to April 7, 2015, 16 prescriptions had been written, filled, and picked up in the Complainant's name at the Easton, Maryland location, as detailed below.

10. On or about July 1, 2015, the Board's staff interviewed the Complainant. The Complainant indicated that she and the Respondent were estranged and the last time she had spoken to the Respondent was in 2013. The Complainant stated that from 2011-2012 she voluntarily underwent in-patient treatment.

11. During the course of the Board staff's interview of the Complainant, she also stated that when she telephoned Pharmacy A, they informed her there was a video of an individual picking up the most recent prescription on April 7, 2015.

12. The Easton Police Department identified the Respondent as the individual in the video referenced in ¶ 11.⁵

13. On or about August 14, 2015, the Board notified the Respondent in writing of its full investigation based on the above allegations, and requested a written response.

14. On or about September 4, 2015, the Respondent, through her attorney, submitted a written response to the Board with regard to self-prescribing and falsely using the Complainant's name. The Respondent acknowledged that she had engaged in fraudulent self-prescribing as alleged in the Complaint, but cited financial and

⁵ On June 18, 2015, the District Court of Maryland for Talbot County filed criminal charges against the Respondent for obtaining or attempting to obtain a prescription drug by fraud, deceit, or misrepresentation and by using a false name or address. On August 19, 2015, the charges were placed on the STET docket.

personal circumstances as rationale for the self-prescription, as detailed below. She stated that she self-prescribed the levothyroxine for thyroiditis and propranolol for short-term relief of anxiety.

Interview of Respondent

15. On or about September 16, 2015, the Board staff interviewed the Respondent under oath. Respondent acknowledged she wrote levothyroxine and propranolol prescriptions in the Complainant's name without her family member's knowledge.

16. The Respondent stated that she self-prescribed to treat thyroiditis during a "long and destructive divorce and custody dispute" when she had limited financial means.

17. The Respondent also addressed the alleged alcohol misuse and acknowledged that she had sought and received treatment.

18. The Respondent stated that she is not currently treating patients.

Self-Prescribing

19. The subpoenaed records from Pharmacy A showed that the Respondent wrote and filled the following prescriptions in the Complainant's name:

- a. February 20, 2013 – 100 mcg levothyroxine
- b. April 22, 2013 – 40 mg propranolol (with 1 refill)
- c. May 30, 2013 – 40 mg propranolol (with 1 refill)
- d. July 12, 2013 – 40 mg propranolol (with 1 refill)
- e. August 17, 2013 – 40 mg propranolol (with 1 refill)
- f. August 17, 2013 – 100 mcg levothyroxine (with 1 refill)

- g. October 20, 2013 - 40 mg propranolol
- h. November 9, 2013 - 100 mcg levothyroxine (with 1 refill)
- i. January 12, 2014 - 20 mg propranolol (with 1 refill)
- j. January 12, 2014 – 10% op sulfacet sod op⁶ (with 1 refill)
- k. February 23, 2014 – 100 mcg levothyroxine (with 2 refills)
- l. February 23, 2014 - 40 mg propranolol (with 1 refill)
- m. June 15, 2014 – 100 mcg levothyroxine (with 2 refills)
- n. June 15, 2014 - 40 mg propranolol (with 1 refill)
- o. January 13, 2015 – 40 mg propranolol (with 1 refill)
- p. April 7, 2015 - 40 mg propranolol (with 1 refill)

20. During the course of the Respondent's interview with the Board, she acknowledged that she had picked up the prescriptions from Pharmacy A for her own use.

II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Disciplinary Panel A concludes as a matter of law that the Respondent violated Md. Code Ann., Health Occ. § 14-404(a)(3)(ii) and (11).

III. ORDER

Based upon the foregoing findings of fact and conclusions of law, it is, by Disciplinary Panel A, hereby:

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

⁶ Sulfacetamide ophthalmic is an antibiotic eye drop.

ORDERED that the Respondent is placed on **PROBATION** for a minimum period of **ONE (1) YEAR**, and shall fully and satisfactorily comply with the following probationary conditions:

1. Within **TEN (10) DAYS** of the execution of this Consent Order the Respondent shall enroll in the Maryland Professional Rehabilitation Program ("MPRP") for evaluation and shall comply with all MPRP recommendations, referrals, rules and requirements, including but not limited to, any treatment and further evaluation recommended by the MPRP;
2. The Respondent shall sign any written release/consent forms, and update them, as required by the Board and the MPRP. The Respondent shall sign any written release/consent forms required by the Board and MPRP to authorize MPRP to make verbal and written disclosures to the Board, including disclosure of any and all MPRP records and files, and the records of MPRP's agents. The Respondent shall also sign any written release/consent forms required by the MPRP to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including the Respondent's treatment providers and evaluators) verbal and written information about her;
3. Within **SIX (6) MONTHS** of the execution of the Consent Order, the Respondent shall successfully complete a Board-approved course in medical ethics. The course shall not be counted toward the Respondent's licensure requirements for continuing medical education. It is the Respondent's responsibility to ensure that she provides proof of successful completion to the Board through her assigned Probation Analyst;

4. The Respondent shall comply with all laws governing the practice of medicine under the Maryland Medical Practice Act and all rules and regulations promulgated thereunder; and it is further

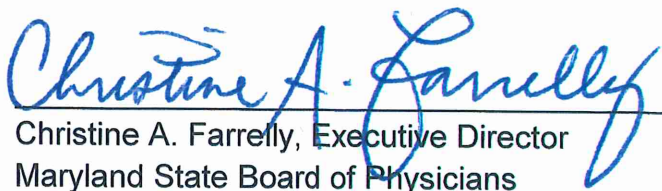
ORDERED that if the Respondent fails to comply with any of the terms and conditions of probation or of this Consent Order, a Disciplinary Panel, in its discretion, after notice and opportunity for a show cause hearing before a Disciplinary Panel or an evidentiary hearing at the Office of Administrative Hearings, may impose additional sanctions authorized under the Medical Practice Act, including a reprimand, suspension, an additional period of probation, revocation and/or a monetary fine; and it is further

ORDERED that after **ONE (1) YEAR** from the effective date of this Consent Order, the Respondent may submit a written petition to the Board requesting termination of her probation. After consideration of the petition, the probation may be terminated, through an order of the Board or Disciplinary Panel. The Board, or designated Disciplinary Panel, will grant the termination if the Respondent has fully and satisfactorily 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 the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that this Consent Order shall be a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101-4-601 (2014).

12/8/2015
Date


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

CONSENT

I, Katherine Ball, M.D., acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the sole purpose of resolving the issues raised by Disciplinary Panel A of the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

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 provided by law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of a Disciplinary Panel of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of a Disciplinary Panel of the Board that I might have filed after any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of the Consent Order.

12/3/15
Date

Katherine Ball
Katherine Ball, M.D.

Reviewed and Approved by:

Russell C. Dashiell, Jr.
Russell C. Dashiell, Jr., Esquire

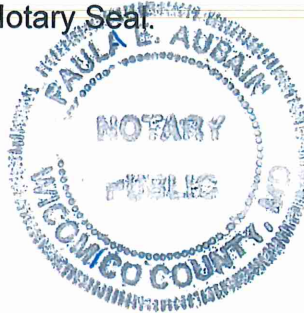
STATE OF MARYLAND

CITY/COUNTY OF:

I HEREBY CERTIFY that on this 3rd day of December, 2015, before me, a Notary Public of the State and County aforesaid, personally appeared Katherine Ball, M.D. and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Paula E. Aubain
Notary Public



My commission expires: 8-15-18