

Wendie Renee Williams, Jr., M.D.

Date: ~~December~~, 2017 ⁸⁸

January 4, 2018

Damean William Freas, Chair
Disciplinary Panel B
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, MD 21215-2299

Re: Permanent Surrender of License to Practice Medicine
Wendie Renee Williams, M.D. License Number: D58141
Case Number: 2016-0470 B

Dear Dr. Freas and Members of the Disciplinary Panel B,

Please be advised that I have decided to permanently **SURRENDER** my license to practice medicine in the State of Maryland, License Number D58141, that expired on September 30, 2017, 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 prescribe medications or 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. §§ 14-101 *et seq.* (2014 Repl. Vol.) and other applicable laws. In other words, as of the effective date of this Permanent Letter of Surrender, I understand that the permanent 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 Permanent Letter of Surrender is a **PUBLIC DOCUMENT**, and upon Disciplinary Panel B's ("Panel B") acceptance, becomes a **FINAL ORDER** of Panel B of the Maryland State Board of Physicians (the "Board").

I acknowledge that the Board initiated an investigation of my practice and on July 28, 2017, Panel B issued disciplinary charges against me under Health Occ. § 14-404(a)(3)(ii) (unprofessional conduct in the practice of medicine). Specifically, Panel B alleged that my operation of an assisted living facility in Maryland for which I was the license holder was unprofessional and I failed to provide residents with proper and adequate assisted living services. A copy of the charges is attached as Attachment 1. I have decided to permanently surrender my license to practice medicine in the State of Maryland to avoid further investigation and prosecution of these disciplinary charges and because I am licensed to practice medicine in Texas and have not practiced my specialty in Maryland for several years.

I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Permanent Letter of Surrender to avoid further prosecution of the disciplinary

Damean William Freas, D.O. and Members of Disciplinary Panel B

RE: Wendie Renee Williams, M.D.

Permanent Letter of Surrender

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charges. I acknowledge that for all purposes related to medical licensure in Maryland, the charges will be treated as if proven.

I understand that by executing this Permanent Letter of Surrender I am waiving my right to a hearing to contest the disciplinary charges. In waiving my right to contest the charges, I am also waiving the right to be represented by counsel at the hearing, 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 the Board will advise the Federation of State Medical Boards, the National Practitioner Data Bank, and the Healthcare Integrity and Protection Data Bank of this Permanent Letter of Surrender, and in response to any inquiry, that I have surrendered my license. I also understand that in the event I would apply for licensure in any form in any other state or jurisdiction that this Permanent Letter of Surrender may be released or published by the Board to the same extent as a final order that would result from disciplinary action, pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014), and that this Permanent Letter of Surrender constitutes a disciplinary action by Panel B.

I affirm that as of the date of this Permanent Letter of Surrender, I will present to the Board my drug dispensing permit (if applicable). 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 Permanent Letter of Surrender, my license in Maryland will remain permanently surrendered. In other words, I agree that I have no right to reapply and will not reapply for a license to practice medicine in the State of Maryland. I further acknowledge that the Board is not obligated to consider any application for licensure or reinstatement that I might file at a future date.

I acknowledge that I may not rescind this Permanent Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have been advised of my right to be represented by an attorney of my choice throughout proceedings before Panel B, including the right to counsel with an attorney prior to signing this Permanent Letter of Surrender. I have consulted with an attorney before signing this letter permanently surrendering my license to practice medicine in Maryland. I understand both the nature of Panel B's actions and this Permanent Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Permanent Letter of Surrender. I make this decision knowingly and voluntarily.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Wendie Williams MD", written in a cursive style.

Wendie Renee Williams, M.D.

Damean William Freas, D.O. and Members of Disciplinary Panel B

RE: Wendie Renee Williams, M.D.

Permanent Letter of Surrender

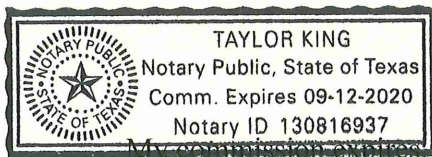
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NOTARY

STATE OF Texas
CITY/COUNTY OF Collier

I HEREBY CERTIFY that on this 4 day of January, 2018 before me, a Notary Public of the City/County aforesaid, personally appeared Wendie, M.D., and declared and affirmed under the penalties of perjury that the signing of this Letter of Surrender was his voluntary act and deed.

AS WITNESS my hand and Notarial seal.



Taylor King
Notary Public

ACCEPTANCE

On behalf of Disciplinary Panel B, on this 9th day of January 2018, I, Christine A. Farrelly, accept Dr. Williams M.D.'s **PUBLIC PERMANENT SURRENDER** of her license to practice medicine in the State of Maryland.

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

IN THE MATTER OF	*	BEFORE THE MARYLAND
WENDI RENEE WILLIAMS, M.D.	*	STATE BOARD OF
RESPONDENT	*	PHYSICIANS
License Number: D58141	*	Case Number: 2016-0470 B

* * * * *

CHARGES UNDER THE MARYLAND MEDICAL PRACTICE ACT

Disciplinary Panel B (the "Panel") of the Maryland State Board of Physicians (the "Board"), hereby charges Wendi Renee Williams, M.D. (the "Respondent"), License Number D58141, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") § 14-404(a) (2014 Repl. Vol. and 2016 Supp.).

The pertinent provision of Section 14-404(a) under which the Panel voted charges provides the following:

(a) 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[.]

ALLEGATIONS OF FACT¹

The Board bases its charges on the following facts that the Board has cause to believe are true:

¹ The allegations set forth in this document are intended to provide Respondent with notice of the asserted facts. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against Respondent in connection with these charges.

ATTACHMENT
1

I. BACKGROUND

1. At all times relevant to these charges, Respondent was and is a physician licensed to practice medicine in the State of Maryland. Respondent was initially licensed on or about November 14, 2001. Respondent last renewed her license on or about September 30, 2015, which will expire on September 30, 2017.

2. On November 7, 2003, Respondent was initially granted board-certification by the American Board of Emergency Medicine, which expired on December 31, 2013. On January 1, 2014, Respondent was re-certified, which will expire on December 31, 2023.

3. Beginning in approximately 2003 and until approximately 2016, Respondent worked in the emergency departments in several Baltimore area hospitals.

4. Respondent also holds an active license to practice medicine in Texas, which will expire on August 31, 2018.

5. From approximately 2010 until present, Respondent has been, and is, practicing emergency medicine at a hospital in Dallas, Texas.

6. Beginning in 2004, and at all times relevant to these charges, Respondent owned a corporation which was licensed to operate an assisted living facility in Towson, Maryland (the Facility").² On May 17, 2014, Respondent last renewed her license to operate the Facility, which expired on February 15, 2016.

² The name of the Facility and other parties are not stated in the Charges. Respondent is aware of the name of the Facility and the other individual mentioned in the Charges.

II. Complaint

7. On December 24, 2015, the Board received a complaint from the Office of Health Care Quality ("OHCQ") of the Department of Health and Mental Hygiene ("DHMH").³ Attached to the complaint was a Final Order to Remove and Revoke License, dated September 22, 2015 (the "Order"), pertaining to the revocation of the assisted living program license of the Facility. In addition, the Order removed the Facility as a provider of assisted living services in the Medicaid Home and Community-Based Options Waiver Program. The removal and revocation of the license was based on violations of the statutes and regulations governing assisted living programs in Maryland. The violations indicated that the Facility "is not capable of providing residents with proper and adequate assisted living services."

III. Investigation

8. On February 23, 2016, the Board notified Respondent that it had received the complaint and had opened the case for investigation. The Board sent Respondent a copy of the complaint and requested a written response.

9. On March 18, 2016, the Board received Respondent's written response to the complaint. Respondent stated that she had moved to Texas in 2010 and hired an individual ("Individual A") to run the Facility. Respondent stated that (in or about September 2015) she "decided to sell/transfer the business and rent the building to my former manager," Individual A. Respondent included in her response a copy of a letter of September 4, 2015 to the Office of

³ Effective July 1, 2017, the Department is now known as the Department of Health.

Administrative Hearings, with a copy to OHCQ, requesting a hearing and appeal of the decision for Emergency Suspension of "our assisted living license."

10. On May 4, 2016, Board staff interviewed Respondent, in-person, under oath. Respondent testified to the following:

- a. In 2004, Respondent was initially licensed by OHCQ to operate the Facility;
- b. At some time thereafter, Respondent hired Individual A as manager of the Facility;⁴
- c. After Respondent moved to Texas in 2010, she returned to Maryland once a month for a week at a time to handle the upkeep and repair of the Facility;
- d. Respondent stayed at the Facility when she came to Maryland;
- e. Each resident of the Facility had his/her own doctor but Respondent would refill a resident's prescription if their physician was unable to be reached;
- f. In approximately July 2015, Respondent and Individual A met with staff of OHCQ regarding deficiencies at the Facility;⁵
- g. In early August 2015, Respondent submitted a plan of correction of the deficiencies to OHCQ;
- h. On August 12, 2015, Respondent transferred the assisted living business to Individual A for one dollar; and on September 1, 2015, Respondent entered into a lease agreement with Individual A to rent the building for approximately \$7,000 a month;
- i. Respondent claimed that Individual A was supposed to obtain his own license to operate the Facility; however, Respondent never confirmed this with OHCQ or Individual A;
- j. Respondent claimed that she never received notice from OHCQ regarding "a meeting⁶" prior to the issuance of the Order; and

⁴ Individual A testified in an interview with Board staff that he had been the manager since approximately 2004.

⁵ In June 2015, OHCQ initiated an investigation of the Facility following a complaint that a resident died allegedly as a result of improper care at the Facility.

- k. Respondent denied knowledge of the reason why OHCQ initiated an investigation in June 2015, although she was present at a meeting with OHCQ in July 2015.

11. On May 4, 2016, pursuant to a Board subpoena, Respondent provided documentation regarding the sale/transfer of the Facility on August 12, 2015 to Individual A and copies of a lease agreement with Individual A.

12. The "Agreement to Sell/Transfer Ownership" (the "Agreement") states that Respondent agreed to sell/transfer ownership of the business of the Facility to Individual A for \$1.00. The parties further agreed that Respondent would lease the business of the Facility to Individual A under terms in a separate lease agreement. Respondent and Individual A signed the Agreement on August 12, 2015.

13. The "Letter of Intent to Lease" stated that beginning September 1, 2015, the parties agreed Individual A would make monthly base rent payments to Respondent for a term of one year and that Individual A "purchased the property with a lease option to buy."

14. On May 10, 2016, the Board obtained documents from OHCQ. The documents revealed the following pertinent information:

- a. On April 14, 2004, OHCQ received Respondent's Initial Licensure Application in the name of a corporation of which Respondent owned 100% (the Facility);
- b. Thereafter, Respondent routinely filed renewal applications for licensure of the Facility;
- c. The Facility was licensed by OHCQ every two years from 2004;

⁶ Respondent may have been referring to not having received OHCQ's Intent to Remove and Revoke License and Notice of her right to request an evidentiary hearing.

- d. On May 4, 2014, Respondent submitted an application for renewal of the Facility's Assisted Living License. OHCQ issued a license to Respondent for the Facility, which expired on February 15, 2016;
 - e. On June 25, 2015, OHCQ received a complaint from the Baltimore County Fire Department regarding "serious life safety/fire code violations based on 95 year old resident who lived on the second floor of the Facility, sleeping on a deflatable mattress, who had bed sores. The elevator was broken and there were mattresses up against exit doors. The male staff uses a hot plate to cook meals in his room." Later, an OHCQ surveyor who was on-site reported that the Facility had boxes of medications locked in the staff person's office. Respondent is listed as the "Administrator" on the OHCQ Intake Information form.
 - f. On June 26, June 29, and June 30, 2015, OHCQ conducted a survey of the Facility. On OHCQ's list of staff at the Facility, Respondent was listed as the "Delegating Nurse;"
 - g. On November 30, 2015, OHCQ received a complaint from an assisted living provider who had gone to the Facility to pick up a resident who was relocating to another facility, stating, "There was no staff in the house. One of the last 3 remaining residents answered the door and he is in a wheelchair. The resident stated that the owner (Individual A) went to get coffee." Respondent is listed as the "Administrator" in the OHCQ Intake Notes;
 - h. On December 3, 2015, OHCQ received a complaint from the police department regarding the Facility stating, "Referral from police department pertaining to criminal neglect. The incident occurred on December 3, 2015." Respondent is listed as the "Administrator" on the OHCQ Intake Information form; and
 - i. On December 4, 2015, OHCQ received a complaint from the neighbor regarding the Facility stating, "The fire alarm went off and the police and fire department came to investigate and they found that the residents were left alone." Respondent is listed as the "Administrator" on the OHCQ Intake Information form.
15. On July 27, 2016, the Board obtained additional investigative information from OHCQ. OHCQ informed the Board that it does not have any information on file regarding a change in ownership of the Facility after June 2, 2015. OHCQ confirmed that if a sale, transfer, or lease of an assisted living

program causes a change in the person or person who control or operate the assisted living program, the assisted living program is considered a new program and the licensee shall apply for a new license and conform to all regulations applicable at the time of transfer of operations.⁷

16. On September 9, 2016, Board staff conducted an interview⁸ of Individual A⁹ under oath. Individual A testified to the following:

- a. Individual A had been the assisted living manager at the Facility from 2004;
- b. As owner of the Facility, Respondent "made sure I hired the right people, that I get a nurse, that if families had any issues, we just contacted her;"
- c. One of Individual A's duties was to hire a delegating nurse for the Facility;
- d. At times, Respondent performed the role of the delegating nurse;
- e. Respondent came to the Facility almost every day until 2012, when thereafter, she came approximately once a week;
- f. On occasion, Respondent refilled patients' prescriptions if a patient was out of medicine;
- g. Respondent assisted Individual A to address and correct deficiencies after an inspection by OHCQ;
- h. In September 2015, Individual A entered a lease-purchase agreement with Respondent to purchase the assisted living

⁷ See Code Md. Regs. 10.07.14.08 which pertain to the licensing of Assisted Living Programs in Maryland.

⁸ Individual A was incarcerated in a detention center at the time of the interview.

⁹ On August 3, 2016, Individual A pled guilty and was found guilty by the Baltimore County Circuit Court of operating an assisted living home without a license and pled guilty and was found guilty of one count of abuse/neglect of a vulnerable adult-custodian. Individual A was sentenced to two years of incarceration and ordered to pay restitution of \$7912.00 to the victim. On November 29, 2016, Individual A entered a guilty plea in the U.S. District Court for the District of Maryland in regard to bank fraud and aggravated identity theft arising out of his opening credit card accounts using stolen identity information, including social security numbers of three elderly residents who were in his care at the Facility. As part of his scheme to defraud the bank, Individual A received credit cards from the bank and added himself as an authorized user, making over \$75,000 in purchases using the accounts. Individual A was sentenced on June 16, 2017.

business; whereby Individual A leased the business from Respondent;

- i. Respondent continued to own the building where the Facility was located;
- j. Individual A made rental payments to Respondent for use of the building; and
- k. Individual A did not notify OHCQ that he was leasing and going to purchase the business.

17. The Board obtained the following information from the Maryland

Division of Assessments and Taxation:

- a. On June 24, 2004, Respondent purchased the real property where Facility A was located;
- b. On August 19, 2016, Respondent sold the real property where Facility A was located to another party.

V. ALLEGATIONS OF UNPROFESSIONAL CONDUCT

16. The above facts constitute evidence unprofessional conduct in the practice of medicine in violation of Health Occ. § 14-404(a)(3)(ii) for reasons including but not limited to the fact that:

- a. Respondent held the license to operate the Facility, which was revoked and the Medicaid provider number was terminated on September 22, 2015 based on violations which placed residents at imminent risk of harm to health and safety, for conditions at the Facility in June, July, and August 2015, during which months Respondent was actively involved as the owner of the Facility, such as:
 - i. Facility failed to establish it had retained a delegating nurse;
 - ii. Facility records had documented medication errors;
 - iii. Facility residents lacked assessments and medical orders;
 - iv. Facility residents lacked nutritional food;
 - v. Facility failed to have documentation to support that residents received medication as prescribed;
 - vi. Facility failed to file incident reports;
 - vii. Failed to provide adequate supervision and services;
 - viii. Facility had no alternative manager;

- ix. Facility had faulty physical conditions; and
 - x. Facility failed to conduct fire drills and have a disaster plan.
- b. Respondent held the license to operate the Facility where elderly incapacitated residents were left alone in the Facility on November 30, 2015 and on December 3, 2015, without confirming with OHCQ or Individual A that Individual A obtained a new license to operate the Facility.¹⁰

NOTICE OF POSSIBLE SANCTIONS

If, after a hearing, the Panel finds that there are grounds for action under Health Occ. § 14-404 (a)(3)(ii), the Panel may impose disciplinary sanctions against Respondent's license in accordance with the Board's regulations under Code Md. Regs. 10.32.02.10, including revocation, suspension, reprimand, probation and/or a monetary penalty.

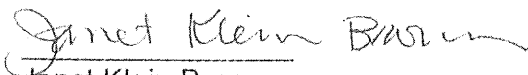
NOTICE OF DISCIPLINARY COMMITTEE FOR CASE RESOLUTION

A Disciplinary Committee for Case Resolution ("DCCR") conference in this matter is scheduled before Panel B for **Wednesday, September 27, 2017, at 9:00 a.m.** at the Board's office, 4201 Patterson Avenue, Baltimore, Maryland 21215. The nature and purpose of the DCCR is described in the attached letter to Respondent. If this matter is not resolved at the DCCR, a prehearing conference and hearing will be scheduled at the Office of Administrative Hearings, 11101 Gilroy Road Hunt Valley, Maryland 21031. The hearing will be conducted in accordance with § 14-405 of the Act and Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2014 Repl. Vol. and 2016 Supp.).

¹⁰ Respondent's license to operate the Facility did not expire until February 15, 2016.

7/28/17
Date

BRIAN E. FROSH
Attorney General of Maryland



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