

IN THE MATTER OF

\*

BEFORE THE

PETR BOCEK, M.D.

\*

MARYLAND STATE

Respondent

\*

BOARD OF PHYSICIANS

License Number: D61993

\*

Case Number: 2016-1071B

\* \* \* \* \*

### CONSENT ORDER

#### PROCEDURAL BACKGROUND

On December 21, 2016, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") voted to charge **PETR BOCEK, M.D.** (the "Respondent"), License Number D61993, with violating the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-101 *et seq.* (2014 Repl. Vol.).

Specifically, Panel B voted to charge the Respondent with violating the following provision of the Act under Health Occ. § 14-404:

- (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[.]

Prior to the issuance of charges, the Respondent agreed to enter into this public Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order, Consent and Notary.

## **FINDINGS OF FACT**

Panel B of the Board makes the following Findings of Fact:

### **BACKGROUND/LICENSING INFORMATION**

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on or about June 24, 2004, under License Number D61993. The Respondent's license is active and current through September 30, 2018.

2. The Respondent is board-certified in internal medicine and allergy and immunology, and at all times relevant hereto, maintained a medical office with locations in Maryland and Virginia.

### **THE COMPLAINT**

3. The Board initiated an investigation of the Respondent after reviewing a complaint, dated June 28, 2016, from an insurance provider advising that the Respondent may be self-prescribing and prescribing to family members. The Complainant reported that since 2014, the Respondent self-prescribed on 91 occasions, thirteen of which were for non-opioid Controlled Dangerous Substances ("CDS"). Additionally, the Respondent prescribed medication for family members (Patient A, Patient B, and Patient C), including three instances of prescriptions for non-opioid CDS.

### **BOARD INVESTIGATIVE FINDINGS**

4. After receiving the above complaint, a Board representative contacted the Respondent regarding the allegations. By letter dated September 12, 2016, the Respondent acknowledged that he wrote prescriptions for various medications for himself and family members, and that he did not create or maintain a medical record chart for

himself or for Patient A and Patient B when writing such prescriptions. The Respondent provided treatment to one family member, Patient C, as part of his practice as an Allergist/Immunologist. The Respondent demonstrated that he treated Patient C as a patient and produced a detailed medical record. The Respondent's conduct with regards to Patient C does not form the basis of any of the Findings of Fact.

5. The Respondent further stated that, in the future, he will no longer self-prescribe or prescribe to family members unless there is an emergent need to do so or if he is providing comprehensive treatment for allergic disorders.

6. On November 15, 2016, Board investigators conducted an under-oath interview of the Respondent, during which he admitted writing prescriptions for himself and family members.

7. The Board's investigation determined that for the period beginning in or around 2014, and continuing until in or around 2016, the Respondent wrote prescriptions for medications for himself and/or family members.

#### **CONCLUSIONS OF LAW**

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

### **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 within **SIX (6) MONTHS**, the Respondent shall successfully complete a Board disciplinary panel-approved course in Ethics. The Board disciplinary 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; and it is further

**ORDERED** that if the Respondent allegedly fails to comply with any term of 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 Panel B determines that the Respondent has failed to comply with any term or condition of this Consent Order, the Board or Panel B 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 Panel B 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 this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions §§ 4-101 *et seq.* (2014).

January 4, 2018  
Date

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

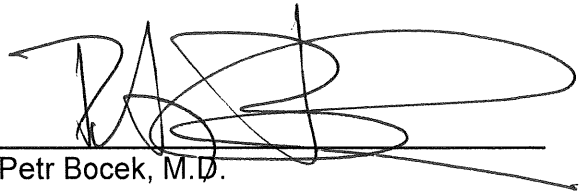
### CONSENT

I, Petr Bocek, M.D., acknowledge that I have been apprised of my right to counsel and have conferred with counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by 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 the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction 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 the Board that might have followed after any such hearing.

I sign this Consent Order, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

12/12/17  
Date

  
Petr Bocek, M.D.  
Respondent

**NOTARY**

**STATE OF MARYLAND**

**CITY/COUNTY OF** MONTGOMERY

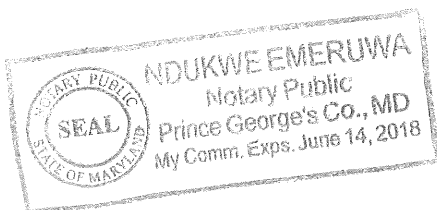
**I HEREBY CERTIFY** that on this 12<sup>th</sup> day of DECEMBER,

2017, before me, a Notary Public of the foregoing State and City/County personally appear Petr Bocek, M.D. and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

**AS WITNESSETH** my hand and notary seal.

Nolube Eneanya  
Notary Public

My commission expires: 06/14/2018



12/12/17