

IN THE MATTER OF

*

BEFORE THE

LIEZL G. IRISARI, M.D.

*

MARYLAND STATE

Respondent

*

BOARD OF PHYSICIANS

License Number: D78721
(expired)

*

Case Number: 2016-1061B

* * * * *

CONSENT ORDER

On March 16, 2017, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") charged Liezl G. Irisari, M.D. (the "Respondent"), License Number D78721 (expired), under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ.") §§ 14-101 *et seq.* (2014 Repl. Vol. and 2015 Supp.).

The pertinent provision of the Act under Health Occ. II § 14-404 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[.]

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 June 28, 2017, a conference with regard to this matter was held before Panel B, sitting as a 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

BACKGROUND/LICENSING INFORMATION

1. The Respondent was initially licensed to practice medicine in Maryland on November 6, 2014, under License Number D78721. The Respondent's license expired

on September 30, 2016. The Respondent holds active medical licenses in Florida and New Hampshire.

2. The Respondent is board-certified in obstetrics and gynecology.

3. The Respondent practiced medicine in Ocean Pines, Maryland from January 2015 through June 2016. The Respondent currently practices medicine in another state.

BOARD INVESTIGATIVE FINDINGS

4. On or about June 28, 2016, the Board received a complaint from a pharmacy alleging that the Respondent was writing multiple prescriptions for herself and a family member.¹ The Board thereafter initiated an investigation of this matter.²

5. By letter dated December 12, 2016, counsel for the Respondent acknowledged that from November 2014, when the Respondent moved to Maryland, the Respondent had written prescriptions for various medications for herself and a family member. The Respondent maintained a medical record for her family member; however, did not place copies of the prescriptions she wrote for the family member in the medical record. The Respondent did not maintain a medical record for herself.

6. The information contained in ¶5 is consistent with records obtained by the Panel in furtherance of its investigation. Specifically, pharmacy records revealed that the Respondent self-prescribed medications on approximately 14 separate occasions and prescribed medications for a family member on approximately 29 separate occasions.

¹ To maintain confidentiality, the identity of the medications prescribed by the Respondent to herself and her family member are not specified in this document. The Respondent is aware of this information. The name of the family member is also confidential.

² Health Occ. § 14-403(a) provides that a license may not lapse by operation of law while the individual is under investigation or while charges are pending.

CONCLUSIONS OF LAW

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

ORDER

It is, on the affirmative vote of a majority of the quorum of Disciplinary Panel B, hereby

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

ORDERED that within **SIXTY (60) DAYS** from the date of the Consent Order, the Respondent shall pay a civil fine in the amount of **ONE THOUSAND DOLLARS (\$1,000.00)** by money order or bank certified check made payable to the Maryland Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297 for deposit into the General Fund of Maryland; 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 if the Respondent allegedly fails to comply with any term or condition 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 probation or this

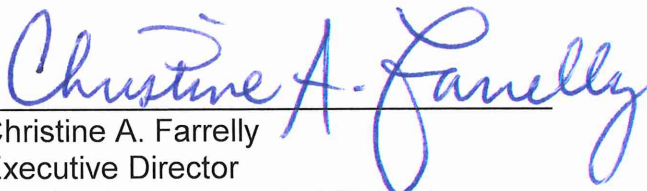
Consent Order, the Board or Panel B may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice medicine in Maryland. The Board or Panel B may, in addition to one or more of the sanctions set forth above,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

ORDERED that the Respondent 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; 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 *et seq.* (2014 & 2015 Supp.).

August 4, 2017
Date



Christine A. Farrelly
Executive Director
Maryland State Board of Physicians


CONSENT

I, Liezl G. Irisari, M.D., acknowledge that I had the opportunity to be represented by counsel before entering 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 a disciplinary panel of the Board that I might have filed 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 the Consent Order.

7-28-17
Date



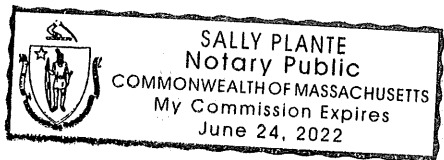
Liezl G. Irisari
Respondent

NOTARY

Massachusetts
STATE OF ~~MARYLAND~~
CITY/COUNTY OF Worcester County

I HEREBY CERTIFY that on this 28th day of July 2017, before me, a Notary Public of the foregoing State and City/County, personally appeared Liezl G. Irisari, M.D. and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.



Sally Plante
Notary Public

My commission expires: 6-24-22