

IN THE MATTER OF

*

BEFORE THE

CLAUDIA RIVERA

*

MARYLAND STATE

Respondent

*

BOARD OF PHYSICIANS

Unlicensed

*

Case Number: 2010-0591

* * * * *

CONSENT ORDER

On March 8, 2012, the Maryland State Board of Physicians (the "Board") charged Claudia Rivera (the "Respondent") (D.O.B. 01/24/1977), under the Maryland Medical Practice Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 14-101 *et seq.* (2009 Repl. Vol. and 2011 Supp.).

Specifically, the Board charged the Respondent under the following provisions of the Act:

H.O. § 14-601

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice medicine in this State unless licensed by the Board.

H.O. § 14-602

- (a) *In general.* -- Unless authorized to practice medicine under this title, a person may not represent to the public, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice medicine in this State.

- (b) *Certain representations prohibited.* -- Except as otherwise provided in this article, a person may not use the words or terms "Dr.", "doctor", "physician", "D.O.", or "M.D." with the intent to represent that the person practices medicine, unless the person is:

- (1) Licensed to practice medicine under this title.

H.O. § 14-606

(a) *Imposition of penalties. –*

(4) Except as provided in paragraph (5) of this subsection, a person who violates § 14-601 of this subtitle is: (ii) Subject to a civil fine of not more than \$50,000 to be levied by the Board.

On April 4, 2012, a Case Resolution Conference was convened in this matter. Based on negotiations occurring as a result of this Case Resolution Conference, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

The Board finds the following:

BACKGROUND FINDINGS

1. The Board initiated an investigation of the Respondent based on a series of complaints that alleged that she was practicing medicine without a license at a physician's office, located at 19201 Montgomery Village Avenue, Suite A-12, Montgomery Village, Maryland 20886 (the "Physician's Office").¹

2. One complaint, dated February 1, 2010, was reportedly sent by a group of present and former employees at the Physician's Office. The complaint stated that the Respondent initially worked in the Physician's Office as a medical assistant and receptionist, but that about one and one-half years prior to the complaint, she began providing medical care to patients. The complainants stated that the Physician instructed them that the Respondent would begin to see

¹ For confidentiality purposes, the name of any individual referenced herein will not be stated in this Consent Order. The Respondent is aware of the identities of all individuals referenced herein.

patients; they were to refer to the Respondent as "Dr. Rivera"; and they were to tell the patients that the Respondent was a "doctor." The complainants stated that the Respondent has her own schedule of patients, orders vaccinations and medications, and takes night call.

3. The Board received two additional complaints that alleged that the Respondent provided medical care and treatment to patients at the Physician's Office.

BOARD INVESTIGATIVE FINDINGS

4. Board investigation determined that beginning in or around December 2008/January 2009 and continuing until in or around May 2010, the Respondent: practiced, attempted to practice, and/or offered to practice medicine without a license at the Physician's Office; represented herself to the public that she was authorized to practice medicine; and/or used the words or terms "Dr.," "doctor," or other terms with the intent to represent that she practiced medicine, in violation of the Act.

5. Board investigation determined that the Respondent was a graduate of a medical school in El Salvador but that at all times relevant to these charges, was not licensed to practice medicine in this State or in any other state or jurisdiction, or was otherwise authorized to practice medicine in this State.

6. The Physician hired the Respondent to work in his Office in or around 2005 as a medical assistant and receptionist, but beginning in or around late 2008/early 2009, permitted her to provide medical care to patients. When interviewed by the Board, the Physician stated that the Respondent saw children

for “well baby” visits, “check-ups” and follow-up. The Physician stated that the Respondent performed physical examinations, took social assessments, made diagnoses, ordered laboratory testing, placed orders for vitamins, and gave orders for vaccinations for medical assistants to administer.

7. During the interview, the Physician stated that he reviewed and countersigned the Respondent’s chart notations, but admitted that he countersigned the charts as long as three months after the Respondent recorded the documentation in them. Board investigation determined that the Physician countersigned records after greater lengths of time, however. In one instance, for example, the Physician countersigned a medical record almost 15 months after the Respondent saw the patient in question, and only after the Board requested the record by subpoena.

8. In or around April 2010, Board investigators telephoned the Physician’s Office to arrange an appointment with the Respondent. In response to this telephone inquiry, the Physician’s Office staff member identified the Respondent as “Dr. Rivera” and stated that patients initially saw the Physician on the first visit but then could see “Dr. Rivera” by appointment. Board investigation determined that appointment logs from the Physician’s Office showed that for various dates in 2009 and 2010, patients were scheduled to see “Rivera only.”

9. On or about May 6, 2010, Board investigators conducted an unannounced site visit at the Physician’s Office. Upon arrival, front desk personnel referred to the Respondent as “Dr. Rivera” and stated that she was with a patient. Board investigators encountered the Respondent, who referred to

herself as “Dr. Rivera,” and acknowledged that she had just finished seeing a patient. Board investigators confirmed that the Respondent saw the patient in the absence of a duly licensed physician.

10. Sometime in or around May 2010, after Board investigators met with the Respondent in the Physician’s Office, the Respondent left the Physician’s employment.

11. By letter dated June 16, 2010, the Board informed the Respondent that it had received information that she was practicing medicine without a license and had misrepresented herself in a practice setting at the Physician’s Office, in violation of the Act. The Board advised the Respondent to cease and desist from using the term “Dr.” or to practice or offer to practice medicine in Maryland. The Respondent entered into an agreement with the Board, which she executed on or about June 29, 2010, in which she agreed not to practice medicine in Maryland or to represent herself as being authorized to practice medicine in Maryland.

12. The Respondent’s conduct, as set forth above, constitutes, in whole or in part, practicing, attempting to practice, or offering to practice medicine in Maryland without a license, in violation of H.O. §§ 14-601.

13. The Respondent’s conduct, as set forth above, constitutes, in whole or in part, unlawfully representing to the public that she was authorized to practice medicine in Maryland, in violation of H.O. § 14-602(a).

14. The Respondent’s conduct, as set forth above, constitutes, in whole or in part, unlawfully using the words or words or terms “Dr.”, “doctor”, and/or

M.D.”, with the intent to represent that she practices medicine in Maryland, in violation of H.O. § 14-602(b)(1).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated the following provisions of the Act: practicing, attempting to practice, or offering to practice medicine in Maryland without a license, in violation of H.O. §§ 14-601; unlawfully representing to the public that she was authorized to practice medicine in Maryland, in violation of H.O. § 14-602(a); and unlawfully using the word or terms “Dr.”, “doctor”, and/or M.D.”, with the intent to represent that she was licensed to practice medicine in Maryland, in violation of H.O. § 14-602(b)(1).

ORDER

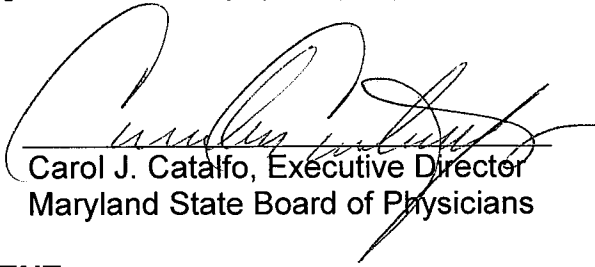
Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 24th day of May, 2012, by the affirmative vote of a majority of the quorum of the Board considering this case:

ORDERED that within **ONE (1) YEAR** from the date the Board executes this Consent Order, the Respondent shall pay a civil fine in the amount of **FIVE THOUSAND DOLLARS (\$5,000.00)**, by certified check or money order, payable to “The Maryland Board of Physicians,” and should be sent to the Maryland Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297; and it is further

ORDERED that the Respondent shall be 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 considered a **PUBLIC DOCUMENT** pursuant to Md. State Gov't. Code Ann. § 10-611 *et seq.* (2009 Repl. Vol. and 2011 Supp.).

5-24-12
Date


Carol J. Catalfo, Executive Director
Maryland State Board of Physicians

CONSENT

I, Claudia Rivera, acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

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 as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

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

4-17-12
Date

Claudia Rivera
Claudia Rivera
Respondent

NOTARY

STATE OF District of
CITY/COUNTY OF: Columbia

I HEREBY CERTIFY that on this 17th day of April, 2012,
before me, a Notary Public of the State and County aforesaid, personally
appeared Claudia Rivera, 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.



Brenda C. Osorio-Monzon
Notary Public

BRENDA C. OSORIO-MONZON
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires September 14, 2016

My commission expires: _____