

IN THE MATTER OF
ERIC CAWTHON, PA-C

Respondent

License Number: C00641

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case Number: 2016-0594A

* * * * *

CONSENT ORDER

On August 23, 2016, Disciplinary Panel A (the "Panel") of the Maryland State Board of Physicians (the "Board") charged Eric Cawthon, PA-C, (the "Respondent"), license number C00641, under the Maryland Physician Assistants Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 15-101 *et seq.* (2014 Repl. Vol.).

The pertinent provisions of the Act under H.O. § 15-314(a) provide as follows:

§ 15-314. Reprimand, probation, suspension, revocation.

(a) *Grounds.* Subject to the hearing provisions of § 15-315 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any physician assistant, place any physician assistant on probation, or suspend or revoke a license if the physician assistant:

...
(3) Is guilty of:

...
(ii) Unprofessional conduct in the practice of medicine[.]

On October 5, 2016, a conference with regard to this matter was held before Panel A of the Board's 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

1. At all times relevant hereto, the Respondent was and is a licensed physician assistant ("PA"). The Respondent was originally licensed on December 16, 1982. His license is scheduled to expire on June 30, 2017.
2. On or about January 23, 2016, Panel A received a complaint from an official at a chain of urgent care centers (the "Clinic") that the Respondent had prescribed controlled dangerous substances ("CDS") to a patient/employee without creating a medical record.
3. Panel A thereafter initiated an investigation of the complaint which included interviewing under oath the Respondent and the patient/employee ("Patient 1") and subpoenaing documents relevant to the complaint. The results of Panel A's investigation are summarized below.
4. On or about January 7, 2016, the Respondent wrote by hand a prescription for Patient 1, a registered nurse who was also employed by the Clinic, for Amoxicillin¹ 500 mg #30 and Tramadol² 50 mg #240.
5. The Respondent advised Patient 1 that 240 Tramadol tablets would last 30 days, which was the maximum treatment period.
6. On or about January 8, 2016, Patient 1 presented the prescriptions to a pharmacy to be filled. When a pharmacist contacted the Respondent to verify the quantity of Tramadol, the Respondent denied that he had written the prescription and further denied knowing Patient 1.

¹ Amoxicillin is an antibiotic.

² Tramadol is a Schedule IV CDS.

7. Patient 1 was arrested for prescription fraud and charged with several felony offenses when she attempted to pick up the Tramadol from the pharmacy.
8. In furtherance of the police investigation of Patient 1, the Respondent was shown a copy of the Tramadol prescription that Patient 1 had presented at the pharmacy.
9. The Respondent verified that he had written the prescription, stating that he had intended to write the prescription for 24 tablets, but had omitted the decimal point between the numbers "4" and "0".³
10. When interviewed by Board staff, Patient 1 stated that, shortly after her arrest, the Respondent had met with her and asked that she confirm that he had meant to write the Tramadol prescription in the amount of 24 tablets, not 240 tablets. Patient 1 declined to do so.
11. The Respondent failed to document that he had conducted a physical examination of Patient 1 before prescribing Tramadol to her in January 2016.
12. On or about January 21, 2016, the Respondent's employment at the Clinic was terminated.
13. Review of Patient 1's medical record maintained by the Clinic revealed that the Respondent had previously prescribed drugs to Patient 1 on four separate occasions as follows: 1) December 13, 2014 – Tramadol 50 mg # 30; 2) May 15, 2015 – Tramadol 50 mg # 40; 3) June 28, 2015 – alprazolam⁴ 1 mg. #30; and 4) October 25, 2015 – clonazepam⁵ #60.

³ Patient 1's criminal charges were subsequently dropped.

⁴ Alprazolam is the generic name for Xanax, a CDS Schedule IV.

⁵ Clonazepam is the generic name for Klonopin, a CDS Schedule IV.

14. The Respondent failed to document that he conducted physical examinations of Patient 1 prior to prescribing any of the drugs identified in ¶13.

CONCLUSION OF LAW

Based on the foregoing findings of fact, Disciplinary Panel A concludes as a matter of law that the Respondent's conduct constitutes the unprofessional practice of medicine, in violation of Health Occ. §15-314(a)(3)(ii).

ORDER

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

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

ORDERED that the Respondent is placed on **PROBATION** for a minimum period of **ONE YEAR**. During the probationary period, the Respondent shall comply with all of the following probationary terms and conditions:

- 1) The Respondent shall immediately provide a copy of the executed Consent Order to the appropriate official at his current employer(s) and shall ensure that the Panel receives documentation from the official that the Consent Order was received. The Respondent shall likewise provide a copy of the executed Consent Order to the appropriate official of any new employers within one week of his employment as a PA and shall ensure that the Panel receives documentation from the official that the Consent Order was received;
- 2) Within three months, the Respondent shall successfully complete a Board disciplinary panel-approved course in medical documentation. 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;
- 3) Within three months, the Respondent shall successfully complete a Board disciplinary panel-approved course in medical 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;

- 4) Within one year from the date of the Consent Order, the Respondent shall pay a civil fine in the amount of \$7,500.00 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;
- 5) The Respondent shall comply with the Maryland Physician Assistants Act, Md. Code Ann., Health Occ. §§ 15-101 *et seq*, and all laws and regulations governing the practice of medicine in Maryland; and it is further


ORDERED that, after one year, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated through an order of the Board or Panel A. The Respondent may be required to appear before the Board or Panel A to discuss his/her petition for termination. The Board or Panel A will grant the petition to terminate the probation if the Respondent has 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 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 A; 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. Prov. §§ 4–101 *et seq.*

11/03/2016
Date


Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Eric Cawthon, P.A., 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 Disciplinary Panel A, 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 Disciplinary Panel A 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.

11/1/16
Date

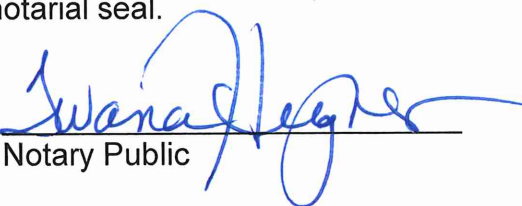

Eric Cawthon, P.A.
Respondent

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 1st day of November 2016, before me, a Notary Public of the foregoing State and City/County, personally appeared Eric Cawthon, P.A. 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 notarial seal.


Notary Public

My commission expires: 9/30/20