

IN THE MATTER OF
LINCOLN K. DOVER, PA-C

Respondent

License Number: C04240

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BEFORE THE

MARYLAND STATE

BOARD OF PHYSICIANS

Case Number: 2015-0712B

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CONSENT ORDER

PROCEDURAL BACKGROUND

On December 16, 2015, the Maryland State Board of Physicians (the "Board") voted to charge **LINCOLN K. DOVER, PA-C** (the "Respondent"), License Number C04240, under the Maryland Physician Assistants Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") §§ 15-101 *et seq.* (2014 Repl. Vol.); and Md. Code Regs. ("COMAR") 10.32.03.10.

Specifically, the Board voted to charge the Respondent with violating the following provisions of the Act and COMAR:

Health Occ. II § 15-314. Reprimands, 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, 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[.]

Health Occ. II § 15-401. Unauthorized practice.

(a) *Prohibited.* -- Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice as a physician assistant in the State unless the person has a license issued by the Board.

Health Occ. II § 15-402. Unauthorized use of title.

- (a) *Licensed physician assistant.* -- Except as otherwise provided under this title, a person may not represent or imply to the public by use of the title "licensed physician assistant", by other title, or by description of services, methods, or procedures that the person is licensed to practice as a physician assistant in the State.
- (b) *Use of terms "physician assistant," etc.* -- Unless licensed to practice as a physician assistant under this title, a person may not use the words or terms "physician assistant," "licensed physician assistant," or "P.A."

Health Occ. II § 15-403. Penalties for violations.

...

- (b) *Civil penalty.* -- (1) In addition to the penalties under subsection (a) of this section, a person who violates § 15-401 of this subtitle may be subject to a civil penalty assessed by the Board in an amount not to exceed \$5000.

COMAR 10.32.03.10. Identification as Physician Assistant.

- A. A physician assistant shall:

...

- (3) Maintain a copy of the physician assistant's license and currently approved delegation agreement at the primary place of business of the licensee.
- B. An individual may not identify himself or herself as a physician assistant unless licensed by the Board.

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

The Board makes the following Findings of Fact:

BACKGROUND

1. The Respondent was initially licensed to practice as a physician assistant in Maryland on May 27, 2010, under License Number C04240. The Respondent maintained continuous licensure to practice as a physician assistant in the State of Maryland until June 30, 2013, when his license expired due to his failure to apply for renewal with the Board.

2. The Respondent submitted an application for reinstatement of his license, dated January 28, 2015, which the Board received on or about February 6, 2015. The Board reinstated the Respondent's physician assistant's license on or about April 7, 2015.

3. At all times relevant hereto, the Respondent practiced as a physician assistant at a medical practice (the "Practice") located in Greenbelt, Maryland. The Practice was owned and operated by a physician (the "Physician"). The Physician hired the Respondent to work as a physician assistant at the Practice beginning in or around December 2012.

4. On or about June 15, 2015, the Respondent and the Physician submitted a Delegation Agreement to the Board. The Delegation Agreement identified the Physician as the Respondent's supervising physician. The Board notified the Respondent on July 1, 2015, that it received the Delegation Agreement.

5. Prior to on or about June 15, 2015, the Board had no record that the Respondent or the Physician filed a delegation agreement with the Board.

THE COMPLAINT

6. On or about April 6, 2015, the Board received a complaint from a patient (the "Patient") who stated that on April 3, 2015, she presented to the Practice for an office visit, whereupon she observed the Respondent take a patient back for treatment. The Patient went online to the Board's website and found that the Respondent's physician assistant's license had expired in 2013. The Patient then questioned the Respondent, who stated that he was in the process of renewing his physician assistant's license in Maryland. The Patient left the Practice without being treated.

BOARD INVESTIGATIVE FINDINGS

7. Based on the above complaint, the Board initiated an investigation of the Respondent's licensure status. Pursuant to its investigation, the Board requested that the Respondent provide a written response to the Patient's complaint. In a letter dated July 9, 2015, the Respondent acknowledged that he continued to work as a physician assistant at the Practice after his physician assistant's license expired in June 2013. The Respondent admitted to taking histories, physical examinations, and ordering in-office tests such as "accuchecks and EKGs" during the period of time when his license was expired. He stated, "I take full responsibility and apologize for the fact that I did not attempt to renew my license for quite some time."

8. On October 27, 2015, the Respondent submitted to an interview by Board staff. During the interview, Board staff presented the Respondent with a series of patient records for patients who were seen at the Practice. The Respondent confirmed that in eight of the records, he treated the patients in his capacity as a physician assistant after his license expired in June 2013. The Respondent also admitted that

after his physician assistant's license expired, he continued to represent himself to patients as a physician assistant.

9. During the course of the Board's investigation, Board staff determined that it did not have a Delegation Agreement for the Respondent for the period beginning in or around December 2012, and continuing until in or around July 1, 2015. Board staff contacted the Physician, who, on behalf of the Practice, was not able to produce a copy of a Delegation Agreement for the period from December 2012 through July 2015.

10. Board investigation determined that the Respondent's physician assistant's license expired on June 30, 2013, and for the period beginning on or about July 1, 2013, and continuing until on or about April 7, 2015, he: practiced without a valid physician assistant's license at the Practice; and represented himself as a physician assistant to patients at the Practice. In addition, the Respondent did not submit a Delegation Agreement to the Board for the period from December 2012 through July 1, 2015, for the Practice; and did not maintain a Delegation Agreement for the period from December 2012 through July 1, 2015, for the Practice.

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 and COMAR: Health Occ. II § 15-314(a)(3), Is guilty of: (ii) Unprofessional conduct in the practice of medicine; Health Occ. II § 15-401(a), Practiced as a physician assistant without a license; Health Occ. II § 15-402(a) and (b), Used the title, "physician assistant" without being licensed in this State; and COMAR 10.32.03.10.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by a majority of the quorum of the Board considering this case:

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

ORDERED that within **SIX (6) MONTHS** of the date Panel B executes this Consent Order, the Respondent shall pay a monetary fine in the amount of **TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00)** by bank certified check or money order, made payable to the Maryland Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297; 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).

01/12/2016
Date

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

CONSENT

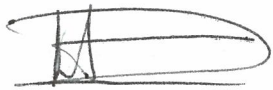
I, Lincoln K. Dover, PA-C, acknowledge that I have been apprised of my right to counsel and have knowingly and voluntarily agreed to proceed without counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to 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.

01/08/16
Date



Lincoln K. Dover, PA-C
Respondent


NOTARY

STATE OF Maryland

CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 8th day of January, 2016, before me, a Notary Public of the foregoing State and City/County, personally appeared Lincoln K. Dover, PA-C, 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 notary seal.



Notary Public

GIULIANA J. AGREDA
Notary Public-Maryland
Montgomery County
My Commission Expires
February 12, 2017

My commission expires: 2/12/2017