

IN THE MATTER OF

TASHA M. ANDERSON, PA-C

Respondent

License Number: C05296

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BEFORE THE

MARYLAND STATE

BOARD OF PHYSICIANS

Case Number: 2015-0771B

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CONSENT ORDER

PROCEDURAL BACKGROUND

On August 11, 2015, Disciplinary Panel B of the Maryland State Board of Physicians (the "Board") charged **TASHA M. ANDERSON, PA-C** (the "Respondent"), License Number C05296, under the Maryland Physician Assistants Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") §§ 15-101 *et seq.* (2014 Repl. Vol.)

Disciplinary Panel B charged the Respondent with violating the following provisions of the Act under Health Occ. II § 15-314:

- (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:
 - (2) Fraudulently or deceptively uses a license;
 - (3) Is guilty of: (ii) unprofessional conduct in the practice of medicine;
 - (8) Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article; [and/or]
 - (11) Willfully makes or files a false report or record in the practice of medicine[.]

On November 18, 2015, the Respondent appeared before Disciplinary Panel B. As a result of negotiations occurring before Disciplinary Panel B, the Respondent agreed to enter into the following Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order, Consent and Notary.

FINDINGS OF FACT

Disciplinary Panel B makes the following Findings of Fact:

I. BACKGROUND/LICENSING INFORMATION

1. At all times relevant hereto, the Respondent was licensed to practice as a physician assistant in the State of Maryland. The Respondent was initially licensed to practice as a physician assistant in Maryland on January 2, 2014, under License Number C05296. The Respondent's license is active through June 30, 2017.

2. At all times relevant hereto, the Respondent practiced as a physician assistant at a health care facility ("Facility A")¹ that is located in the State of Maryland.

3. On August 11, 2015, Disciplinary Panel B issued an Order for Summary Suspension pursuant to Md. Code Ann., State Gov't II § 10-226(c)(2)(2014 Repl. Vol.), in which it summarily suspended the Respondent's license, concluding that the public health, safety or welfare imperatively required emergency action in this case,

II. THE COMPLAINT

1. Disciplinary Panel B initiated an investigation of the Respondent after receiving a Mandated 10-Day Report, dated April 27, 2015, from Facility A. Facility

¹ In order to maintain confidentiality, the names of health care facilities, health care providers, pharmacies or individuals referenced herein have not be disclosed in this Consent Order. The Respondent is aware of the identity of all health care facilities, health care providers, pharmacies and individuals referenced herein.

A reported that it conducted an investigation of the Respondent's workplace actions and determined that she "was writing prescriptions for herself and was using another provider's log on to write additional prescriptions for herself." Facility A reported that after conducting this investigation, it terminated the Respondent's employment, effective April 27, 2015, and terminated her privileges at Facility A and another facility, Facility B.

2. Facility A submitted a follow-up report, dated April 30, 2015, in which it reported that it performed a drug test on the Respondent prior to her termination, which was "positive."

III. BOARD INVESTIGATIVE FINDINGS

1. The Board's investigation determined that the Respondent, while working in her capacity as a physician assistant at Facility A, electronically wrote approximately 17 prescriptions in the names of various staff providers at Facility A for Percocet 5/APAP 325 mg (an opioid medication and Schedule II controlled dangerous substance),² without their authorization, permission or consent, and filled the prescriptions at area pharmacies. The Respondent wrote the prescriptions, which were typically for 60 pills each, at approximately two-week intervals, from October 2014, to April 2015. The Respondent was not a patient or under the care of any of any of the providers in whose names she wrote the prescriptions.

2. The Respondent wrote the following unauthorized prescriptions:

DATE PRESCRIBED	NAME OF DRUG	QUANTITY	PROVIDER
10/15/2014	oxycodone-acetaminophen 5-325	50	A
11/17/2014	oxycodone-acetaminophen 5-325	50	B

² Percocet is a trade name for a medication that contains oxycodone and acetaminophen.

11/21/2014	oxycodone-acetaminophen 5-325	60	C
11/21/2014	oxycodone-acetaminophen 5-325	60	A
12/1/2014	oxycodone-acetaminophen 5-325	60	D
12/12/2014	oxycodone-acetaminophen 5-325	60	C
12/31/2014	oxycodone-acetaminophen 5-325	60	E
1/16/2015	oxycodone-acetaminophen 5-325	60	A
1/21/2015	oxycodone-acetaminophen 5-325	60	F
2/5/2015	oxycodone-acetaminophen 5-325	60	G
2/20/2015	oxycodone-acetaminophen 5-325	60	D
3/4/2015	oxycodone-acetaminophen 5-325	60	H
3/16/2015	oxycodone-acetaminophen 5-325	60	G
3/16/2015	oxycodone-acetaminophen 5-325	60	B
4/6/2015	oxycodone-acetaminophen 5-325	60	I
4/17/2015	oxycodone-acetaminophen 5-325	60	A
4/23/2015	oxycodone-acetaminophen 5-325	60	A

3. Facility A confronted the Respondent with its investigative findings, to which the Respondent admitted. Prior to terminating the Respondent's employment, Facility A ordered that the Respondent undergo toxicology screening to test for usage of various licit and illicit drugs. The Respondent tested positive for marijuana only. Despite writing and filling numerous prescriptions for opioid medications, the Respondent tested negative for opiates, including codeine, hydrocodone, hydromorphone, morphine, oxycodone and oxymorphone.

4. After receiving this information, Board investigators contacted the Respondent to interview her about her actions at Facility A. In response, the Respondent submitted a letter to the Board, received on or about June 22, 2015, in which she stated, "I look forward to being able to begin to explain why I made such a huge mistake . . ."

5. Board investigators conducted an under-oath interview of the Respondent on June 30, 2015. In her interview, the Respondent was presented with copies of some of the prescriptions Facility A provided. In response, the Respondent admitted that she used other providers' computers at Facility A to write prescriptions for opioid medications in their names for herself, without their authorization, permission or consent. The Respondent stated that she impermissibly wrote "maybe about seven or eight" prescriptions in this manner. The Respondent admitted to signing the names of the providers, without their authorization, permission or consent, and filling the prescriptions at area pharmacies. The Respondent claimed that she used the medications for anxiety. The Respondent also admitted that she had used marijuana before the toxicology screening at Facility A.

IV. DISCIPLINARY PANEL FINDINGS

1. The Respondent's conduct, as described above, constitutes a violation of the following provisions of the Act: Health Occ. II § 15-314(a)(2), Fraudulently or deceptively uses a license; Health Occ. II § 15-314(a)(3), Is guilty of: (ii) Unprofessional conduct in the practice of medicine; Health Occ. II § 15-314(a)(8), Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as

defined in § 5-101 of the Criminal Law Article; and Health Occ. II § 15-314(a)(11), Willfully makes or files a false report or record in the practice of medicine.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Disciplinary Panel B finds as a matter of law that the Respondent violated the following provisions of the Act: Health Occ. II § 15-314(a)(2), Fraudulently or deceptively uses a license; Health Occ. II § 15-314(a)(3), Is guilty of: (ii) Unprofessional conduct in the practice of medicine; Health Occ. II § 15-314(a)(8), Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article; and Health Occ. II § 15-314(a)(11), Willfully makes or files a false report or record in the practice of medicine.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is, by a majority of the quorum of Disciplinary Panel B considering this case:

ORDERED that the Order for Summary Suspension, dated August 11, 2015, is hereby **TERMINATED**; and it is further

ORDERED that the Respondent's license to practice as a physician assistant in the State of Maryland is hereby **SUSPENDED**, to commence on the date Disciplinary Panel B executes this Consent Order, and continuing until such suspension is administratively lifted on April 1, 2016 so long as she successfully complies with the following terms and conditions:

1. No later than ten (10) business days of the date Disciplinary Panel B executes this Consent Order, the Respondent shall enroll in the Maryland Professional

Rehabilitation Program (the "MPRP") for the purpose of entering into a Rehabilitation Agreement that will be monitored by Disciplinary Panel B.

2. The Respondent shall fully, timely, and satisfactorily cooperate and comply with all MPRP recommendations and requirements, including but not limited to, the terms and conditions of all Rehabilitation Agreement(s) and Rehabilitation Plan(s) entered into with the MPRP, any evaluations and treatment recommended by the MPRP, complete abstinence, weekly random monitored toxicology screens as required by the MPRP, self-help fellowship meetings and in-patient substance abuse treatment if recommended by the MPRP.

3. The Respondent shall sign any written release/consent forms, and update them, as required by Disciplinary Panel B and the MPRP. Specifically, the Respondent shall sign any written release/consent forms required by Disciplinary Panel B and the MPRP, to authorize the MPRP to make verbal and written disclosures to Disciplinary Panel B of any and all MPRP records and files, including disclosure of evaluation and treatment reports from the MPRP's agents and confidential drug and alcohol abuse information about the Respondent. The Respondent shall also sign any written release/consent forms required by the MPRP to authorize the MPRP to exchange with (*i.e.*, disclose to and receive from) outside entities (including all of the Respondent's current therapists and treatment providers) verbal and written information about her, including confidential drug and alcohol abuse information.

4. For the entire duration of the **SUSPENSION PERIOD** and the Rehabilitation Agreement with the MPRP, the Respondent shall abstain completely from the ingestion of alcohol, controlled dangerous substances ("CDS"), narcotics, cocaine,

or other mood-altering substances unless she is a *bona fide* patient of a license health care provider who has been provided a copy of this Consent Order.

5. No later than nine (9) months of the date Disciplinary Panel B executes this Consent Order, the Respondent shall successfully complete, at her own expense, a Disciplinary Panel B-approved course of extensive duration in medical ethics. The Respondent shall enroll in this course no later than three (3) months of the date Disciplinary Panel B executes this Consent Order. The Respondent shall submit to Disciplinary Panel B written documentation regarding the particular course she proposes to fulfill this condition. Disciplinary Panel B reserves the right to require the Respondent to provide further information regarding the course she proposes, and further reserves the right to reject her proposed course and require submission of an alternative course proposal. The Respondent understands and agrees that Disciplinary Panel B reserves the right to approve the course only if it determines that the curriculum and the duration of the course are adequate to address its concerns. The Respondent understands and agrees that she shall be solely responsible for providing timely, written documentation to Disciplinary Panel B of whether she successfully completed the course.

6. A violation of any of the requirements in the preceding paragraphs and/or a conviction, plea of guilty or *nolo contendere* to any criminal offense, other than a minor traffic violation, during the suspension period shall constitute a violation of suspension and a violation of this Consent Order and Disciplinary Panel B, in its discretion, after notice and opportunity for a hearing, may impose additional sanctions authorized under § 15-314 of the Maryland Physician Assistants Act, including

additional suspension, additional probation and/or permanent revocation of her PA license.

AND IT IS FURTHER ORDERED that if the Respondent complies in full with the above terms and conditions, and/or that Disciplinary Panel B receives no reports from MPRP or any other source(s) that the Respondent has engaged in possible violation(s) of this Consent Order or of the Act, Disciplinary Panel B shall administratively lift the **SUSPENSION OF LICENSURE** on April 1, 2016; and it is further

ORDERED that Disciplinary Panel B shall place the Respondent on probation for a minimum period of **FIVE (5) YEARS**, and until she fully and satisfactorily complies with the following requirements:

1. During the probationary period, the Respondent shall provide the names(s) of her employers (as a PA) to Disciplinary Panel B. The Respondent shall also provide a copy of this Consent Order and any subsequent orders to all supervising or alternate supervising physicians and to all employers (as a PA).

2. The Respondent shall remain in the MPRP and continue in a Board-monitored Rehabilitation Agreement for the length of time recommended by the MPRP, to the extent that the duration of the Respondent's Rehabilitation Agreement with the MPRP parallels the probationary period. The Respondent shall fully, timely, and satisfactorily cooperate and comply with all MPRP recommendations and requirements, including but not limited to, the terms and conditions of any Rehabilitation Agreement(s) and Rehabilitation Plan(s) entered into with the MPRP, any evaluations and treatment recommended by the MPRP, complete abstinence, random monitored toxicology

screens as required by the MPRP, self-help fellowship meetings and in-patient substance abuse treatment if recommended by the MPRP.

3. The Respondent shall sign any written release/consent forms, and update them, as required by Disciplinary Panel B or the MPRP. Specifically, the Respondent shall sign any written release/consent forms as required by Disciplinary Panel B to authorize the MPRP to make verbal and written disclosures to Disciplinary Panel B, of any and all MPRP records and files, including disclosure of evaluation and treatment reports from the MPRP's agents and confidential drug and alcohol abuse information about the Respondent. The Respondent shall also sign any written release/consent forms required by the MPRP to authorize the MPRP to exchange with (*i.e.*, disclose to and receive from) outside entities (including all of the Respondent's current therapists and treatment providers) verbal and written information about her, including confidential drug and alcohol abuse information.

4. Disciplinary Panel B authorizes the MPRP to access the relevant prescribing data concerning the Respondent from the Chesapeake Regional Information System for our Patients ("CRISP") and the Prescription Drug Monitoring Program ("PDMP"). Such data will be included in the MPRP reports to the Panel.

5. For the entire duration of the probationary period, the Respondent shall abstain completely from the ingestion of alcohol, CDS, any narcotics, cocaine, or other mood-altering substances unless she is a *bona fide* patient of a license health care provider who has been provided a copy of this Consent Order.

6. A violation of any of the requirements in the preceding paragraphs and/or a conviction, plea of guilty or *nolo contendere* to any criminal offense, other than a

minor traffic violation, during the probationary period shall constitute a violation of probation and a violation of this Consent Order and Disciplinary Panel B, in its discretion, after notice and opportunity for a hearing, may impose additional sanctions authorized under § 15-314 of the Physician Assistants Act, including additional suspension, additional probation and/or permanent revocation of her PA license.

7. The Respondent shall comply with the Maryland Physician Assistants Act and all laws, statutes and regulations pertaining to the practice of being a PA.

AND IT IS FURTHER ORDERED that no earlier than **FIVE (5) YEARS** from the date the suspension of the Respondent's PA license is lifted, the Respondent may submit a written petition to Disciplinary Panel B requesting termination of probation, but only if she has fully and satisfactorily complied with the requirements set forth in the preceding paragraphs and there are no pending complaints against her; and it is further

ORDERED that any violation of the terms and conditions of this Consent Order shall be deemed a violation of this Consent Order; and it is further


ORDERED that if the Respondent violates any of the terms and conditions of this probation and/or this Consent Order, Disciplinary Panel B, in its discretion, after notice and an opportunity for an evidentiary hearing before the Office of Administrative Hearings if there is a genuine dispute as to the underlying material facts, or an opportunity for a show cause hearing before Disciplinary Panel B otherwise, may impose any sanction that Disciplinary Panel B may have imposed in this case under § 15-314 of the Maryland Physician Assistants Act, including a reprimand, probation, suspension, and/or revocation, said violation being proved by a preponderance of the evidence; and it is further

ORDERED that the Respondent shall not petition Disciplinary Panel B for early termination of her probation and/or the conditions of this Consent Order; 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. Code Ann., General Provisions §§ 4-101 *et seq.* (2014).

12/03/2015
Date


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

CONSENT

I, Tasha M. Anderson, PA-C, 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, Conclusions of Law and Order.

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 Disciplinary Panel B 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 Disciplinary Panel A 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.

11/25/15
Date

Tasha M. Anderson
Tasha M. Anderson, PA-C
Respondent

Read and approved:

Carolyn Jacobs
Carolyn Jacobs, Esquire
Counsel for Ms. Anderson

NOTARY

STATE OF MD

CITY/COUNTY OF: BALTIMORE

I HEREBY CERTIFY that on this 25th day of NOVEMBER, 2015, before me, a Notary Public of the State and County aforesaid, personally appeared Tasha M. Anderson, PA-C, 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.

James Grimm
Notary Public

My commission expires: 08/17/2018

JAMES GRIMM
NOTARY PUBLIC OF THE STATE OF MARYLAND
BALTIMORE COUNTY
COMMISSION EXPIRES: AUGUST 17, 2018