

IN THE MATTER OF

BYUNG HWAN AHN, M.D.

Respondent

License Number: D16574

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BEFORE THE

MARYLAND STATE

BOARD OF PHYSICIANS

Case Number: 2013-0908

\* \* \* \* \*

CONSENT ORDER

Disciplinary Panel A ("Panel A") of the Maryland State Board of Physicians (the "Board") charged Byung Hwan Ahn, M.D. (the "Respondent"), License Number D16574, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("H.O.") §§ 14-101 *et seq.* (2014 Repl. Vol.).

The pertinent provisions of the Act provide as follows:

**§ 14-404. Denials, reprimands, probations, suspensions, and revocations – Grounds.**

(a) *In general.* Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel of the Board, 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:

...  
(22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State;

...  
(40) Fails to maintain adequate medical records as determined by appropriate peer review[.]

Prior to the issuance of a charging document, the Respondent agreed to enter into the following Consent Order, consisting of Findings of Fact, Conclusion of Law, Order and Consent.

## **FINDINGS OF FACT**

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in Maryland. The Respondent was initially licensed to practice medicine in Maryland on May 16, 1974. His license is scheduled to expire on September 30, 2016. The Respondent holds inactive licenses in Pennsylvania and Vermont.
2. The Respondent is board-certified in general psychiatry.
3. On or about May 30, 2013, Panel A received a complaint alleging that the Respondent was prescribing Xanax<sup>1</sup> and other Controlled Dangerous Substances ("CDS") in excessive quantities. The complainant further alleged that the Respondent was prescribing Xanax to substance abuse patients.
4. Panel A initiated an investigation of the Respondent's current prescribing practices, including a peer review of six patient records. Pertinent findings of the investigation are set forth below.

### **Summary of Peer Review Findings**

5. The peer reviewers concurred that the Respondent failed to meet the standard of quality care in his treatment of two of the six patients whose records were reviewed and failed to maintain adequate medical records in one patient record.
6. Specifically, the peer reviewers found that the Respondent prescribed Xanax and other benzodiazepines in excess of recommended dosages to the patients, both of whom had a history of substance abuse. In one instance, the Respondent prescribed anti-psychotic medication based on a consultation with a colleague; however, the Respondent failed to titrate the medication to a therapeutic dosage,

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<sup>1</sup> Xanax, a benzodiazepine, is a Schedule IV CDS.

failed to document ongoing psychosis and failed to regularly reassess the patient's psychotic symptoms.

### **CONCLUSIONS OF LAW**

The Respondent's conduct, in whole or in part, constitutes failure to meet the standard of care for delivery of quality medical services, in violation of H.O. § 14-404(a)(22), and failure to maintain adequate medical records, in violation of H.O. § 14-404(a)(40).

### **ORDER**

Based on the foregoing Findings of Fact and Conclusion of Law, it is, by Disciplinary Panel A, hereby

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

**ORDERED** that the Respondent shall be placed on probation for a minimum of one year from the date of this Consent Order; and it is further

**ORDERED** that as a condition of probation, the Respondent shall successfully complete a Board-approved course in prescribing CDS. The course will not count towards the Continuing Medical Education credits necessary for continued medical licensure; and it is further

**ORDERED** that as a condition of probation, the Respondent shall successfully complete a Board-approved course in medical documentation. The course will not count towards the Continuing Medical Education credits necessary for continued medical licensure; and it is further



**ORDERED** The Respondent shall comply with the Maryland Medical Practice Act and all laws and regulations applicable to the practice of medicine in Maryland; and it is further

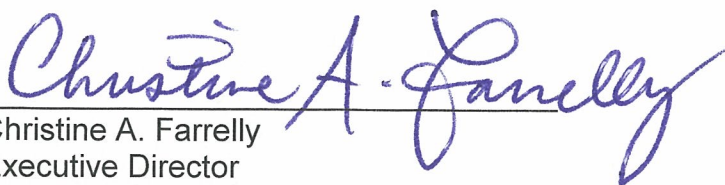
**ORDERED** that the Respondent's failure to comply with any of the conditions of this Consent Order, shall be considered a violation of probation and a violation of this Consent Order; and it further

**ORDERED** that if the Respondent violates any of the terms and conditions of this Consent Order, Panel A, after notice and an opportunity for an evidentiary hearing before an Administrative Law Judge at 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 a Panel of the Board, may impose any other disciplinary sanction for with the Board may have imposed, including a reprimand, probation, suspension, revocation and/or monetary fine, said violation being proven by a preponderance of the evidence; and it is further

**ORDERED** that the Respondent is responsible for all costs associated with the Consent Order; and it is further

**ORDERED** that the Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., General Provisions, §§ 4-101 *et seq.* (2014).

11/06/2015  
Date

  
Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians

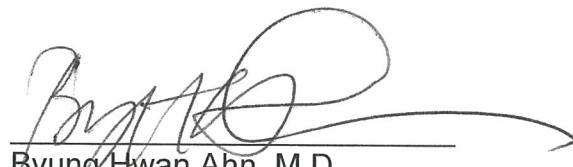
### CONSENT

I, Byung Hwan Ahn, M.D., acknowledge that I am represented by counsel and have consulted with 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 after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of the Consent Order.

11/4/2015  
Date

  
Byung Hwan Ahn, M.D.,  
Respondent

**NOTARY**

STATE OF MARYLAND

CITY/COUNTY OF HOWARD

I HEREBY CERTIFY that on this 4 day of NOV. 2015, before me,  
a Notary Public of the foregoing State and City/County, personally appeared Byung  
Hwan Ahn, M.D., 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: DAVID A. MARKS  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires April 16, 2019