

IN THE MATTER OF

RODNEY L. ELLIS, M.D.

Respondent

License Number: D21326

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BEFORE THE

MARYLAND STATE

BOARD OF PHYSICIANS

Case Number: 2016-0129B

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CONSENT ORDER

PROCEDURAL BACKGROUND

On May 25, 2016, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") voted to charge **RODNEY L. ELLIS, M.D.** (the "Respondent"), License Number D21326, with violating the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") §§ 14-101 *et seq.* (2014 Repl. Vol.).

Specifically, Panel B voted to charge the Respondent with violating the following provision of the Act under Health Occ. II § 14-404:

- (a) *In general.* -- Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspended or revoke a license if the licensee:

- (28) Fails to comply with the provisions of § 12-102 of this article[.]

Md. Health Occ. II § 12-102 provides:

- (c) *Preparing of prescriptions by licensed dentist, veterinarian, physician, etc.; exception:*

...

- (2) This title does not prohibit:

...

- (ii) A licensed dentist, physician, or podiatrist from personally preparing and dispensing the dentist's, physician's, or podiatrist's prescriptions when:
 - 1. The dentist, physician, or podiatrist:
 - A. Has applied to the board of licensure in this State which licensed the dentist, physician, or podiatrist;
 - ...
 - C. Has received a written permit from that board to dispense prescription drugs or devices except that a written permit is not required in order to dispense starter dosages or samples with charge[.]

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

Panel B of the Board makes the following Findings of Fact:

BACKGROUND/LICENSING INFORMATION

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on or about September 27, 1977, under License Number D21326. The Respondent's license is active and current through September 30, 2016.

2. The Respondent is board-certified in internal medicine and at all times relevant hereto, maintained a medical office in Lanham, Maryland.

3. On or about October 5, 2009, the Board issued the Respondent a dispensing permit under permit # 2108. On or about October 4, 2014, the Respondent's

dispensing permit expired. The Respondent did not file a timely renewal of his dispensing permit.

4. On or about November 19, 2015, the Respondent applied to the Board to renew his dispensing permit, which the Board issued, effective November 19, 2015.

THE COMPLAINT

5. The Board initiated an investigation of the Respondent after reviewing a complaint, dated August 24, 2015, from an inspector (the "Complainant") from the Maryland Division of Drug Control. The Complainant reported that on July 17, 2015, he/she conducted a routine dispensing inspection of the Respondent's medical office in Lanham, Maryland, during which time he/she determined that the Respondent's dispensing permit had expired on October 4, 2014. The Complainant stated that he/she brought this issue to the Respondent's attention, whereupon the Respondent stated that he would renew his dispensing permit immediately.

6. The Complainant stated that he/she subsequently contacted a Board representative to determine if the Respondent renewed his dispensing permit, and was informed that the Respondent had not renewed it. The Complainant stated that because of this, the Respondent was continuing to dispense prescription drugs from his office without a valid dispensing permit.

BOARD INVESTIGATIVE FINDINGS

7. After receiving the above complaint, a Board representative contacted the Respondent regarding the status of his dispensing permit. By letter dated October 24, 2015, the Respondent acknowledged that he continued to dispense prescription drugs from his office after his dispensing permit expired in October 2014. The Respondent

reported that he dispensed bariatric medications including phentermine and phendimetrazine.¹

8. The Respondent further stated that when the Complainant informed him that his dispensing permit had expired, he stopped dispensing prescription medications and attempted to renew his dispensing permit. The Respondent stated that instead of renewing his dispensing permit, he mistakenly renewed his State Controlled Dangerous Substances ("CDS") registration. The Respondent stated that after he renewed his State CDS registration, he resumed dispensing prescription medications from his office, without having a valid dispensing permit. The Respondent agreed not to dispense any further prescription drugs from his office until his dispensing permit was reinstated.

9. The Board's investigation determined that the Respondent dispensed prescription medications, including phentermine and phendimetrazine, from his office after his dispensing permit expired on October 4, 2014, and that he continued to do so until at least October 24, 2015.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Respondent violated the following provision of the Act: Health Occ. II § 14-404(a)(28), Fails to comply with the provisions of § 12-102 of this article.

ORDER

It is, on the affirmative vote of a majority of the quorum of Panel B, hereby:

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

ORDERED that within **SIX (6) MONTHS**, the Respondent shall pay a civil fine in the amount of **ONE THOUSAND AND FIFTY DOLLARS (\$1,050.00)**, by money order

¹ Phentermine and phendimetrazine are controlled dangerous substances.

or bank certified check, made payable to the Maryland Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297; and it is further

ORDERED that if the Board or Panel B determines, after notice and an opportunity for a hearing before an Administrative Law Judge of the Office of Administrative Hearings if there is a genuine dispute as to a material fact or a show cause hearing before the Board or Panel B if there is no genuine dispute as to a material fact, that the Respondent has failed to comply with any term or condition of this Consent Order, the Board or Panel B may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice medicine in Maryland. The Board or Panel B may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; 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).

06/21/2016
Date

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

CONSENT

I, Rodney L. Ellis, M.D., 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.

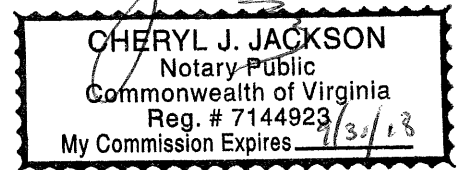
I sign this Consent Order, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

6/16/16
Date

Rodney L. Ellis
Rodney L. Ellis, M.D.
Respondent

NOTARY

STATE OF MARYLAND Virginia
CITY/COUNTY OF Arlington



I HEREBY CERTIFY that on this 16th day of JUNE, 2016, before me, a Notary Public of the foregoing State and City/County personally appear Rodney L. Ellis, 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 notary seal.



Notary Public

My commission expires: 9/30/18