

IN THE MATTER OF  
JOHN K. YACOUB, M.D.

Respondent

License Number: D30010

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\* BEFORE THE  
\* MARYLAND STATE  
\* BOARD OF PHYSICIANS

Case Number: 2013-0427

\* \* \* \* \*

**CEASE AND DESIST ORDER**

Pursuant to the authority granted to the Maryland State Board of Physicians (“Board”) under Md. Health Occ. Code Ann. (“H.O.”) § 14-206(e)(2)(2013), the Board hereby orders John K. Yacoub, M.D. (the “Respondent”) to immediately **Cease and Desist** from prescribing any and all Controlled Dangerous Substances (“CDS”) and to immediately **Cease and Desist** from performing any and all medical and surgical procedures.

**INVESTIGATIVE FINDINGS<sup>1</sup>**

Based on investigatory information received by, made known to, and available to the Board, the Board has reason to believe that the following facts are true:

1. At all times relevant hereto, the Respondent is and was licensed to practice medicine in the State of Maryland.
2. The Respondent is board-certified in Obstetrics and Gynecology.
3. The Respondent practiced gynecology and gynecologic surgery at Hospital A<sup>2</sup> and held privileges at Hospital B. The Respondent also ran a weight loss program and a drug detoxification program from his office at Hospital A.

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<sup>1</sup> The statements regarding the Respondent’s conduct are intended to provide the Respondent with notice of the basis of the Cease and Desist Order. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

<sup>2</sup> The names of individuals and facilities are confidential. They will be provided to the Respondent upon request.

4. In or around December 2012, the Board initiated an investigation of the Respondent after receiving from Hospital A a Report of Disciplinary Action ("Report"). The Report stated that the Respondent had been terminated from Hospital A as of November 28, 2012 for reasons including but not limited to the Respondent's failure to comply with standard protocols regarding the procurement, storage and dispensation of prescription drugs, including CDS.
5. The Respondent had ordered large quantities of CDS from a drug wholesaler and maintained the drugs in his office at Hospital A.
6. The Respondent does not have a dispensing permit.
7. Shortly before the Respondent was terminated, one of the Respondent's staff had taken photographs of multiple large bottles containing CDS that were located in the Respondent's office. The staff member provided the pictures to hospital administrators because she was concerned that the Respondent may have been selling CDS from his office.
8. On or around the date the Respondent was terminated from Hospital A, hospital administrators located a small quantity of CDS, but not were unable to locate the bottles pictured in the photographs taken by the Respondent's staff.
9. When interviewed under oath by Board staff, the Respondent stated that the drugs "somehow disappeared" from the date the pictures were taken to the date of his termination.
10. When interviewed under oath by Board staff, the Respondent initially stated that he did not use illicit drugs. The Respondent later stated that he had been in contact with cocaine on only one occasion, December 31, 2012.

11. The Board directed the Respondent to undergo toxicology screening on June 19, 2013 and August 27, 2013. The Respondent rescheduled the June 19 screening without Board staff's knowledge or permission to June 20, 2013.
12. The results of analysis of the Respondent's hair on both screens were positive for cocaine. The results indicate that the Respondent ingested cocaine within a 90 day period prior to collection. Contact with cocaine on December 31, 2012 as asserted by the Respondent would not have caused the positive results.
13. The Respondent is currently under investigation by the U.S. Drug Enforcement Administration ("DEA").
14. The investigation revealed that approximately four years ago, the Respondent began mailing Schedule III CDS to a female patient ("Patient 1") who resides in a state other than Maryland.
15. Patient 1 and the Respondent have a sexual relationship.
16. The Respondent's provision of CDS to Patient 1 was without legitimate medical purpose.
17. Approximately two years ago, the Respondent began prescribing quantities of various Schedule II and III CDS to Patient 1 at her specific request. The Respondent also prescribed CDS to a second female patient ("Patient 2") and others to be filled for Patient 1.
18. The Respondent's prescribing of CDS to Patient 1 and others on her behalf was without legitimate medical purpose.

19. On September 23, 2013, DEA agents executed a federal search and seizure warrant of the Respondent's home. Patient 1 was present in the Respondent's home when the search began.
20. Patient 1 told DEA agents that all the CDS in her room were provided to her by the Respondent. Some of the bottles bore labels with patient names other than Patient 1's name.
21. DEA agents found on the Respondent's kitchen table residue of a substance that was identified as cocaine.
22. The Respondent arrived at his home at approximately 11:42 a.m. The Respondent had been assisting in a gynecological surgical procedure at Hospital B immediately before his arrival.
23. The Respondent told DEA agents that he had snorted cocaine off the kitchen table the prior evening. The Respondent acknowledged that he provided CDS to Patient 1. The Respondent stated that he had seen Patient 1's need for CDS grow over the years and felt that he had let things go too far. The Respondent further stated that he was getting Patient 1 a supply of Suboxone to assist her in detoxification.
24. The Respondent stated that he knew what he was doing was not within the scope of accepted medical practice, but did not believe it was illegal.
25. In furtherance of its investigation, DEA agents searched the contents of Patient 1's telephone. Numerous text messages between the Respondent, Patient 1 and Patient 2 disclosed that the Respondent prescribed quantities of various CDS to

Patient 1 at her specific request and that Patient 2 assisted in obtaining the CDS as well as cocaine.

### **CONCLUSION OF LAW**

Based on the foregoing Investigative Findings, the Board concludes as a matter of law that the Respondent has taken action for which the Board has determined there is a preponderance of evidence for grounds for discipline under H.O. § 14-404 and that poses a serious risk to the health, safety and welfare of a patient.

### **ORDER**

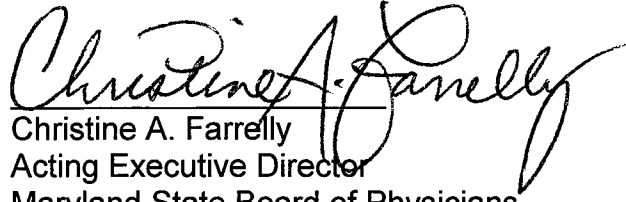
Based on the investigative findings and the Board's conclusion of law that the Respondent has taken action for which the Board has determined there is a preponderance of evidence for grounds for discipline under H.O. § 14-404 and that poses a serious risk to the health, safety and welfare of a patient, and pursuant to the Board's authority under Md. Health Occupations Code Ann. § 14-206(e)(2)(2013), it is hereby:

**ORDERED** that, pursuant to the authority vested by the Maryland Medical Practice Act, H.O. § 14-206(e)(2), the Respondent shall **IMMEDIATELY CEASE AND DESIST** from prescribing any and all CDS and; and it is further

**ORDERED** that the Respondent shall **IMMEDIATELY CEASE AND DESIST** from performing any and all medical or surgical procedures; and it is further

**ORDERED** that this is a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code  
Ann. § 10-611 *et seq.* (2009 Repl Vol.).

10/3/2013  
Date

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

**NOTICE OF OPPORTUNITY FOR A HEARING**

The Respondent may challenge the factual or legal basis of this Order by filing a written opposition within 30 days of its issuance. The written opposition should be made to: Christine Farrelly, Acting Executive Director, Maryland State Board of Physicians, 4201 Patterson Avenue, Baltimore, Maryland 21215, with a copy mailed to Victoria H. Pepper, Assistant Attorney General, Health Occupations Prosecution and Litigation Division, Office of the Attorney General, 300 West Preston Street, Suite 201, Baltimore, Maryland 21201. If the Respondent files a written opposition, the Board shall consider that opposition and shall provide a hearing, if requested. If the Respondent does not file a written opposition, the Respondent will lose the right to challenge the Order to Cease and Desist.