

IN THE MATTER OF	*	BEFORE THE BOARD OF PHYSICIAN
	*	
STEPHEN D. BROWN, M.D.	*	QUALITY ASSURANCE
	*	
LICENSE NUMBER: D38300	*	CASE NUMBER: 97-0756
	*	

CONSENT ORDER

BACKGROUND

The State of Maryland Board of Physician Quality Assurance (the "Board") voted to charge **Stephen D. Brown, M.D.**, (the "Respondent"), DOB 1/24/57, License Number D38300, with violation of the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. §14-404(a)(3) with respect to completion of continuing medical education credits as required by §14-316 and Code of Maryland Regulations ("COMAR") 10.32.01, on June 25, 1997.

The pertinent provision of H.O. §14-316 provides:

- (c) *Applications for renewal.*-- Before the license expires, the licensee periodically may renew it for an additional term, if the licensee:
 - (1) Otherwise is entitled to be licensed;
 - (2) Pays to the Board a renewal fee set by the Board; and
 - (3) Submits to the Board:
 - (i) A renewal application on the form that the Board requires; and
 - (ii) Satisfactory evidence of compliance with any continuing education requirements set under this section for license renewal.

The pertinent provisions of COMAR under 10.32.01 provide:

.08 Renewals

F. A licensee applying for renewal shall complete the continuing medical education requirements for each renewal period as defined in Regulation .09 of this chapter.

.09 Continuing Medical Education

A. The Board recognizes and accepts continuing medical education activities which serve to maintain, develop, or increase knowledge, skills, and professional performance and relationships that a physician uses to provide services for patients, the public, or the profession, and are within the basic medical sciences, the disciplines of clinical medicine, and the provision of health care to the public.

B. Requirements.

(1) A physician applying for renewal or reinstatement shall earn at least 50 credit hours of Category I CME during the 2-year period immediately preceding the licensee's submission of the renewal or reinstatement application.

(2) The Board shall recognize for Category I CME credit those activities which meet one of the following additional requirements for the activity:

(a) Be accredited as Category I by the ACCME;

(b) Be sponsored by an international, national, or state medical society, and meet the standards adopted by the ACCME;

(c) Be an accredited training program and have been attended by the applicant within the 2-year period immediately preceding the date of submission of the application, on the basis of either of the following:

(i) 1 year of full-time service earns 50 CME credit hours, and

(ii) Full-time service for a portion of a year earns 1 credit hour per week;

(d) Is a program of self-instruction to prepare for an approved specialty board certification or recertification examination under the American Board of Medical Specialties (ABMS) which occurs solely within the 2 years preceding the application for renewal or reinstatement, on the basis of 5 hours of study equals 1 hour of CME Category I credit up to a maximum of 10 credit hours.

C. On the application form for renewal or reinstatement, a physician

shall attest to the fact that the physician has completed the continuing medical education requirement.

D. Documentation of CME credits.

(1) The physician has the affirmative obligation to obtain the requisite documentation of CME attendance and retain this documentation for the succeeding 6 years for possible inspection by the Board.

(2) The required documentation of attendance at a CME program as described in §B(2) (a) and (b) of this regulation shall be a certificate or other documentation of attendance which shall:

(a) Contain at the minimum the:

(i) Program title,

(ii) Sponsor's name,

(iii) Physician's name,

(iv) Inclusive date or dates and location of the CME event,

(v) CME category designation and the number of designated or prescribed CME credit hours, and

(vi) Documented verification of successful completion by stamp, signature, hospital printout, or other official proof; and

(b) Demonstrate that the CME activity fell within the 2-year period immediately preceding submission of the renewal or reinstatement application by the licensee.

(3) The required documentation of attendance at an accredited residency or fellowship as described in §B(2) (c) of this regulation shall be a certificate or other form of documentation which shall contain at the minimum the:

(a) Program title;

(b) ACGME accredited sponsor's name and location;

(c) Physician's name;

(d) Inclusive dates of the residency or fellowship;

(e) Specialty area of residency or fellowship; and

(f) Documented verification of completion by the sponsor.

(4) The required documentation of self-instruction as described in §B(2) (d) of this regulation shall be a specialty certificate issued

by an ABMS-approved specialty board within the 2-year period immediately preceding the submission of a renewal or reinstatement application.

E. The Board shall apply the continuing medical education requirement to all renewal and reinstatement applications after the first renewal, or, in the case of an applicant who has never renewed, after initial licensure.

BACKGROUND

After discussions with Respondent and his attorney, and prior to filing formal charges, a Case Resolution Conference was held on September 17, 1997. As a result of the Case Resolution Conference, the proposed Consent Order was presented to the Board at its meeting on October 22, 1997. On the affirmative vote of its full authorized membership, the Board agreed to enter into the following Consent Order.

FINDINGS OF FACT

1. At all times relevant to these charges, the Respondent was and is a physician licensed to practice medicine in the State of Maryland. He was initially licensed in Maryland on April 25, 1989.

2. On or about August 1, 1996, the Board received an Application for Renewal of Medical License - Part A which was filed by Respondent. In this Application, Respondent affirmed that he had earned 50 hours of Category I continuing medical education during the two years preceding the application.

3. By letter dated February 6, 1997, the Customer Service

Center of the Board requested that Respondent provide documentation of his continuing medical education which would support his affirmation that he had earned 50 hours of Category I continuing medical education for the period of July 1, 1994, to June 30, 1996.

4. On March 7, 1997, the Customer Service Center of the Board received from Respondent a copy of his continuing medical education for the time period of July 1, 1994, to June 30, 1996. Respondent's records showed that he had 42.5 hours of continuing medical education.

5. By letter dated March 20, 1997, the Customer Service Center of the Board sent a second letter to Respondent requesting specific information involving documentation of his continuing medical education. The Board did not receive a response.

6. By letter dated April 10, 1997, the Customer Service Center of the Board sent a third letter to Respondent requesting specific information involving the documentation of his continuing medical education. The Board did not receive a response.

7. By letter dated May 13, 1997, Board staff notified Respondent that an investigation had been opened and requested a response within ten (10) days of receipt of the letter. The letter also notified Respondent that failure to have the required 50 hours of Category I continuing medical education is a violation of §14-316 and COMAR 10.32.01. Board staff received a response from Respondent on May 27, 1997. The response admitted

that only 42.5 hours of Category I continuing medical education was obtained.

8. Respondent's failure to provide documentation of 50 hours of Category I continuing medical education constitutes a failure to comply with the statute and regulations.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact there is clear and convincing evidence for a majority of the full authorized membership of the Board to conclude as a matter of law that the Respondent committed prohibited acts under §14-404(a)(3) with respect to completion of continuing medical education credits as required by §14-316 and COMAR 10.32.01.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 22nd day of October, 1997, by an affirmative vote of a majority of the full authorized membership of the Board considering this case

ORDERED that Respondent shall pay to the Board a fine of \$500.00. The check should be made payable to the "Maryland Board of Physician Quality Assurance" and shall be submitted to the Board within thirty (30) days of the effective date of the Order; and be it further

ORDERED that Respondent shall be subject to the following terms and conditions:

1. For the time period of July 1, 1996, to June 30, 1998, Respondent shall obtain the required 50 hours of Category I continuing medical education credits and 7.5 hours of Category I continuing medical education credits that were not obtained during the time period of July 1, 1994, to June 30, 1996.

2. Respondent shall attach verification of all continuing medical education credits to the 1998 renewal. Board staff will verify the continuing medical education credits attached to the 1998 renewal.

3. If the Board determines that the Respondent has violated the conditions of the Order, the Board may impose any additional disciplinary sanctions it deems appropriate; and be it further

ORDERED that this is a Final Order of the Board of Physician Quality Assurance and as such is a PUBLIC DOCUMENT pursuant to MD CODE ANN., STATE GOV'T Section 10-611 et seq. (Supp. 1994)

NOTICE OF RIGHT TO APPEAL

Pursuant to MD CODE ANN., HEALTH OCC. §14-408(b) (1994 Cum. Supp.), you have a right to take a direct judicial appeal. A petition for appeal shall be filed within thirty days from your receipt of this Final Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, MD CODE ANN., STATE GOV'T §§10-201 et seq., and Title 7, Chapter 200 of the Maryland Rules of Procedure.


Suresh C. Gupta, M.D.
Chair

10.22.97
Date

CONSENT

By this Consent, I hereby accept the conditions and agree to be bound by the foregoing order and its conditions and restrictions.

1. By this Consent, I submit to the foregoing order as a resolution of this matter. By signing this Consent, I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law. I submit to the foregoing order as a resolution of this case.

2. I acknowledge the validity of this order as if it were made after a hearing in which I would have had the right to counsel, to confront witnesses on my own behalf and to all other substantial procedural protections provided by law.

3. I recognize that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing. By this Consent, I waive all such rights.

4. I have been advised that I have an opportunity to consult legal counsel prior to signing this legal document.

5. I sign this order, without reservation, and I fully understand its meaning and effect.



Stephen D. Brown, M.D.

8/17/92

Date

STATE OF MARYLAND

Baltimore CITY/COUNTY

I HEREBY CERTIFY that on this 17th day of September,
1997, before me, a Notary Public of the State and City/County
aforesaid, personally appeared **Stephen D. Brown, M.D.** and made
oath in due form of law that the execution of the foregoing
Consent Order is his voluntary act and deed.

As witness my hand and notary seal.

Heather McLaughlin
Notary Seal

My Commission expires on 12-1-2000