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| **IN THE MATTER OF** | * | **BEFORE THE** |
| **KWASI A. DEBRA, M.D.** | * | **MARYLAND STATE** |
| **Respondent** | * | **BOARD OF PHYSICIANS** |
| **License Number: D40683** | * | **Case Number: 2007-0639** |

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## CONSENT ORDER

## PROCEDURAL BACKGROUND

On January 26, 2012, the Maryland State Board of Physicians (the "Board") charged Kwasi A. Debra, M.D. (the "Respondent") (D.O.B. 11/24/1957), License Number D40683, under the Maryland Medical Practice Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 14-101 *et seq.* (2005 and 2009 Repl. Vols. and 2011 Supp.).

Specifically, the Board charged the Respondent with violating the following provisions of the Act under H.O. § 14-404, which provide the following:

> (a) *In general.* -- Subject to the hearing provisions of § 14-405 of this subtitle, the Board, on the affirmative vote of a majority of the quorum, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:
>
> (3) Is guilty of: (ii) unprofessional conduct in the practice of medicine;[1]
>
> (11) Willfully makes or files a false report or record in the practice of medicine; [and]
>
> (40) Fails to keep adequate medical records as determined by appropriate peer review[.]

[1] Pursuant to Chapter 539, Acts 2007, effective June 1, 2007, H.O. § 14-404(a)(3) was rewritten. Prior to June 1, 2007, H.O. § 14-404(a)(3) stated as follows: Is guilty of immoral or unprofessional conduct in the practice of medicine.

On April 4, 2012, a Case Resolution Conference was convened in this matter. Based on negotiations occurring as a result of this Case Resolution Conference, the Respondent agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order, and Consent.

## FINDINGS OF FACT

The Board finds the following:

### BACKGROUND FINDINGS

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was originally licensed to practice medicine in Maryland on October 1, 1990, under License Number D40683. The Respondent's license is scheduled to expire on September 30, 2012.

2. The Respondent is board-certified in obstetrics and gynecology ("OB/GYN").

3. The Respondent practices at the following location: Ultima Care, 12220 Annapolis Road, Suite 123, Glen Dale, Maryland 20769.[2]

### The Complaint

4. The Board initiated an investigation of the Respondent after receiving a complaint (the "Complaint") about him from an investigator (the "Complainant")[3] of a national insurance company (the "Insurance Company").

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[2] Ultima Care's website advertises that it provides the following services: women's health; travel medicine; nutrition and weight loss; stress and wellness; and advanced body sculpting.

[3] To ensure confidentiality, the names of any patients or other individuals referenced herein, except the Respondent, are not identified in this Consent Order. The Respondent is aware of the identities of all individuals referenced herein.

5. The Complainant stated that two individuals (the "Patients"), a father ("Patient A") and son ("Patient B"), were injured in a low-impact automobile accident that was caused by an individual who was insured by the Insurance Company. The Patients were referred to Ultima Care for treatment of their injuries.

6. The Complainant stated that due to the extensive treatment the Patients received at Ultima Care, their claims were referred to the Insurance Company's Special Investigations Unit for investigation to determine if the care provided was excessive or unnecessary.

7. The Complainant stated that the Insurance Company's investigation raised questions about whether the Patients actually received physical therapy services at Ultima Care, as limited equipment was present and the physical therapist noted in the Patients' records did not appear to exist; and that the Respondent, who purportedly provided some of the physical therapy to these male patients, was an OB/GYN. The Complainant also reported that during the course of the Insurance Company's investigation, the Respondent verbally denied providing any treatment to the Patients and that it appeared that some of the medical records submitted were altered to reflect different physician names in order to avoid licensing issues.

8. The Complainant reported that the Respondent submitted records and billing invoices for physical therapy services including but not limited to hot/cold packs, "chiropractic spinal manipulative therapy" and massage, but that during an Insurance Company clinic inspection, the Respondent was unable to locate a heater for hot packs or a massage table.

9. The Complainant also reported that the Respondent's records indicate that physical therapy services were provided by a "Dr. Williams," but during the clinic inspection, the Respondent and his receptionist were unable to provide any information about this purported individual.

**Respondent's statements to the Board**

10. The Board requested that the Respondent provide a formal response to the Complaint. The Respondent provided two responses, dated November 28, 2008, and February 20, 2009. In these responses, the Respondent stated that he provided physical therapy to the Patients on multiple dates between March 21, 2005 and May 11, 2005, and released them from care on or about June 23, 2005.

11. The Respondent stated that at the request of the attorney representing the Patients, he provided typewritten summaries of care that summarized the care he provided to both individuals. The Respondent stated that because he believed the summaries needed to be signed by a board-certified internal medicine specialist, he signed the name of a colleague ("Physician A"). The Respondent claimed that he discussed the treatment he provided to the Patients with Physician A by telephone and signed Physician A's name to the summaries, purportedly with Physician A's consent, but admitted that at no time did Physician A personally evaluate or treat the Patients.

**Subsequent Board investigation**

12. Board investigators obtained the Respondent's medical records for the Patients and typewritten summaries of care the Respondent provided to the Patients' legal counsel. The care summaries state that Physician A was the "attending physician" for the Patients and that he examined and re-examined them on a periodic basis until

discharging them after they reached "maximum chiropractic improvement." The summaries state that Physician A performed various orthopedic and other tests on the Patients. The summaries for the Patients contain virtually identical language with respect to the musculoskeletal injuries they purportedly sustained, the treatments provided and final patient dispositions.[4]

13. Board investigators interviewed Physician A to determine his professional affiliation with the Respondent and whether he had any involvement in the treatment provided to the Patients. Physician A stated that he was professionally affiliated with the Respondent for two-to-three months in 2003, but that since that time he ceased having any further professional affiliation with him.

14. Physician A stated that he never treated the Patients and did not consult with anyone, including the Respondent, about any care they may have received. Physician A specifically stated that: the Respondent did not contact him about the Patients; he did not give the Respondent consent or permission to sign his name to their medical record entries or summaries; and he never reviewed their charts/summaries with the Respondent in person. Physician A stated that after Insurance Company representatives contacted him about his signature on the Patients' records, he contacted the Respondent, who admitted that he signed Physician A's name to the records without his consent or permission. Physician A stated that the Respondent admitted that he did so because he was an OB/GYN and "didn't want the insurance company to raise questions" about billing for providing services to the Patients.

[4] Patient A's summary additionally notes that he was referred for a cardiology consultation due to chest pains, palpitations and dizziness.

Physician A reviewed his signatures on the Respondent's records and classified them as forgeries.

**Expert review**

15. The Board referred this matter to Permedion, Inc. ("Permedion"), for a review. Permedion submitted its findings in or around August 2011. The reviewers found that the Respondent violated provisions of the Act.

16. The Board alleges that the Respondent violated the Act by signing Physician A's name to the patient summaries involving the Patients. The Respondent improperly signed Physician A's name to the patient summaries, despite the fact that Physician A did not examine either Patient or consult in any manner with the Respondent in the care the Respondent purportedly provided to them. The Respondent misrepresented that Physician A was the attending physician for the Patients, and examined/re-examined them during their purported treatment. Under these circumstances, the Respondent's unauthorized signature of Physician A's name to the patient summaries of the Patients and misrepresentations contained in those patient summaries of Physician A's purported involvement in their care constitutes unprofessional conduct in the practice of medicine, filing a false report or record in the practice of medicine, and/or failing to keep adequate medical records. The Respondent also violated the Act by misrepresenting that a "Dr. Williams" provided physical therapy services to the Patients.

17. The Respondent's actions, as described above, constitute, in whole or in part, a violation of one or more of the following provisions of the Act: unprofessional conduct in the practice of medicine, in violation of H.O. § 14-404(a)(3)(ii); willfully

making or filing a false report or record in the practice of medicine, in violation of H.O. § 14-404(a)(11); and/or fails to keep adequate medical records as determined by appropriate peer review, in violation of H.O. § 14-404(a)(40).

## CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated the following provisions of the Act: Is guilty of unprofessional conduct in the practice of medicine, in violation of H.O. § 14-404(a)(3)(ii); Willfully making or filing a false report or record in the practice of medicine, in violation of H.O. § 14-404(a)(11); and Fails to keep adequate medical records as determined by appropriate peer review, in violation of H.O. § 14-404(a)(40).

## ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 25th day of April, 2012, by an affirmative vote of a majority of a quorum of the Board considering this case:

**ORDERED** that the Respondent's medical license in the State of Maryland is **SUSPENDED** for a period of **THIRTY (30) DAYS**, to commence on the date the Board executes this Consent Order; and it is further

**ORDERED** that on the conclusion of the entire **thirty (30) day suspension** set forth above, the Respondent will be placed on **PROBATION** for a minimum period of **THREE (3) YEARS**, and continuing until he satisfactorily complies with the following terms and conditions:

1. Within **twenty-five (25) months** of the date the Board executes this Consent Order, the Respondent shall pay a civil fine to "The Maryland Board of Physicians," P.O. Box 37217, Baltimore, Maryland 21297, by certified check or money order, in the amount of twenty-five thousand ($25,000.00) dollars.

2. Within **six (6) months** of the termination of the suspension, the Respondent shall successfully complete a Board-approved, one-on-one tutorial in medical ethics. The Respondent shall enroll in this required course within **sixty (60) days** of the date the Board executes this Consent Order. The Respondent shall submit written documentation to the Board regarding the particular course he proposes to fulfill this condition. The Board reserves the right to require the Respondent to provide further information regarding the course he proposes, and further reserves the right to reject his proposed course and require submission of an alternative proposal. The Board will approve a course only if it deems the curriculum and the duration of the course adequate to satisfy its concerns. The Respondent shall be responsible for submitting written documentation to the Board of his successful completion of this course. The Respondent understands and agrees that he may not use this coursework to fulfill any requirements mandated for licensure renewal. The Respondent shall be solely responsible for furnishing the Board with adequate written verification that he has completed the course according to the terms set forth herein.

3. The Respondent is subject to a chart and/or peer review to be conducted by the Board or a Board designee.

4. The Respondent shall practice according to the Maryland Medical Practice Act and in accordance with all applicable laws, statutes, and regulations pertaining to the practice of medicine.

**AND IT IS FURTHER ORDERED** that after the conclusion of the entire **THREE (3) YEAR** period of **PROBATION,** the Respondent may file a written petition to the Board requesting termination of his probation. After consideration of his petition, the probation may be terminated through an order of the Board or designated Board committee. The Respondent may be required to appear before the Board or designated Board committee. The Board, or designated Board committee, will grant the termination if the Respondent has fully and satisfactorily complied with all of the probationary terms and conditions of this Consent Order, including the expiration of the **three (3) year** period of probation, and if there are no outstanding complaints related to the charges before the Board; and it is further

**ORDERED** that if the Respondent violates any of the terms or conditions of this Consent Order or of probation, the Board, in its discretion, after notice and an opportunity for a 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 the Board, may impose any other disciplinary sanctions the Board may have imposed, including a reprimand, probation, suspension, revocation and/or a monetary fine, said violation being proven by a preponderance of the evidence; and it is further

**ORDERED** that the Respondent shall not apply for early termination of probation; and it is further

**ORDERED** that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. State Gov't. Code Ann. §§ 10-611 *et seq.* (2009 Repl. Vol. and 2011 Supp.).

4-25-12
Date

Carole J. Catalfo
Executive Director
Maryland State Board of Physicians

## CONSENT

I, Kwasi A. Debra, M.D., 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 and Conclusions of Law.

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 the Board 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 the Board 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.

4/9/12
Date

Kwasi A. Debra, M.D.
Respondent

Read and approved:

4/9/12
Date

Catherine W. Steiner, Esquire
Counsel for Dr. Debra

**NOTARY**

**STATE OF** Maryland

**CITY/COUNTY OF:** Prince George's

**I HEREBY CERTIFY** that on this 9th day of April, 2012, before me, a Notary Public of the State and County aforesaid, personally appeared Kwasi A. Debra, M.D., and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

**AS WITNESS**, my hand and Notary Seal.

Notary Public

My commission expires: 12/09/13

DARYL HANNAH A. RODRIGUEZ
Notary Public-Maryland
Prince George's County
My Commission Expires
December 09, 2013