

IN THE MATTER OF

*

BEFORE THE

RICHARD Y. HINTON, M.D.

*

MARYLAND STATE

Respondent

*

BOARD OF PHYSICIANS

License Number: D50857

*

Case Number: 2013-0820

* * * * *

CONSENT ORDER

Disciplinary Panel A of the Maryland State Board of Physicians (the "Board") charged Richard Y. Hinton, M.D. (the "Respondent"), License Number D50857, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("H.O.") §§ 14-101 *et seq.* (2009 Repl. Vol. & 2013 Supp.).

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:

...
(3) Is guilty of:

...
(ii) Unprofessional conduct in the practice of medicine[.]

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 on July 5, 1996. His license is active through September 30, 2014.

2. The Respondent is board-certified in orthopedic surgery/orthopedic sports medicine.
3. In addition to practicing orthopaedic surgery and sports medicine in Baltimore, Maryland, the Respondent also was and is a sports team physician at a Baltimore area college ("College A")¹
4. The instant case arose when a separate Board investigation (Board Case Number 2013-0360) revealed that an athletic trainer at College A had forged the Respondent's name on several prescriptions for Controlled Dangerous Substances ("CDS").²
5. Thereafter, the Board received an allegation that the Respondent was leaving pre-signed prescription forms at the training room at College A. In furtherance of its investigation of this allegation, Board staff conducted an on-site visit of College A's team medical facility and interviewed the Respondent, among other individuals.
6. No evidence was found to substantiate the allegation that the Respondent had pre-signed prescription forms. When interviewed by Board staff, however, the Respondent acknowledged that on a few occasions he had pre-signed forms used to order durable medical equipment such as wrist splints and knee braces for individual patients.
7. The form, entitled "Patient Product Agreement and Rx"³ contains a statement above the physician signature line that states:

¹ The names of facilities and individuals are confidential.

² Case Number 2013-0360 was resolved when the athletic trainer submitted to the Board a permanent Letter of Surrender of his license to practice athletic training.

³ "Rx" is the commonly used abbreviation for prescription.

By my signature, I am prescribing the item listed below. In my judgment, the above-prescribed item is medically indicated and necessary and consistent with current accepted standards of medical practice and treatment of this patient's physical condition.

8. The Respondent stated that he pre-signed the forms only after having discussed the patient's need for the equipment on an individual basis with the athletic trainers and in order to facilitate a good working relationship with the trainers. The Respondent further stated that the training room would receive reimbursement for the medical equipment if the order was accompanied by a prescription.
9. When interviewed, the Respondent denied that he had ever pre-signed prescriptions for CDS for athletes at College A.
10. The Respondent stated that as a result of the Board's investigations, prescription pads and CDS are no longer retained at College A's training room.
11. The Respondent's pre-signing of "Patient Product Agreement and Rx" forms constitutes in whole or in part unprofessional conduct in the practice of medicine, in violation of H.O. § 14-404(a)(3)(ii).

CONCLUSION OF LAW

Based on the foregoing Findings of Fact, Disciplinary Panel A finds as a matter of law that the Respondent violated H.O. § 14-404(a)(3)(ii) – unprofessional conduct in the practice of medicine.

ORDER

Based on the foregoing Findings of Fact and Conclusion of Law, it is hereby **ORDERED** that the Respondent is **REPRIMANDED**; and it is further

ORDERED that the Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't § 10-611 *et. seq.* (2009 Repl. Vol. and 2013 Supp.).

6/19/14
Date

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

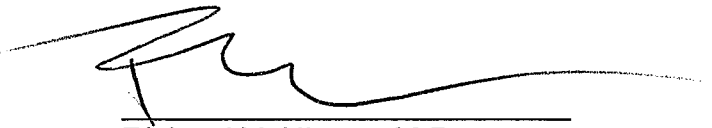
CONSENT

I, Richard Y. Hinton, 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.

6/18/2014
Date



Richard Y. Hinton, M.D.
Respondent

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Baltimore City

I HEREBY CERTIFY that on this 18th day of June 2014, before me,
a Notary Public of the foregoing State and City/County personally appeared Richard Y.
Hinton, 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.

Kathy M. Lind
Notary Public