

IN THE MATTER OF \* BEFORE THE MARYLAND  
MICHELLE ROBERTS-BORDEN, M.D. \* STATE BOARD OF  
Respondent \* PHYSICIANS  
License Number: D57730 \* Case Number: 2223-0020

\* \* \* \* \*

**CONSENT ORDER**

**PROCEDURAL BACKGROUND**

The Maryland Board of Physicians (the “Maryland Board”) received information that Michelle Roberts-Borden, MD, (the “Respondent”) License Number D57730, was disciplined by the Virginia Board of Medicine (the “Virginia Board”). In an Order dated August 5, 2022, the Virginia Board reprimanded the Respondent and required that the Respondent successfully complete five hours of continuing medical education on the subject of management of hypertensive disorders of pregnancy.

Based on the above referenced Virginia Board sanction, the Maryland Board has grounds to charge the Respondent with violating the following provisions of the Maryland Medical Practice Act (the “Act”), under H. O. § 14-404(a):

- (a) 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 suspend or revoke a license if the licensee:
  - (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veteran’s Administration for an act that would be grounds for disciplinary action under this section,

Disciplinary Panel B ("Panel B") has determined that the acts for which the Respondent was disciplined in Virginia would be grounds for disciplinary action under H.O. § 14-404(a).

The grounds for disciplinary action under H.O. § 14-404(a) are as follows:

- (22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State[.]

Based on the action taken by the Virginia Board, the Respondent agrees to enter into this Consent Order with Panel B, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order and Consent.

#### **FINDINGS OF FACT**

Panel B makes the following findings of fact:

1. At all times relevant hereto, the Respondent was a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed in Maryland on or about June 19, 2001.
2. The Virginia Board found that the Respondent failed to diagnose a patient who was 37 weeks four days gestation with blood pressures noted to be 130/90, 130/100 and 130/100 with gestational hypertension, add it to the problem list, document that the patient was now high-risk because of gestational hypertension, discuss same with the patient, or plan for immediate delivery.
3. By Order dated August 5, 2022, the Virginia Board reprimanded the Respondent and required that the Respondent successfully complete five hours of continuing medical education on the subject of management of hypertensive disorders of pregnancy.

A copy of the Virginia Board Order is attached hereto.

## CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Respondent is subject to discipline under Health Occ. § 14-404(a)(21) for the disciplinary action taken by the Virginia Board against the Respondent for an act or acts that would be grounds for disciplinary action under Health Occ. §14-404(a)(22).

### ORDER

It is, thus, by Panel B, hereby:

**ORDERED** that the Respondent be and is hereby **REPRIMANDED**; and it is further

**ORDERED** that the Respondent shall comply with the terms and conditions of the August 5, 2022 Order she entered into with the Virginia Board; and it is further

**ORDERED** that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board or her designee. The Executive Director or her designee signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order; and it is further

**ORDERED** that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

**ORDERED** that, if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If the disciplinary panel determines there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings followed by an exceptions process before a disciplinary panel; and if the disciplinary panel determines there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before a disciplinary panel; and it is further

**ORDERED** that, after the appropriate hearing, if the disciplinary panel determines that the Respondent has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend Respondent's license with appropriate terms and conditions, or revoke the Respondent's license. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine on the Respondent; and it is further

**ORDERED** that this Consent Order is a public document. *See* Health Occ. §§1-607, 14-411.1(b)(2) and Gen. Prov. §4-333(b)(6).

10/24/2022  
Date

## *Signature On File*

Christine A. Farrelly  
Executive Director  
Maryland Board of Physicians

### CONSENT

I, Michelle Roberts-Borden, MD, acknowledge that I am aware of my right to consult with and be represented by counsel in considering this Consent Order. I have chosen to proceed without counsel and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered 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 behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive

protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

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

# Signature On File

10/18/22  
Date

Michelle Roberts-Borden, MD  
Respondent

## NOTARY

STATE OF VA

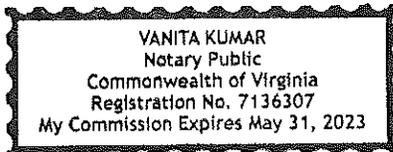
CITY/COUNTY OF LOUDOUN

I HEREBY CERTIFY that on this 18 day of Oct, 2022, before me, a Notary Public of the State and City/County aforesaid, personally Michelle Roberts-Borden, MD, and made oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS my hand and notarial seal.

Vanita Kumar  
Notary Public

My Commission expires: may 31, 2023



**BEFORE THE VIRGINIA BOARD OF MEDICINE**

**IN RE: MICHELLE YVONNE ROBERTS-BORDEN, M.D.**  
**License Number: 0101-231462**  
**Case Number: 205663**

DHP – MAILROOM

AUG 04 2022

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**CONSENT ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

The Virginia Board of Medicine (“Board”) and Michelle Yvonne Roberts-Borden, M.D., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Dr. Roberts-Borden’s license to practice medicine in the Commonwealth of Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Michelle Yvonne Roberts-Borden, M.D., was issued License Number 0101-231462 to practice medicine on June 19, 2001, which is scheduled to expire on February 29, 2024.
2. Dr. Roberts-Borden violated Virginia Code § 54.1-2915(3), (13), and (16) in her care and treatment of Patient A, a 26-year-old female whose first pregnancy was being co-managed by Dr. Roberts-Borden along with three other physicians and a nurse midwife in the same OB-GYN practice group<sup>1</sup>. Specifically:
  - a. Patient A first presented to the group practice on December 17, 2014, at which time her pregnancy was confirmed. The due date was estimated to be July 23, 2015.
  - b. Between January 21 and May 27, 2015, Patient A reported to the practice for routine visits, where she was seen primarily by the nurse midwife.

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<sup>1</sup> The practice group’s policy was to co-manage all pregnant patients throughout the pregnancy. Dr. Roberts was directly involved in Patient A’s care on July 6, July 9, and July 15, 2015. At all other times, Patient A was seen by the nurse midwife and the other physicians in the practice group.

c. On June 10, 2015, an examination of Patient A revealed the fundal height to be low. An ultrasound performed on June 11, 2015, showed that the fetus was small for its gestational age. These findings were documented in Patient A's medical record.

d. On June 24, 2015, Patient A reported to the nurse midwife that she had experienced heavy vaginal bleeding. The nurse midwife documented this event in the patient's record. Patient A was instructed to go to the hospital emergency department if the heavy bleeding continued. The bleeding continued but at a decreased level, and Patient A did not report to the hospital. On June 26, 2015, Patient A presented for her routine visit and reported experiencing bright red spotting that morning. The nurse midwife examined Patient A and documented finding brown discharge.

e. Dr. Roberts-Borden first saw Patient A on July 6, 2015, at 37 weeks four days gestation. Patient A's blood pressures that day were noted to be 130/90, 130/100 and 130/100. Dr. Roberts did not diagnose Patient A with gestational hypertension, add it to the problem list, document that Patient A was now a high-risk patient because of gestational hypertension, discuss same with the patient, or plan for immediate delivery. Instead, Dr. Roberts drew labs and discussed with Patient A that the plan was to have her blood pressure checked during her upcoming antenatal appointment on July 9, 2015 and told Patient A that the treatment plan was for delivery if her blood pressure was elevated on the day of the growth scan or if the fetus' growth was below the 20<sup>th</sup> percentile.

f. On July 9, 2015, Patient A presented to the antenatal testing center, where her blood pressures were documented to be 135/93 and 146/96, which was consistent with hypertension. The treating perinatologist called and spoke with Dr. Roberts-Borden. They discussed the lab results from July 6, 2015 as well as Patient's A blood pressure in the office that day. Rather than arrange for an immediate delivery, Patient A was scheduled for Pregnancy Induced Hypertension (PIH) blood testing at the hospital, where she would be managed by the practice group's on-call physician.

g. Between July 9 and July 13, 2015, medical records indicate that Patient A continued to experience elevated blood pressures.

h. On July 15, 2015, at 38 weeks, 6 days gestation, Patient A presented to the practice and was seen by the nurse midwife. Her blood pressure was 160/104, and she reported decreased fetal movement and cramping. The nurse-midwife sent Patient A to the hospital. Fetal heart rate monitoring at the hospital, begun at 5:32 p.m., showed ominous Category 3 tracings, the baseline heart rate was in the 140's, and there was minimal to absent variability, no accelerations, subtle late fetal heart decelerations, and mild contractions that Patient A did not feel. Dr. Roberts-Borden spoke with the nursing staff at or about 6:05 p.m. She did not deliver the infant by urgent cesarean section. Rather, she ordered a biophysical profile (BPP). The BPP was performed between 6:28 p.m. and 7:10 p.m. The BPP score was 4/8 as 2 points apiece were deducted for lack of movement and lack of tone. Upon being notified of the BPP results at 7:12 p.m., Dr. Roberts-Borden ordered a cesarean section.

i. Dr. Roberts-Borden delivered Patient A's infant at 8:00 p.m. The infant was born pale and limp with no respirations or heart rate. Test results indicated severe hypoxic-ischemic encephalopathy, meconium aspiration syndrome, central nervous system depression, hypoglycemia, hypotension, and fetomaternal hemorrhage. Despite prolonged resuscitation and transport to a specialty hospital for supportive efforts, the infant showed no improvement, and life support equipment was removed. The infant expired on July 16, 2015.

### CONSENT

Michelle Yvonne Roberts-Borden, M.D., by affixing her signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document and am represented by Byron Mitchell, Esq.;

2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;
4. I waive my right to an informal conference;
5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;
6. I consent to the entry of the following Order affecting my license to practice medicine in the Commonwealth of Virginia.

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS as follows:

1. Michelle Yvonne Roberts-Borden, M.D., is REPRIMANDED.
2. Within six months of the entry of this Order, Dr. Roberts shall present proof satisfactory to the Board of successful completion of five hours of continuing medical education on the subject of management of hypertensive disorders of pregnancy. The course(s) shall be approved in advance of registration by the Executive Director of the Board. Requests for approval must be received at least 15 business days prior to the course date. All continuing education hours/courses shall be completed through face-to-face, interactive sessions (i.e., no home study, journal, or Internet courses). Continuing education obtained through compliance with this term shall not be used toward licensure renewal.
3. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of medicine shall constitute grounds for further disciplinary action.

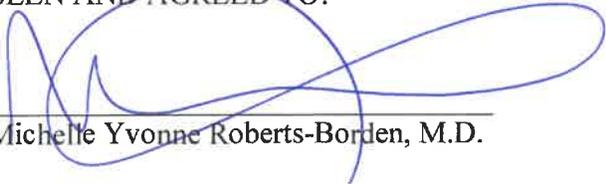
Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

  
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Jennifer Deschenes, J.D., M.S.  
Deputy Executive Director  
Virginia Board of Medicine

ENTERED: 8/5/2022

SEEN AND AGREED TO:

  
\_\_\_\_\_  
Michelle Yvonne Roberts-Borden, M.D.

COMMONWEALTH OF VIRGINIA  
COUNTY/CITY OF LOUDOUN, TO WIT:

Subscribed and sworn to before me, a notary public in and for the Commonwealth of Virginia at large, on  
this 25 day of July, 2022 by Michelle Y. Roberts-Border

Vanita Kumar  
\_\_\_\_\_  
Notary Public

My commission expires: may 31, 2023

Registration No.: 7136307

