

IN THE MATTER OF
KEVIN L. CARR, M.D.

Respondent

License Number: D66548

* * * * *

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS

* Case Number: 2015-0786A

* * * * *

CONSENT ORDER

On January 28, 2016, Disciplinary Panel A ("Panel A") of the Maryland State Board of Physicians (the "Board") charged Kevin L. Carr, M.D. (the "Respondent"), License Number D66548, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("H.O.") §§ 14-101 *et seq.* (2014 Repl. Vol.).

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;
- ...
(28) Fails to comply with the provisions of § 12-102 of this article[.]¹

On April 13, 2016, a conference with regard to this matter was held before Panel A of the Board's Disciplinary Committee for Case Resolution ("DCCR"). As a result of the DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

¹ A section of the Maryland Pharmacy Act that governs the dispensing of drugs or devices by licensed health care providers, including physicians.

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 in Maryland on August 10, 2007. His license is scheduled to expire on September 30, 2016. The Respondent holds active licenses in Pennsylvania and inactive licenses in Indiana and Louisiana and Ohio.
2. The Respondent is board-certified in internal medicine.
3. The Respondent maintains an office for the practice of internal medicine, cosmetic procedures, hormone replacement and weight-loss programs in Baltimore County, Maryland.
4. On or about May 4, 2015, Panel A received a complaint regarding the Respondent.
5. Panel A thereafter initiated an investigation of the Respondent. The investigation included on-site inspections of the Respondent's office by Board staff and an inspector from the Maryland Division of Drug Control ("DDC")² and an interview of the Respondent.
6. The Panel's investigation found the allegations in the complaint to be unsubstantiated.
7. The investigation, however, revealed that the Respondent had pre-signed prescriptions for human chorionic gonadotropin ("hCG").³

² DDC is authorized to conduct an initial inspection of the office of a physician within six months after the Board reports that the physician has been granted a dispensing permit. H.O. § 12-102.1.

³ [H]CG (also abbreviated as "HCG") is a hormone produced by a portion of the placenta. The Respondent prescribes hCG in injectable form for weight loss.

8. When interviewed by Board staff, the Respondent stated that to “streamline his operations,” he pre-signed prescriptions for hCG for patients who were scheduled to pick up refills of hCG syringes from his office. The Respondent stated that his office staff gave the prescription to the patient who was picking up the hCG refill.
9. The Respondent stated that he does not pre-sign prescriptions for the other medications he prescribes.
10. The Respondent kept pre-signed hCG prescriptions in a folder on the reception desk of the Respondent’s office.
11. A pre-signed prescription that was provided by the Respondent to Board staff reveals that the Respondent wrote “injectable hCG” on the prescription, but did not fill in the date, the patient’s name, the number of units prescribed or the number of syringes dispensed. The Respondent signed the prescription.
12. A report issued by the DDC inspector stated that the Respondent should maintain on file the original prescription for medications he dispenses; the patient should not receive the prescription. In addition, the inspector noted, *inter alia*, that the Respondent is not permitted to pre-sign prescriptions or to dispense refills unless a patient visit has occurred.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, Disciplinary Panel A concludes as a matter of law that the Respondent engaged in unprofessional conduct in the practice of

medicine, in violation of H.O. § 14-404(a)(3)(ii) and failed to comply with § 12-102 of the Health Occupations Article, in violation of H.O. § 14-404(a)(28).

ORDER

It is, on the affirmative vote of a majority of the quorum of Board Disciplinary Panel A, hereby

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

ORDERED that within six months, the Respondent shall successfully complete a Board disciplinary panel-approved course in regulatory requirements pertaining to dispensing medications. The Board disciplinary panel will not accept a course taken over the Internet. The course may not be used to fulfill the continuing medical education credits required for license renewal. The Respondent must provide documentation to the Board that the Respondent has successfully completed the course; and it is further

ORDERED that the Respondent is responsible for all costs associated with the Consent Order; and it is further

ORDERED that, unless stated otherwise in the order, any time period prescribed in this order begins when the Consent Order goes into effect. The Consent Order goes into effect upon the signature of the Board's Executive Director, who signs on behalf of Panel A; and it is further

ORDERED the Respondent's failure to comply with any of the conditions of this Consent Order shall be considered a violation of this Consent Order; and it is further

ORDERED that if the Board or Panel A determines, after notice and an opportunity for a hearing before an Administrative Law Judge of the Office of Administrative Hearings if there is a genuine dispute as to a material fact or a show cause hearing before the Board or Panel A if there is no genuine dispute as to a material fact, that the Respondent has failed to comply with any term or condition of this Consent Order, the Board or Panel A may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice medicine in Maryland. The Board or Panel A may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; and it is further

ORDERED that this Consent Order is a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.*

05/18/2016
Date

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


CONSENT

I, Kevin L. Carr, M.D., acknowledge that I have had the opportunity to be represented by 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 voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of the Consent Order.

5/9/16
Date


Kevin L. Carr, M.D.
Respondent

NOTARY

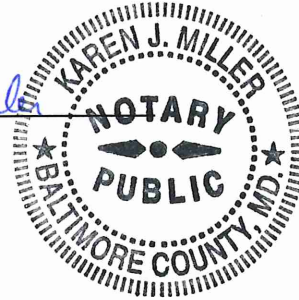
STATE OF MARYLAND

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 9th day of May 2016, before me, a Notary Public of the foregoing State and ~~City~~ County, personally appeared Kevin L. Carr, 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.

Karen J. Miller
Notary Public



My commission expires: 12/2/19