

IN THE MATTER OF

LORRAINE E. DRISCOLL, M.D.

Respondent

License Number: D66853

*** BEFORE THE MARYLAND**

*** STATE BOARD OF**

*** PHYSICIANS**

*** Case Number: 2014-0698**

* * * * *

CONSENT ORDER

BACKGROUND

The Maryland Board of Physicians (the “Maryland Board”) received information that Lorraine E. Driscoll, M.D., (the “Respondent”) (D.O.B. March 15, 1954), License Number D66853, was disciplined by the New Jersey Board of Medical Examiners (the “New Jersey Board”) for falsification of a patient’s medical record. In a Consent Order dated November 4, 2013, the New Jersey Board disciplined the Respondent by issuing a reprimand on her license with terms and conditions.

Based on the above referenced New Jersey 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, 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:

(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,

The Maryland Board has determined that the acts for which the Respondent was disciplined in New Jersey 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:

- (3) Is guilty of:
 - (ii) Unprofessional conduct in the practice of medicine;
- (11) Willfully fails or files a false report or record in the practice of medicine;

Based on the action taken by the New Jersey Board, the Respondent agrees to enter into this Consent Order with the Maryland Board of Physicians, consisting of Procedural Background, Findings of Fact, Conclusions of Law, and Order of reciprocal action.

I. FINDINGS OF FACT

The Board finds the following:

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 November 15, 2007.
2. By Order dated November 4, 2013, the New Jersey Board disciplined the Respondent by issuing a reprimand on her license subject to terms and conditions, based upon her falsification of a patient's medical record.

A copy of the New Jersey Board Order is attached hereto.

II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Maryland Board concludes as a matter of law that the disciplinary action taken by the New Jersey Board against the

Respondent was for an act or acts that would be grounds for disciplinary action under Health Occ. § 14-404(a)(3)(ii) and (11) had those offenses been committed in this state.

III. ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the Respondent's license to practice medicine in the State of Maryland be and is hereby **REPRIMANDED** subject to the following terms and conditions:

- a. The Respondent shall remain in compliance with the terms and conditions of the November 4, 2013 New Jersey Board Order;
- b. The Maryland Consent Order shall remain in effect until the New Jersey Board deems it appropriate to terminate the terms and conditions of its November 4, 2013 Consent Order, at which time the Respondent shall notify the Maryland Board of the termination of the New Jersey Board Order;
- c. If the Respondent fails to comply with any of the terms of this Consent Order, that failure may constitute a violation and, after any required notice and hearing, the Maryland Board may suspend or revoke the Respondent's license.

ORDERED that this **CONSENT ORDER** is a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. § 10-611 et seq. (2009 Repl. vol.).

4/1/2014
Date

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

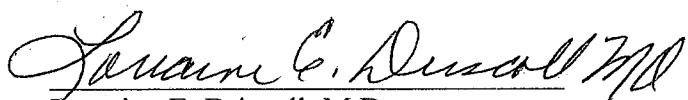
CONSENT

I, Lorraine E. Driscoll, M.D., acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I admit to the Findings of Fact and Conclusions of Law, and 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 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 Consent Order, and understand its meaning and effect.

3/21/14
Date


Lorraine E. Driscoll, M.D.
Respondent

STATE OF New Jersey

CITY/COUNTY OF Bergen

I HEREBY CERTIFY that on this 21 day of March, 2014, before me, the subscriber, a Notary Public for the State and City/County aforesaid, personally appeared Lorraine E. Driscoll, M.D., and made oath in due form of law that the execution of the foregoing Consent Agreement was her voluntary act and deed.

AS WITNESSETH my hand and my notarial seal

Alexandra Cacciato
Notary Public

MY COMMISSION EXPIRES:

ALEXANDRA CACCIATORE
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires June 25, 2018

FILED

November 4, 2013

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF:

LORRAINE DRISCOLL, M.D. : CONSENT ORDER

This matter was opened before the New Jersey State Board of Medical Examiners (the "Board") upon the Board's receipt of a report from the Medical Practitioner Review Panel (the "Panel") detailing the recommendations made upon the Panel's completion of an investigation of the practice of respondent Lorraine Driscoll, M.D. Specifically, the Panel reviewed the care provided by respondent to patient K.D., after receiving notification that a payment of \$700,000 had been made to settle a civil malpractice action brought by the patient. Allegations made in the civil action involving K.D. were that respondent failed to perform amniocentesis despite K.D.'s high risk pregnancy and failed to detect birth defects. In the course of the investigation of respondent's care of patient K.D. the Panel also investigated allegations of possible falsification of K.D.'s medical record.

The Panel has reviewed available information provided by St. Mary's Hospital to include documentation not only regarding patient K.D., but also concerning two versions of patient records submitted by Dr. Driscoll, the first to St. Mary's Hospital prior to the

CERTIFIED TRUE COPY

birth and the second produced in connection with the malpractice suit, and has considered testimony offered by respondent when she appeared before the Panel on January 21, 2013, represented by Matthew Schorr, Esq.

Upon review of available information, the Panel found that respondent added words and entries in her office charts for the patient after she submitted the charts to the hospital. Specifically, respondent added words to several visits and lab results indicating the patient refused amniocentesis and other wording which would be helpful to her defense in the malpractice suit, which involved the delivery of a child with Downs Syndrome and an allegation that the failure to perform amniocentesis resulted in the failure to detect birth defects and the consequent deprivation of informed decision making by the patient. The Panel specifically found: that respondent added information in several instances to the patient record without dating the addition thus producing two versions of the record. Respondent's claim that she had submitted the record to the hospital before she had time to finish filling it out was deemed an insufficient response. The Panel is aware that respondent left the clinical practice of medicine shortly after the resolution of the malpractice case involving K.D., and has since been involved in administrative tasks relating to medicine.

The Board herein adopts all findings set forth above, and concludes that respondent has in several instances changed patient records after she submitted them to the hospital. Based thereon, the Board concludes that cause for disciplinary sanction against respondent exists pursuant to N.J.S.A. 45:1-21(b) for engaging in the use or employment of dishonesty, deception and misrepresentation, and/or N.J.S.A. 45:1-21(e) for engaging in professional misconduct. The parties desiring to resolve this matter without the need for further administrative proceedings, and the Board being satisfied that the within disposition is adequate and appropriate, and that good cause exists for the entry of this Order;

IT IS ON THIS 4 DAY OF November , 2013

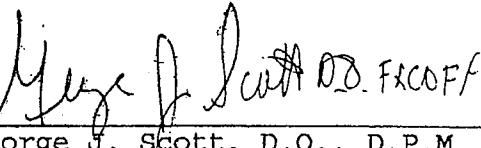
ORDERED AND AGREED:

1. Respondent Lorraine Driscoll, M.D., is hereby formally reprimanded for having repeatedly added to patient records and/or failing to date entries made in patient records, as more fully detailed above.

2. Prior to re-entering any clinical practice of medicine, respondent shall complete courses acceptable to the Board in: (1) medical record keeping and (2) professional ethics. Respondent may satisfy the requirements of this paragraph by completing any record keeping and/or ethics course that is presently approved by the Board (a list of such courses shall be supplied to respondent

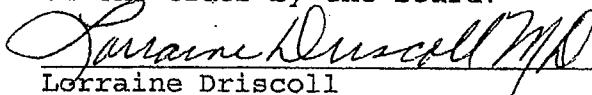
before or at the time of entry of this Order), or may seek to satisfy the requirements herein by attending courses other than those that are presently Board approved. In such event, respondent shall be required to secure written pre-approval for any proposed alternative course from the Board, which she may seek by providing all available information concerning any proposed alternative course to the consultant Medical Director of the Board, who shall review said information and then determine whether any proposed alternative course is or is not acceptable to the Board. Respondent shall thereafter be responsible to ensure that documentation of successful completion of approved courses taken to satisfy the requirements of this paragraph is forwarded by the course provider(s) to the Board.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: 

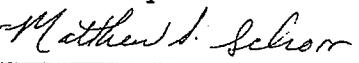
George J. Scott, D.O., D.P.M.
Board President

I represent that I have read and understood this Order, and consent to the entry of the Order by the Board.


Lorraine Driscoll

Dated: 8/29/2013

Consent to form of Order and entry of Order by Board.


Matthew Schorr, Esq.
Counsel for Respondent

Dated: 7/3/13

NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.