

IN THE MATTER OF

RICA B. BROWN, M.D.

Respondent

License Number: D67517

*

*

*

*

BEFORE THE

MARYLAND STATE

BOARD OF PHYSICIANS

Case Number: 2016-0174B

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On December 16, 2015, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") voted to charge **RICA B. BROWN, M.D.** (the "Respondent"), License Number D67517, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") §§ 14-101 *et seq.* (2014 Repl. Vol.).

Disciplinary Panel B voted to charge the Respondent with violating the following provision of the Act under Health Occ. II § 14-404:

- (a) *In general.* -- 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:
 - (3) Is guilty of: (ii) Unprofessional conduct in the practice of medicine[.]

Prior to the issuance of charges, the Respondent agreed to enter into this public Consent Order consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order, Consent and Notary.

FINDINGS OF FACT

Panel B of the Board makes the following Findings of Fact:

I. BACKGROUND

1. At all times relevant hereto, the Respondent was licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on April 28, 2008, under License Number D67517. The Respondent's license is current until September 30, 2016.
2. The Respondent is board-certified in emergency medicine.
3. At all times relevant hereto, the Respondent practiced as an emergency medicine physician at a health care facility (the "Facility")¹ that is located in the State of Maryland.

II. THE COMPLAINT

4. On or about September 11, 2015, the Board received a report from the Facility regarding the Respondent, stating,

On August 20, 2015, Dr. Brown posted a comment and "screen shot" of an X-ray image related to a recent patient encounter in the Emergency Room on a non-public, physicians-only social media group organized by female physicians to discuss personal and professional issues. Dr. Brown thought she had cropped patient identifiers prior to posting the image, but patient identifying information was visible on the image. The image (containing identifying information) was removed within about three to four hours of being posted. The comment, which did not identify the patient, was removed within about 24 hours. Immediately upon learning of the incident on August 21, 2015, the . . . [Facility] . . . commenced the required HIPAA investigation and mitigation. Dr. Brown cooperated with the . . . [Facility] . . . in this process, took responsibility, and resigned from the emergency physicians group effective August 31, 2015.

¹ For confidentiality reasons, the names of health care facilities, patients or other individuals referenced herein will not be disclosed in this document. The Respondent is aware of the identity of all health care facilities, patients and individuals referenced herein.

III. BOARD INVESTIGATIVE FINDINGS

5. As a result of the above complaint, the Board initiated an investigation of the Respondent's actions.

6. The Board requested that the Respondent provide a written response to the Facility's report. In a letter to the Board, dated October 20, 2015, the Respondent stated that on the morning of August 20, 2015, after treating a patient at the Facility, she posted an X-ray image and an "anecdote" regarding the patient encounter on a non-public, physicians-only Facebook group organized by female physicians to discuss personal and professional issues. The Respondent stated that she cropped the image of the X-ray with the intent of removing personal identifiers so that the posting would not reveal the patient's identity. The Respondent stated that she "inadvertently missed an area where the patient's name was still visible," and that after another member of the Facebook group informed her that the patient's identifying information was present, she deleted the image. The Respondent estimated that the patient's identifying information was on the site for approximately three hours, and that her "anecdote," which she stated had no identifying information, was present on the site for approximately 24 hours. The Respondent stated, "I take full responsibility for my actions and recognize that posting the image was unprofessional and inappropriate, as was the entire post."

7. Board investigators conducted an under-oath interview of the Respondent on November 5, 2015. The Respondent confirmed that on or about August 20, 2015, she posted an X-ray image of a patient on a Facebook site that contained

identifying information about the patient, including his/her name and date of birth, and that she deleted the image after another site user notified her that she had placed protected health information about the patient on the site.

8. The Board's investigation determined that the Respondent engaged in unprofessional conduct in the practice of medicine when, on or about August 20, 2015, she posted protected health information about a patient on an Internet site.

IV. GROUNDS FOR DISCIPLINE

9. The Respondent's actions constitute a violation of the following provision of the Act: Health Occ. II § 14-404(a)(3), Is guilty of: (ii) Unprofessional conduct in the practice of medicine.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Respondent's actions, as set forth above, violated the following provision of the Act: Health Occ. II § 14-404(a)(3), Is guilty of: (ii) Unprofessional conduct in the practice of medicine.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by a majority of the quorum of Panel B considering this case:

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

ORDERED that within six (6) months of the date Panel B executes this Consent Order, the Respondent shall enroll in and successfully complete a Panel B-approved medical ethics course that addresses patient confidentiality issues. The Respondent shall provide Disciplinary Panel B with documentation that she successfully completed

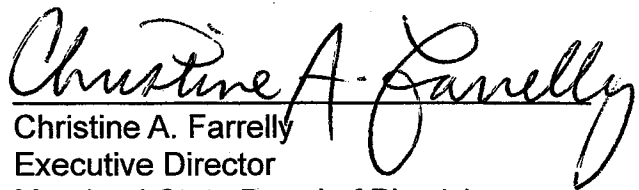
the ethics course according to the terms set forth herein, within one (1) week of completion. The Respondent shall not use this course to fulfill continuing medical education credits required for Board licensure renewal. The Respondent's failure to successfully complete this condition according to the terms set forth herein shall constitute a violation of this Consent Order; and it is further

ORDERED that if the Respondent violates the condition of the Consent Order, by failing to successfully complete the ethics course according to the terms set forth herein, Panel B, after notice and an opportunity for a show cause hearing before the Board or an evidentiary hearing at the Office of Administrative Hearings if there is a genuine issue as to the underlying material facts, may impose additional sanctions authorized under the Medical Practice Act, including a reprimand, probation, suspension, revocation, and/or a monetary fine; and it is further

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

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions §§ 4-101 *et seq.* (2014).

01/19/2016
Date


Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Rica B. Brown, M.D., acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for

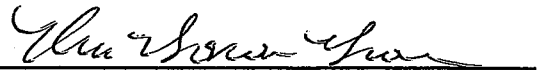
the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

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 Panel B of the Board 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 Disciplinary Panel A of the Board that might have followed 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 this Consent Order.


1/13/2015

Date



Rica B. Brown, M.D.
Respondent

Read and approved:


James F. Doherty, Jr., Esquire
Counsel for Dr. Brown

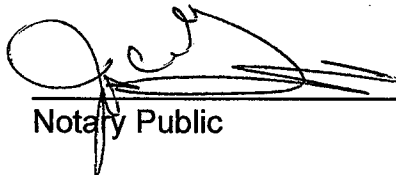
NOTARY

STATE OF MARYLAND

CITY/COUNTY OF BALTIMORE

I HEREBY CERTIFY that on this 13th day of JANUARY,
2016, before me, a Notary Public of the foregoing State and City/County personally
appear Rica B. Brown, M.D. and made oath in due form of law that signing the
foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notary seal.



Notary Public

My commission expires: 08/17/2018

JAMES GRIMM
NOTARY PUBLIC OF THE STATE OF MARYLAND
BALTIMORE COUNTY
COMMISSION EXPIRES: AUGUST 17, 2018