

**MARYLAND BOARD OF PHYSICIANS
PANEL A
OPEN MEETING MINUTES
4201 Patterson Avenue, Baltimore, MD
Room 100
February 12, 2020**

The Maryland Board of Physicians (the Board) met Wednesday, February 12, 2020 with the following members present:

Arun Bhandari, M.D., Chair
Marie-Alberte Boursiquot, M.D.
Lisa Burgess, M.D.
Jon S. Frank, Consumer Member
Alvin L. Helfenbein, Jr., Consumer Member

Ira Kornbluth, M.D.
Chika Logie, M.D.
Robert P. Roca, M.D.
Louise P. Senft, Consumer Member

ABSENT: Dalila Harvey-Granger, M.D.; Kevin Pereira, M.D.

STAFF PRESENT: Christine Farrelly, Executive Director; Ellen Douglas-Smith, Deputy Director; Stacey Darin, Assistant Attorney General; David Finkler, Assistant Attorney General; Noreen Rubin, Assistant Attorney General; Alexandra LaFree, Law Clerk, Office of the Attorney General; Edka Wong, Office of the Attorney General; Angela Gaither, Management Associate; Oriell Harris, Compliance Analyst Associate; Doreen Noppinger, Compliance Manager; Marty Teramani, Network Supervisor; Brittany Winborne, Compliance Analyst Associate

CALL TO ORDER

Dr. Bhandari, called the meeting to order at 9:05 a.m.

BOARD COUNSEL'S REPORT

Ms. Darin, reported on a win in the Circuit Court for Montgomery County in the case of Pankaj Merchia vs. MBP, case No. V473352. This case began as a reciprocal discipline case from a Virginia Board Order where that Board disciplined Dr. Merchia for failing to timely produce medical records. The case was referred to Office of Administrative Hearings and Dr. Merchia failed to appear, so OAH issued a proposed order of default. Dr. Merchia filed exceptions to the proposed default order stating that he was travelling due to his son's health condition and, therefore, did not receive the OAH notices. Dr. Merchia appeared at the exceptions hearing before Panel A via phone and requested that the case be remanded back to OAH. Panel A issued the final order of default on September 3, 2019, which reprimanded Dr. Merchia and ordered him to pay a five hundred dollar fine. Dr. Merchia filed a petition for judicial review of the Order of Default in circuit court on October 4, 2019, one day after the 30-day deadline. The 30-day deadline has consistently been treated as an absolute statute of limitations. Board Counsel filed a motion to dismiss on timeliness grounds and, on January 31, 2020, the Judge held a hearing on the motion and granted the motion to dismiss.

Mr. Finkler, also reported a win in Circuit Court for Prince Georges County in the case of Spencer Johnson vs. MBP. He stated that Dr. Johnson appealed the Board's decision suspending his license and that the Court upheld the Board's Final Decision and Order.

BOARD VOTE TO CLOSE SESSION

CLOSED SESSION: Pursuant to Maryland General Provisions Article §3-305(b)(13), on a motion made by Dr. Kornbluth, and seconded by Mr. Frank, the Board unanimously voted to close its meeting on February 12, 2020 at 9:14 a.m., in room 100, to comply with the statutory requirement under Health Occ. §1-401 that prevents public disclosure of medical review committee proceedings.

SUMMARY OF CLOSED SESSION:

In its role as a medical review committee under Health Occ. §1-401(d), Panel A reviewed and discussed confidential, non-public, investigative information and options in a case involving a licensure application, and determined to initiate appropriate action.

CONVENE TO CLOSE

Submitted by,



Arun Bhandari, M.D.
Chair, Panel A