

**MARYLAND BOARD OF PHYSICIANS  
BOARD  
OPEN MEETING MINUTES  
4201 Patterson Avenue, Baltimore, MD  
Room 100  
January 15, 2020**

The Maryland Board of Physicians (the Board) met Wednesday, January 15, 2020 with the following members present:

**Present in Board Room (Panel A)**

Arun Bhandari, M.D., Chair  
Marie-Alberte Boursiquot, M.D.  
Lisa Burgess, M.D.  
Jon S. Frank, Consumer Member  
Dalila Harvey-Granger, M.D.  
Alvin L. Helfenbein, Jr., Consumer Member  
Ira Kornbluth, M.D.  
Chika Logie, M.D.  
Kevin Pereira, M.D.  
Louise P. Senft, Consumer Member

**Present via Conference Call (Panel B)**

Scott A. Berkowitz, M.D.  
Mark S. Dills, PA-C  
Mark D. Olszyk, M.D.  
Victor M. Plavner, M.D.  
Scott R. Sauvageot, Consumer Member  
Martha Schaerr, Consumer Member  
Richard T. Scholz, M.D.  
Ann Marie Stephenson Thomas, D.O., MBA  
Maxine E. Turnipseed, Consumer Member  
Scott J. Wiesenberger, M.D.

**ABSENT:** Damean W.E. Freas, D.O., Board Chair; Robert P. Roca, 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; David Wagner, Assistant Attorney General; Alexandra LaFree, Law Clerk, Office of the Attorney General; Edka Wong, Law Clerk, 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 9:00 a.m.

**2020 FINANCIAL DISCLOSURE FILINGS**

Ms. Farrelly, reminded the Board members to submit their 2020 Financial Disclosure Filings no later than April, 30, 2020.

**APPROVAL OF MINUTES**

- December 4, 2019

*On a motion made by Dr. Pereira, and seconded by Dr. Kornbluth, the Board voted to unanimously **APPROVE** the full Board closed minutes.*

## BOARD COUNSEL'S REPORT

In October, Board Counsel reported a win in the Court of Special Appeals in the case of Ann Morrill v. MBP, case number 1597, September term, 2016 and asked for the Board's approval to request the Court to publish the unreported opinion, so that it could be cited as precedent in future cases. The decision of the (COSA) affirmed the Board's subpoena power and concluded that 1) the Board's subpoena power is authorized by statute, 2) the Board's demand for a random sampling of patient records was within the subpoena power of the Board and relevant to the investigation, and 3) the subpoena was not indefinite or overbroad because the records were pertinent to Dr. Morrill's prescribing practices. On December 20, 2019, the COSA granted the Board's request to publish the opinion and the decision is now a reported decision of the COSA.

## BOARD VOTE TO CLOSE SESSION

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**CLOSED SESSION:** Pursuant to Maryland General Provisions Article §3-305(b)(7) and (13), on a motion made by Dr. Boursiquot, and seconded by Mr. Helfenbein, the full Board unanimously voted to close its meeting on January 15, 2020 at 9:07 a.m., in room 100, to comply with the rule of attorney client privilege, and the statutory requirement under Health Occ. §1-401 that prevents public disclosure of medical review committee proceedings.

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## SUMMARY OF CLOSED SESSION:

The full Board consulted with counsel to obtain legal advice as privileged attorney-client communication regarding the reporting of information to appropriate criminal authorities, and for a discussion of confidential health information of a licensee in a disciplinary case.

In its role as a medical review committee under Health Occ. §1-401(d), the full Board also reviewed and discussed confidential, non-public, investigative information and options in a case involving a licensee and reporting entity, and determined to take appropriate action.

## VOTE TO CLOSE SESSION

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**CLOSED SESSION:** Pursuant to Maryland General Provisions Article §3-305(b)(13), on a motion made by Dr. Boursiquot, and seconded by Mr. Helfenbein, Panel A unanimously voted to close its meeting on January 15, 2020 at 9:07 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.

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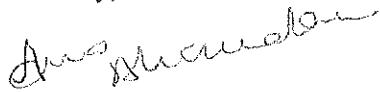
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**SUMMARY OF CLOSED SESSION:**

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,



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Arun Bhandari, M.D.  
Chair, Panel A