

**MARYLAND BOARD OF PHYSICIANS  
BOARD  
OPEN MEETING MINUTES  
4201 Patterson Avenue, Baltimore, MD  
Room 100  
October 30, 2019**

The Maryland Board of Physicians (the Board) met Wednesday, October 30, 2019 with the following members present:

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

Damean W.E. Freas, D.O., Board Chair  
Scott Berkowitz, M.D.  
Mark S. Dills, PA-C  
Mark D. Olszyk, M.D.  
Victor M. Plavner, M.D. Ira Kornbluth, M.D.  
Scott R. Sauvageot, Consumer Member  
Martha Schaerr, Consumer Member  
Ann Marie Stephenson Thomas, D.O., MBA  
Maxine E. Turnipseed, Consumer Member  
Scott J. Wiesenberger, M.D.

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

Arun Bhandari, M.D., Chair  
Marie-Alberte Boursiquot, M.D.  
Jon S. Frank, Consumer Member  
Alvin L. Helfenbein, Jr., Consumer Member  
Ira Kornbluth, M.D.  
Louise Phipps Senft, Consumer Member  
Robert P. Roca, M.D.

**ABSENT:** Lisa Burgess, M.D.; 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; David Wagner, Assistant Attorney General; Shelley Taylor-Barnes, Lead PA Analyst; Rhonda Deanes, Allied Health Analyst Associate PA; Angela Gaither, Management Associate; Oriell Harris, Compliance Analyst Associate; Sandi Van Horn, Health Policy Analyst; Brenda Jones, IT Program Analyst; Cecilia Laurent, Rad Tech; Chris Triplett, IT Manager; Brittany Winborne, Compliance Analyst Associate; Mark Woodard, Health Policy Analyst; Felicia Wright, Allied Health Supervisor

**GUEST:** Natalie Orbach, Chair, MBP, Physician Assistant Advisory Committee

**CALL TO ORDER**

Dr. Freas, Chair called the meeting to order at 9:08 a.m.

**NEW BUSINESS**

**Physician Assistants Delegation Agreement Addendum for Advanced Duties**

The Physician Assistant Advisory Committee (PAAC) determined that the following physician assistants meet the criteria for advanced duties established in statute and regulations, and voted to recommend approval of the delegation agreement addendum to the Board.

**Previously Board approved procedures RECOMMENDED for APPROVAL:**

<b>Physician Assistant</b>	<b>Supervising Physician</b>	<b>Requested Procedure(s)</b>	<b>Practice Setting</b>	<b>Date of Approval of Core Duties DA</b>
Syed Ali, PA-C	Umasuthan Srikumaran, M.D.	1) Closed reduction of dislocations (except shoulders, fingers, toes and forearms) 2) Closed reduction of fractures 3) Joint aspirations 4) Joint injections	Hospital	9/26/18
Janice Bediako-Smith, PA-C	Kevin Scruggs, M.D.	1) Fracture Reduction 2) Endotracheal Intubation	Hospital	10/25/06
Alexzandra Briedis, PA-C	Kevin Scruggs, M.D.	1) Arthrocentesis 2) Lumbar puncture 3) Endotracheal intubations 4) Fracture Reduction	Hospital	2/10/16
Amber Brubaker, PA-C	Kevin Scruggs, M.D.	1) Fracture Reduction	Hospital	1/25/17
Stefanie Coles, PA-C	Kevin Scruggs, M.D.	1) Arthrocentesis 2) Endotracheal intubations 3) Fracture Reduction	Hospital	2/10/16
Jessica Day-Chrzaszcz, PA-C	Olubusola Ogunlade, M.D.	1) Colposcopy with endocervical biopsy, endocervical biopsy or endocervical curettage 2) Insertion and removal of IUD's and Nexplanon	Private	10/30/19
Kerri Ellinger, PA-C	Olubusola Ogunlade, M.D.	1) Colposcopy with endocervical biopsy, endocervical biopsy or endocervical curettage 2) Insertion and removal of IUD's and Nexplanon	Private	10/30/19
David Frieswyk, PA-C	Peter Cho, M.D.	1) Arterial line insertions 2) Insertion of chest tubes 3) Insertion and removal of IABP	Hospital	4/25/18

<b>Physician Assistant</b>	<b>Supervising Physician</b>	<b>Requested Procedure(s)</b>	<b>Practice Setting</b>	<b>Date of Approval of Core Duties DA</b>
Heather Gerken, PA-C	Kevin Scruggs, M.D.	1) Arthrocentesis 2) Fracture Reduction	Hospital	11/16/11
Monita Golette-Lewis, PA-C	William White, M.D.	1) Nonfluoroscopic x-ray, procedure of the extremities, anterior, posterior & lateral, not including the head utilizing the mini c-arm	Private	9/25/19
Jennifer Gularson, PA-C	Neil Spiegel, M.D.	1) Chemical Peels 2) Sclerotherapy 3) Neuromodulator Administration 4) Dermal Fillers 5) Mesotherapy 6) Bioidental hormone replacement 7) Preventative, anti-aging medicine	Private	8/28/19
Cletus Ibe, PA-C	Ann Burke, M.D.	1) Thorocostomy / chest tube insertion 2) Thoracentesis with or w/o ultrasound 3) Vascular access (venous, arterial) 4) Nontunneled central venous veins 5) Arthrocentesis	Hospital	3/27/19
Nada Kazzaz, PA-C	William White, M.D.	1) Nonfluoroscopic x-ray, procedure of the extremities, anterior, posterior & lateral, not including the head utilizing the mini c-arm	Private	9/25/19
James Kielek, PA-C	Jason Birnbaum, M.D.	1) Endotracheal intubation	Hospital	3/27/19

Physician Assistant	Supervising Physician	Requested Procedure(s)	Practice Setting	Date of Approval of Core Duties DA
Margaret Li, PA-C	Arjun Chanmugam, M.D.	1) Cardiac U/S 2) Internal jugular central line with or without ultrasound guidance 3) Intubation 4) Arterial line placement with or without ultrasound guidance	Hospital	3/28/18
Khajae Newell, PA-C	Marc Weber, M.D.	1) Nonfluoroscopic X-Ray procedures of the extremities, anterior, posterior and lateral, not including the head utilizing the Mini C-Arm	Private	9/25/19
Golda Perelman, PA-C	Roscoe Adams, M.D.	1) Nonfluoroscopic x-ray, procedure of the extremities, anterior, posterior and lateral, not including the head utilizing the mini c-arm	Private	10/30/19
Kelly Schutz, PA-C	Kevin Scruggs, M.D.	1)Ultrasound-Guided Internal Jugular Central Venous Catheter Insertion	Hospital	9/27/06
Suzanne Shelling, PA-C	Jason Dittrich, M.D.	1) Tunneled Central Catheter Access 2) Non-Tunneled Central Vascular Access 3) Thoracentesis 4) Paracentesis with/without Ultrasound Guidance 5)Gastrostomy/Gastrojejunostomy Tube exchange/replacement 6) Thyroid Biopsy 7) Superficial Biopsy (i.e. superficial surface on body (face, neck, chest, back, extremity, etc.) 8) Arthrogram with fluoroscopic guidance 9) Intrathoracic & Intraabdominal tunneled drains (insertion/removal)	Hospital	8/28/19

Physician Assistant	Supervising Physician	Requested Procedure(s)	Practice Setting	Date of Approval of Core Duties DA
Michael Simpson, PA-C	Clark Willis, M.D.	1) Emergency Department Ultrasound	Hospital	8/28/13
Parise Street, PA-C	William White, M.D.	1) Nonfluoroscopic x-ray, procedure of the extremities, anterior, posterior & lateral, not including the head utilizing the mini c-arm	Private	10/30/19
Lauren Teter, PA-C	Kelly Sullivan, M.D.	1) Botox and filler injections	Private	8/28/19
Tania Tzvetkova, PA-C	Kevin Scruggs, M.D.	1) Arthrocentesis 2) Endotracheal intubations 3) Fracture Reduction 4) Lumbar Puncture	Hospital	9/27/06
Karin Weaver, PA-C	Kevin Scruggs, M.D.	1) Arthrocentesis 2) Endotracheal intubations 3) Fracture Reduction	Hospital	10/28/09
Bethany Weidman, PA-C	Maureen Gilmore, M.D.	1) Endotracheal Intubation 2) Lumbar puncture 3) Suprapubic bladder taps 4) Neonatal IV insertions 5) Resuscitation of Neonate 6) Thoracentesis 7) Thoracostomy (chest tube insertion) 8) Insertion of umbilical catheters	Hospital	1/24/18

*On a motion made by Mr. Dills, and seconded by Dr. Olszyk, the Board voted unanimously to **APPROVE** all addendum requests to perform the aforementioned advanced duties.*

**Athletic Trainers Evaluation and Treatment Protocols for Approval**

The Athletic Trainers Advisory Committee reviewed the Evaluation and Treatment Protocols, determined that the athletic trainers meet the criteria established in statute, and voted to recommend approval to the Board.

<b>Athletic Trainer</b>	<b>License Number</b>	<b>Supervising Physician</b>	<b>License Number</b>
Kristopher Bernard, ATC	A0001019	Vikram Sodhi, MD	D0080127
Kierra Croons, ATC	A0001266	Lucas Wymore, MD	D0078163
Patrick Darnley, ATC	A0000749	Norman Godwin, III, MD	D0086201
Matthew Dechant, ATC	A0001261	Vikram Sodhi, MD	D0080127
Jakiah Fulson, ATC	A0001262	Andrew Tucker, MD	D0050841
Rebecca Godwin, ATC	A0001245	Gary Sherman, MD	D0058252
Gary Horsmon, ATC	A0000294	Richard Winakur, MD	D0059666
Eva Martinez, ATC	A0000923	Kenneth Tepper, MD	D0058887
Kelsey McCulley, ATC	A0001260	Matthew Jepson, MD	D0085499
Robert Mountcastle, ATC	A0000032	John Wilckens, MD	D0052646
Robert Schroeder, ATC	A0001263	David Tuel, MD	D0042016
Caleb Zecher, ATC	A0000672	Scott Worrell, MD	D0050634

*On a motion made by Dr. Olszyk, and seconded by Dr. Wiesenberger, the Board voted to unanimously **APPROVE** the aforementioned Athletic Trainers Evaluation and Treatment Protocols.*

**APPROVAL OF MINUTES**

- September 25, 2019

*On a motion made by Mr. Dills, and seconded by Mr. Sauvageot, the Board voted to unanimously **APPROVE** the full Board and closed above minutes.*

**POLICY/LEGISLATION**

**Regulations**

Registered Cardiovascular Invasive Specialists for Approval

Ms. Van Horn presented on a draft of regulations to be proposed in regard to registered cardiovascular invasive specialists. The Board received one comment in support of the draft regulations during the Board's informal comment period. The next step is to submit the proposal to the Maryland Department of Health.

*On a motion made by Dr. Olszyk, and seconded by Mr. Dills, the Board voted unanimously to **APPROVE** Board staff to proceed with the (RCIS) regulations process.*

### **Converting from Volunteer Physician License**

Mark Woodard presented proposed regulations on converting from a volunteer license and after discussion the Board passed a motion to post the regulation on the Board's website for informal comment.

*On a motion made by Ms. Schaerr, and seconded by Dr. Wiesenberger, the Board voted unanimously to **APPROVE** posting the above regulations on the Board's Website for informal comments.*

### **BOARD COUNSEL'S REPORTS**

#### **Board Counsel's Case Won**

Ms. Darin, reported a win for the Board in the Court of Special Appeals, (COSA) in the case of Dr. Ann Morrill vs. MBP. On October 16, 2019, the COSA issued an unreported opinion affirming the judgment of the circuit court and upholding the validity of the Board's subpoena. The Court determined the following for the Board:

- 1) The subpoena power is authorized by statute
- 2) The demand for a random sampling of patient records was within the subpoena power of the Board and relevant to the investigation
- 3) The subpoena was not indefinite or overbroad because the records were pertinent to Dr. Morrill's prescribing practices.

This decision was issued by the COSA as "unreported" which means that it cannot be cited to or used as precedent in future cases. A reported decision, in contrast, can be used as precedent and cited to in oral argument and written briefs. Board counsel believes this is a favorable decision for the Board and is asking for the Board's approval to request that the COSA designate this opinion for reporting, so that the Board can use this case as precedent in future investigations if the Board's subpoena authority is challenged.

*On a motion made by Dr. Wiesenberger, and seconded by Dr. Plavner, the Board voted unanimously to **APPROVE** the decision issued by COSA as unreported opinion for reporting and used in future cases.*

#### **Dr. Baltatzis Case Update - FYI**

On October 21, 2019, the circuit court for Baltimore City AFFIRMED Panel B's Final Order revoking Dr. Baltatzis's license for unprofessional conduct in the Practice of Medicine. Dr. Baltatzis failed to comply with a requirement of a Consent Order he signed in 2015 to close his medical practice in May 2017. His Practice was later closed in September, 2017 and sold three to four months after his deadline.

The Court relied on settled Maryland law regarding the deference due by a Court to a Board's decision on an appropriate sanction. The Court found that revocation was authorized by the Board's statute, within the Board's discretion, was reasonable and justified given the seriousness of his violation and his long disciplinary history.

### **Dr. Sarpong's – FYI**

Board counsel notified the Board that the Court of Special Appeals vacated its decision to dismiss Dr. Sarpong's appeal. Thus, Dr. Sarpong's appeal of the Board's revocation of his license is again pending in the Court of Special Appeals.

### **EXECUTIVE DIRECTOR'S UPDATES**

Ms. Farrelly and Ms. Douglas Smith will be attending the Interstate Compact Meeting held on November 18, 2019 – November 20, 2019 and will not be attending the Maryland Board of Physician's Board meeting.

### **Telehealth**

Ms. Farrelly reminded the Board members of the Telehealth meeting on November 7, 2019 at 9:00 a.m.

### **Sunset Report**

The auditor's from Department of Legislative Services are currently reviewing and contacting staff to finish their report.

### **Office of Legislative Audits, (OLA) began a fiscal and performance audit**

That began with the fiscal year September, 2015 to present. Staff is currently working on a reply with Board counsel.

### **New Office Space Update**

Board Executive staff, managers and supervisors along with Cathy Ensor, Administrator, Office of Facility Management & Development, Maryland Department of Health (MDH) conducted a walk-through of the Maryland Health Care Commission, MHCC and Health Services Cost Review Commission, HSCRC. They found that the space was inadequate for staff's needs and decided to request an RFP to bid for office space.

### **Potential Legislation:**

- Music Therapist seeking licensure under by the Board.
- Alternative medicine including Lyme's – patients' right to choose.
- Electronic Prescribing of CDS requirement for prescribers.

**ADJOURNMENT (The Board will adjourn to exercise its quasi-judicial and administrative functions.)**



Board Open Meeting Minutes

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Submitted by,



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Damean W. E. Freas, D.O.

Board Chair