



Maryland Board of Physicians

BOARD CHAIRMAN: HARRY C. KNIPP, M.D., FACR

EXECUTIVE DIRECTOR: C. IRVING PINDER, JR.

NOMINATIONS FOR MEMBERSHIP

The Maryland Board of Physicians is soliciting nominations for three physicians to fill Board member positions that will become vacant June 30, 2007. The position for a practicing physician with a full-time faculty appointment and one consumer position will also become vacant on that date. All current Board members whose appointments expire on June 30, 2007 are eligible for reappointment for a second term.

Physician nominees will be accepted from Maryland physician organizations representing at least 25 licensed physicians in the State. These nominations should be on the organization's letterhead and signed by the administrator of the organization. In addition, nominations will be accepted from individual Maryland licensed physicians who submit a valid petition signed by 25 Maryland licensed physicians. The petition should contain the candidate's name, address, license number, and signature; and the names, license numbers and signatures of the signers of the petition.

Maryland law requires the Governor to appoint the physician with a full-time faculty appointment from nominations submitted by the Johns Hopkins University School of Medicine and the University of Maryland School of Medicine. Consumer members are identified by the Governor's Office.

Nominations and petitions must include a completed biographical information form and resume or curriculum vitae of the nominee. The form may be downloaded from the Department of Health and Mental Hygiene website: www.dhmf.state.md.us/execnom.

Please forward all nominations and petitions to the Secretary of the Department of Health and Mental Hygiene, 201 West Preston Street, Baltimore, MD 21201, Attention Anna Lieberman, Administrator, Appointments and Executive Nomination by February 9, 2007. The Department is committed to obtaining increased gender, geographical and minority representation on each of the Boards, Commissions and Task Forces.

Valid nominations and petitions will be forwarded to the Governor who appoints Board members with the advice and consent of the Senate.

BOARD'S DECLARATORY RULING ON SELF REFERRALS FOR MRI SCANS

On March 22, 2006, the Board decided to grant two petitions for Declaratory Rulings filed separately by CareFirst BlueCross BlueShield and the Injured Workers' Insurance Fund and later joined by six medical practices as interested parties. The petitions asked the Board for a ruling on the propriety under the Maryland Self Referral Law of referrals made by physicians for MRI scans when that physician may obtain a financial benefit from the performance of that scan. The Declaratory Ruling is expected to become available shortly after the first of the year at the Board's website. Earlier, in the Summer, 2004 issue of the Board's Newsletter, the Board published an article entitled, "Attorney General's Opinion on Self Referrals." In the Spring, 2005 Newsletter, the Board published another article entitled, "Board Action on MRI Scans and Self Referrals." These two articles have been withdrawn.

BOARD PROPOSES REGULATIONS FOR TELEMEDICINE

The Board of Physicians has developed proposed regulations governing the practice of medicine when the practice incorporates telecommunications systems to enhance or replace traditional face-to-face patient visits. These regulations would apply to the practice of medicine if either the patient or the physician is in Maryland and require the physician to hold an active Maryland license in either case.

The proposed regulations are expected to be published in the January 5, 2007 edition of the Maryland Register for public comment and will also be available on the Board's website at that time. The Board encourages you to review the proposed regulations and send comments to either Michele Phinney, Regulations Coordinator for the Department of Health and Mental Hygiene, 201 West Preston Street, Baltimore MD 21201 (fax 410-333-7687) or Karen Wulff, Policy Analyst for the Board of Physicians, 4201 Patterson Avenue, Baltimore MD 21215 (fax 410-358-2252).

PHYSICIAN DISCIPLINARY ACTIONS**Michael L. Beavers, D.O.**

License #: H57008

Area of Practice: Anesthesiology (Berlin, MD)

Date of Action: October 31, 2006

Summary Suspension. The Board determined that the public health, safety or welfare imperatively required emergency action based on the physician's admission of his addiction to certain CDS; his diverting these drugs from a hospital medication management system and putting false information in patient medical records to do so; his abuse of prescription medications; and having provided professional services while under the influence of drugs.

Jeffrey R. Beck, D.O.

License #: H55156

Area of Practice: Emergency Medicine (Easton, MD)

Date of Action: July 13, 2006

Summary Suspension. The Board concluded that the physician's continued licensure in the state constitutes a danger to the public health, safety or welfare. The Board's action is based on investigative findings that the physician engaged in repeated, overtly sexual communications with an individual he believed to be 14 years old, made inquiries about meeting him, traveled across state lines for this purpose, and upon arrival attempted to follow the purported individual to the second floor of the premises; suspensions by the California and New York medical boards for the same actions; termination from employment by an emergency medicine physician group; and acts of unprofessional conduct in his practice of medicine in Maryland at the hospital where he worked; and inappropriately providing medical care and/or medication without maintaining or safeguarding a medical record.

Steven Bernstein, M.D.

License #: D35175

Area of Practice: Anesthesiology (Baltimore, MD)

Date of Action: October 26, 2006

Reprimand; a condition. The Board concluded that by failing to perform adequately his duties as an anesthesiologist for a patient the physician thereby failed to meet standards of quality care.

David A. Boetcher, M.D.

License #: D16063

Area of Practice: Family Practice (Bowie, MD)

Date of Action: June 1, 2006

Reprimand; Probation until terms and conditions are satisfied. The Board found that the physician failed to meet standards of quality care in his practice of family medicine in regard to three patients and the issue of annual colorectal cancer screening.

Joel Cohen, M.D.

License #: D08672

Area of Practice: Psychiatry (Mt. Airy, MD)

Date of Action: July 14, 2006

Suspension for a minimum of 2 years, with all but a minimum of 6 months stayed; terms and conditions; and a \$10,000 fine. The Board concluded that the physician, by failing to keep adequate medical records, by prescribing dangerous drugs inappropriately over a long period of time, by engaging in repeated, egregious, and long standing violations of professional boundaries with the same patient to whom he was inappropriately prescribing dangerous drugs, together with additional boundary violations with other patients, committed immoral and unprofessional conduct in the practice of medicine, failed to meet appropriate standards for the delivery of quality medical care, and failed to keep adequate medical records within the meaning of the Medical Practice Act.

Tad R. Connine, M.D.

License #: D59952

Area of Practice: Radiation Oncology (Perry, GA)

Date of Action: September 27, 2006

Suspension until physician's license is reinstated in Georgia; if reinstated in Georgia the physician may submit a written petition to reinstate in Maryland. The Maryland Board took reciprocal action on a suspension by the Georgia Board because of the physician's relapse in regard to substance abuse; the Maryland Board also found that the physician violated his Maryland Disposition Agreement relating to substance abuse issues.

Craig S. Cropp, M.D.

License #: D33593

Area of Practice: OB/GYN (New Market, MD)

Date of Action: November 2, 2006

Suspension; to remain in effect until allowed to practice in Virginia without any terms or conditions of any kind and the Maryland Board determines the physician is competent to practice in Maryland. The Board took reciprocal action based on a sanction of the Virginia Medical Board. The Board determined that the physician's history includes a series of events that cast grave doubt on his competence to practice medicine.

Rosita H. Dee, M.D.

License #: D21691

Area of Practice: Neurology (Silver Spring, MD)

Date of Action: August 14, 2006

Summary Suspension. The Board concluded that the public health, safety, or welfare imperatively required emergency action because the physician persistently fails to meet appropriate standards, has engaged in unprofessional conduct, and prescribes controlled substances in a professionally impermissible manner, to the detriment of her patients.

Jeremy Herschler, M.D.

License #: D52458

Area of Practice: Psychiatry (Rawlings, MD)

Date of Action: September 27, 2006

Reinstatement of license; Probation for a minimum of 5 years subject to terms and conditions. The Board concluded that at the time of the issuance of its disciplinary charges the physician was not competent to practice medicine based on mental health issues.

Donald Hislop, M.D.

License #: D08293

Area of Practice: Family Practice (Baltimore, MD)

Date of Action: June 5, 2006

Denial of request to withdraw Amended Petition to Terminate Suspension; Denial of Petition to Terminate Suspension; and Denial of Amended Petition to Terminate Suspension. The Board determined that the physician is currently incompetent to practice medicine.

Harold R. Katz, M.D.

License #: D30934

Area of Practice: Ophthalmology (Baltimore, MD)

Date of Action: June 29, 2006

Termination of Suspension imposed by the March 22, 2006 Consent Order; Probation for 5 years subject to terms and conditions. The physician complied with the terms and conditions of the Consent Order for which successful completion was required as a condition precedent to terminate the suspension of the March 22, 2006 Order.

Scott A. Kelso, M.D.

License #: D41580,

Area of Practice: Internal Medicine (Clinton, MD)

Date of Action: September 27, 2006

Suspension; immediately stayed; Probation for a minimum of 3 years subject to terms and condition; fine of \$10,000 payable to the Board within 90 days. The Board found that within a period of 2003-2004, the physician was addicted to or habitually used controlled substances and fraudulently wrote prescriptions, made misrepresentations in having prescriptions filled, and made misrepresentations to the Board during the Board's investigation.

Keith-Jan Lindemann, M.D.

License #: D50458

Area of Practice: Pediatrics (Avenue, MD)

Date of Action: June 5, 2006

Revocation; the Board will not entertain any application for reinstatement earlier than 5 years from the date of the Order. The Board found that the physician was convicted of a crime of moral turpitude and thereby subject to statute that mandates revocation of license.

Arthur Marsh, M.D.

License #: D64981

Area of Practice: Internal Medicine (Frederick, MD)

Date of Action: July 26, 2006

Application for licensure is granted; probation for a minimum period of 5 years and until the physician holds an unrestricted medical license in the state of Georgia; and subject to other terms and conditions. The Board granted licensure because the physician has had more than five years sobriety and abstinence from mood altering substances and will be monitored for a significant period of time and until he holds an unrestricted medical license in Georgia.

Anchalee Musikabhumma, M.D.

License #: D17015

Area of Practice: Pediatrics (Pikesville, MD)

Date of Action: June 28, 2006

Permanent Revocation; \$10,000 fine. The physician made misrepresentations on the credentialing forms of an insurance carrier, submitted to the carrier a fraudulent certificate falsely reflecting that she was board certified, made false statements on her medical staff application of a hospital, and made false statements to the board's staff during the Board's investigation.

Colin C. Ottey, M.D.

License #: D52294

Area of Practice: Family Practice (Lanham, MD)

Date of Action: June 1, 2006

Suspension for 3 years, beginning 15 days from date of order; suspension to remain active for 1 year and until conditions are met including a fine of \$30,000; should the Board stay the active suspension, probation for 3 years subject to terms and conditions. The physician maintained medical records that misrepresented the treating physician, falsified the treating physician's name on billing statements, assisted an unlicensed individual to promote herself as a licensed physician, and permitted the unlicensed person to diagnose and treat patients.

Sharon Allison-Ottey, M.D.

License #: No License

Area of Practice: None (Forestville, MD)

Date of Action: June 1, 2006

Fine of \$30,000. to be paid within 1 year from the date of the order. The unlicensed individual practiced medicine, unlawfully represented to the public, patients, and the medical community that she was authorized to practice medicine, and unlawfully used the words "Dr.", "doctor" and/or "M.D." with the intent to represent that she was authorized to practice medicine in Maryland.

Carl J. Slavin, M.D.

License #: D33271

Area of Practice: Internal Medicine (Annapolis, MD)

Date of Action: July 26, 2006

Revocation for 5 years. The physician failed to meet the standards of quality care because of inappropriate prescribing of Oxycontin 80 mg. BID, that ultimately caused the patient's death, and his prescribing practices with regard to 9 other patients.

Reginald W. Stalling, M.D.

License #: D22887

Area of Practice: None (Chicago, IL)

Date of Action: June 5, 2006

Application for Reinstatement Denied. The Board concludes that it is authorized to deny reinstatement of licensure in that the applicant has been found guilty of immoral and unprofessional conduct in the practice of medicine; practiced medicine with an unauthorized person or aided an unauthorized person in the practice of medicine; failed to cooperate with a lawful investigation of the Board; violated probationary conditions of his Consent Orders of May 28, 1997, and May 5, 1999; and lacks good moral character under state statute, the Medical Practice Act, Section 14-307(b).

Albert J. Sungenis, M.D.

License #: D37324

Area of Practice: Family Practice (Columbia, MD)

Date of Action: June 15, 2006

Summary Suspension. Based on the results of an evaluation ordered by the Board, the Board has cause to believe that the physician is not competent to practice medicine.

Albert J. Sungenis, M.D.

License #: D37324

Area of Practice: Family Practice (Columbia, MD)

Date of Action: August 23, 2006

Permanent Surrender. The physician's decision to surrender his license was prompted by a Board's investigation and the summary suspension of his license that was based on a Board-ordered evaluation that concluded that he should not be practicing medicine.

Sean R. Tunis, M.D.

License #: D37634

Area of Practice: Internal Medicine (Baltimore, MD)

Date of Action: June 8, 2006

Termination of Suspension; the physician is eligible to submit to the Board an application for reinstatement of his medical license; if license is reinstated, 2 years of probation subject to terms and conditions of the May 25, 2005, Consent Order.

Robert X. Williams, III, M.D.

License #: D62991

Area of Practice: None (Columbia, MD)

Date of Action: June 9, 2006

Revocation; the Board will not entertain any application for reinstatement earlier than 10 years from date of the order. The physician violated the Medical Practice Act and violated the Probationary terms and conditions of his April 12, 2005, Consent Order by ingesting cocaine twice in less than a year after being granted a license to practice medicine in Maryland.

ALLIED HEALTH DISCIPLINARY ACTIONS**Joe Wendell Frazier, Applicant**

Area of Practice: Physician Assistant (Columbia, MD)

Date of Action: November 2, 2006

Application for Certification as a Physician Assistant is denied. The Board determined that the applicant's criminal background and the opinion and concerns raised by the psychological evaluator indicate that the applicant lacks the good moral character as required by state statute.

Laura L. Hemler, MRT

Certificate #: R04094

Area of Practice: Radiation Therapy (Eldersburg, MD)

Date of Action: October 31, 2006

Summary Suspension. The Board determined that the public health, safety, or welfare imperatively required emergency action based on the health care practitioner's diagnosis of drug dependency for addiction, not following up with out-patient treatment for addiction, continuing to obtain prescription pain medicine, and forgery of prescriptions forged in both her own name and in other names.

Fahim Kashif, Applicant

Certificate# C03457

Area of Practice: Physician Assistant (Baltimore, MD)

Date of Action: November 15, 2006

Application for initial certification as a Physician Assistant is granted; the certificate will issue only after the applicant meets all current requirements for certification; when certified, Probation for a minimum of 2 years subject to terms and conditions. The Board found that the applicant's past conduct that included criminal proceedings, his statements and conduct during the application process and the Board's investigation, and the results of an evaluation constituted a basis for initial denial of certification. The Board granted the application; when certificate is granted, Probation for a minimum of 2 years subject to terms and conditions.

Charles Lawson, P.A.

License #: C00490
Area of Practice: Physician Assistant (Clinton, MD)
Date of Action: October 11, 2006
Revocation of Physician Assistant certification; fine of \$5,000.
The Board concluded that the individual offered to practice, or attempted to practice as a PA and/or represented to the public by use of the title "PA" or "PA-C" that he was certified to practice as a physician assistant in Maryland without authorization and without an active PA certificate.

Carl F. Oltman, P.A.

License #: C01407
Area of Practice: Physician Assistant (Annapolis, MD)
Date of Action: August 25, 2006
Petition for Reinstatement of certification as a Physician Assistant is denied. The Board determined that the practitioner's conduct since his revocation, including the unauthorized practice of medicine and his conscious misrepresentation of the true nature of his criminal offenses before the Pennsylvania Board of Medicine in 2005, failed to satisfy the Board that the practitioner is fit to practice as a physician assistant.

Victoria Lynn Taciak, RCP

License #: L00824
Area of Practice: Respiratory Care (Baltimore, MD)
Date of Action: September 12, 2006
Summary Suspension. The Board determined that the health, safety, or welfare required emergency action because of the practitioner's alcohol and substance abuse and working while impaired.

ALLIED HEALTH ADMINISTRATIVE FINES**Mignote Berhanu, MRT**

Certificate #: R08140
Area of Practice: Radiation Technology (Alexandria, VA)
Date of Action: November 15, 2006
Administrative fine in the amount of \$500. The individual practiced medical radiation technology without a certificate issued by the Board in violation of Md. Code Ann. Health Occ §14-5B-17(a).

Kristen Eckenrode, RCP

Certificate #: L04318
Area of Practice: Respiratory Care (Edgewater, MD)
Date of Action: June 14, 2006
Administrative fine of \$500. The individual practiced respiratory care without a certificate issued by the Board in violation of Md. Code Ann. Health Occ. §14-5A-20.

David J. Faux, RCP

License #: L04411
Area of Practice: Respiratory Care (Gainesville, VA)
Date of Action: October 11, 2006
Administrative fine of \$500. The individual practiced respiratory care without a certificate issued by the Board in violation of Md. Code Ann. Health Occ. §14-5A-20.

Jillian T. Klock, MRT

Certification #: R07081
Area of Practice: Medical Radiation Technology (Belair, MD)
Date of Action: July 13, 2006
Administrative fine of \$500. The individual practiced medical radiation technology without a certificate issued by the Board in violation of Md. Code Ann. Health Occ. §14-5B-17(a).

Harold Oliver, Jr., MRT

Certificate #: R07917,
Area of Practice: Medical Radiation Technology (Fort Washington, MD)
Date of Action: June 18, 2006
Administrative fine of \$500. The individual practiced medical radiation technology without a certificate issued by the Board in violation of Md. Code Ann. Health Occ. §14-5B-17(a).

Doreen Sweeten, MRT

Certificate #: R05538,
Area of Practice: Medical Radiation Technology (Baltimore, MD)
Date of Action: September 13, 2006
Administrative fine of \$500. The individual practiced medical radiation technology without a certificate issued by the Board in violation of Md. Code Ann. Health Occ. §14-5B-17(a).

DISPENSING PERMIT REQUIREMENTS

Physicians thinking about dispensing medications, other than samples, from the office, should review the Board's Application for Permit to Dispense Prescription Drugs. This packet of information contains copies of the statutes and regulations that govern dispensing in Maryland and includes a summary of the requirements. Applicants must certify that they have read and understand all the requirements that include the labeling of containers, file maintenance, handling of expired drugs, inventory and record retention. Physicians dispensing medications must post a notice in the waiting room of the office stating that medications may be filled in the office or at a pharmacy of the patient's choice. There are currently 634 dispensing permits in effect. Dispensing permits are issued for a period of five years and costs \$50 to apply.

Contact the Board to request an application packet. Physicians may download the application form (but not the complete packet) at www.mbp.state.md.us.

ALLIED HEALTH RENEWAL

2007 is the renewal year for Radiation Oncology/Therapy Technologists (RT), Medical Radiation Technologists (MRT), Nuclear Medicine Technologists (NMT), and Physician Assistants (PA). RT, MRT, and NMT licenses expire on April 30, 2007. PA licenses expire on June 30, 2007. The Board will notify practitioners at least one month prior to renewal that the license will expire. The Board will mail the notification to the last address the practitioner supplied to the Board. If you are planning to move before the Board mails the renewal notice, be sure to update your address. You may update your address by going to the Board's website at http://www.mbp.state.md.us/forms/ah_chg_adr.pdf and downloading a copy of an address change form. You may also update your address online at <https://www.mbp.state.md.us/bpqapp>.

Unless this is the first renewal after initial certification or the first renewal after reinstatement, practitioners are required to earn continuing education hours. Continuing education hours must be earned within the 2-year period preceding the submission of the renewal application. RTs, MRTs, and NMTs need 24 continuing education hours. Additional requirements for RT, MRT and NMT renewal are available at <http://www.dsd.state.md.us/comar/10/10.32.10.09.htm>. PAs need 100 continuing education hours, with at least 40 in Category I. Additional requirements for PA renewal are available at <http://www.dsd.state.md.us/comar/10/10.32.03.09.htm>.

Before the Board renews a certificate, Maryland law (Health Occupations Article, §1-213) requires the Board to verify with the Comptroller that the practitioner has no outstanding tax delinquency. Practitioners with tax delinquencies are notified in advance of the renewal period so that they can contact the Comptroller and make arrangements for payment. The Board is required to deny the renewal application of a practitioner who does not make arrangements for payment with the Comptroller before the end of the renewal period. Thereafter, the practitioner would have to go through the reinstatement process in order to practice. Practitioners are not authorized to practice unless their certificates have been renewed or reinstated.

NPI INFORMATION

By May 23, 2007, medical providers must obtain and begin to use a National Provider Identifier (NPI) as required by the federal Center for Medicare and Medicaid Services (CMS) regulations. A number of educational materials are available at the website of the Maryland Health Care Commission (MHCC) to help providers understand the requirements and make the necessary changes in office procedures to achieve a successful NPI implementation. Check them out at: <http://mhcc.maryland.gov/npi/index.htm>

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