

Maryland Board of Physicians

Board Chairman: Robert G. Hennessy, M.D., M.B.A. • Executive Director: C. Irving Pinder, Jr.

Fall 2008



Board Seeking Nominations to Fill Board Vacancies

The Maryland Board of Physicians is soliciting nominations for three physicians, including one Doctor of Osteopathy, and one physician assistant to fill Board member positions that will become vacant June 30, 2009. One of the consumer member seats on the Board will also become vacant on that date. All current Board members whose appointments expire on June 30, 2009 are eligible for reappointment for another full four-year 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. Organizations representing at least 25 physician assistants certified in Maryland may submit nominations for the physician assistant position. In addition, nominations will be accepted from individual Maryland licensed physicians who submit a valid petition signed by 25 Maryland licensed physicians and from individual physician assistants certified in Maryland who submit a valid petition with signatures of 25 physician assistants certified in Maryland. 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.

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.dhmh.state.md.us/execnom.

Please forward all nominations and petitions to the Secretary of the Department of Health and Mental Hygiene, at 201 West Preston Street, Baltimore, MD 21201, Attention Anna Lieberman, Administrator, Appointments and Executive Nomination by February 2, 2009. 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 Governor Martin O'Malley. The Governor will appoint the new physician and physician assistant Board members from the nominations.

Continuing Medical Education Credits

Why does the Board of Physicians require you to earn CMEs? CMEs serve to maintain, develop or increase knowledge, skills, and professional performance that a physician uses to provide services for patients, the public, or the profession. Topics may include the basic medical sciences, the disciplines of medicine, and the provision of health care to the public. Today, with the internet, it is easier than ever to earn the required credits.

One of the changes to the Medical Practice Act made in the 2007 Sunset Legislation (SB 255) was to add language authorizing the Board to impose a civil penalty of up to \$100 per missing credit for a first offense for a physician who cannot document continuing medical education (CME) credits.

Under the Board's regulations, each physician renewing his/her license must earn at least 50 CMEs during the two year period prior to renewal. The Board routinely audits a random sample of all renewing physicians, requesting that they submit documentation. The Board may also request documentation as a part of the investigation of a complaint and when a physician applies for reinstatement of his/her license. To

get more information about what qualifies as a CME and what type of documentation is required, log on to the mbp website, www.mbp.state.md.us and select "Maryland Regulations" and then select "Continuing Medical Education (10.32.01.09)" near the top of the list. See also "Frequently Asked Questions."

Each physician must attest to meeting the continuing education requirement when renewing his/her application. If a physician has checked "yes" on his/her application and cannot document the CMEs, the physician has made a "false representation" on the application. For physicians who are audited and are missing only a small number of credits, the Board will assume that this is a bookkeeping error and will assess a fine at the rate of \$100 per missing credit. Failure to pay the fine or repeated failure to document CMEs may result in the Board charging the physician under the Medical Practice Act.

If you have any questions about CMEs, please check our website or call the Board.

Boutique Medicine

The Board of Physicians has received calls and correspondence lately that run along the lines of: "My doctor is charging me an upfront fee to purchase "membership" into his new practice. If I don't join, I have to find a new physician. And the fee is high, \$1,500 per year." Patients are asking whether this is legal, whether it is a good deal, how to find another physician who doesn't charge this fee, etc.

Some physicians have converted their practices to so-called boutique medical practices with significantly fewer patients than a usual practice. These practices allow the physician to provide more attention to each patient and promise to provide the patients with same-day appointments, phone access to the physician, coordination of care, and other amenities. While patients may have faster access to the physician, many of these practices charge on a fee-for-service basis for services beyond an annual physical exam.

The American Medical Association adopted a policy on so-called "retainer practices" in 2003. This policy states that the physician must ensure that a written contract exists with the patient, and that the contract should clearly delineate what services are covered by the upfront fee and what will be billed on a fee-for-service basis. The physician must disclose to the patient pertinent information about use of health insurance to cover services. And the physician who is converting his/her practice must provide time and assistance to patients who will not be remaining in the practice so that they can find a new source of medical care.

State and federal regulators have asked questions about whether and when these practices are legal. Physicians with provider contracts with health insurers, Medicare, or Medicaid need to examine these contracts to determine whether billing patients beyond their copayment violates the contract. The federal Office of the Inspector General has issued an alert to remind physicians of the potential liabilities if the physicians bill Medicare patients for services covered by Medicare. Some practice arrangements could constitute insurance fraud. Any physician considering converting his/her practice should investigate all of these issues to ensure that there is no violation of law.

You, the physician, have an obligation to your patients, to provide them with quality medical care. If you decide to limit your practice, be sure that you help your patients understand the changes, their options, and what impact a change could have on their health insurance.

PHYSICIANS

Paul A. Acevedo, M.D., License #: D66247
Area of Practice: Neurology (Bethesda, MD)

Indefinite Suspension. The Board took reciprocal action based on action by the District of Columbia Board of Medicine because of substance abuse issues. Date of Action: October 22, 2008

Victoria Bagby, RT, License #: M00011
Area of Practice: Radiation Therapy (Baltimore, MD)

Revocation. The Board found that the health care practitioner violated the Medical Practice Act based on her attempt to provide health care services in a condition in which she was unable to complete her assignment, repeated unexcused absenteeism at two medical employers, refusal of a reasonable and proper order to report for health evaluation, and her false answer on an application. Date of Action: June 25, 2008

Michael L. Beavers, D.O., License #: H57008
Area of Practice: Anesthesiology (Parsonburg, MD)

Reprimand; Probation for 5 years subject to terms and conditions. The physician violated his September 6, 2007, Order issued by the Board in regard to his impairment issues. Date of Action: October 24, 2008

Jeffrey R. Beck, D.O., License #: H55156
Area of Practice: Emergency Medicine (Edgewater, MD)

Revocation; the Board will not entertain any application for reinstatement for 10 years; order for summary suspension vacated as moot. The Board found that the physician committed unprofessional conduct when he instructed a nurse to remove 2 CDS tablets from a hospital supply and falsified records; prescribed CDS for a friend without maintaining medical records; for rude and insulting behavior to his patients and other health care workers in the hospital workplace; and used his status as a physician to further a prurient relationship with a person whom he believed to be a fourteen-year-old boy. The Board also found that the physician falsified medical records and fraudulently and deceptively used his license in regard to hospital incident involving removal of 2 CDS tablets from a hospital supply. Date of Action: June 25, 2008

Kermit Bonovich, M.D., License #: D05593
Area of Practice: Internal Medicine (Bel Air, MD)

Suspension until terms and conditions are met; should the Board terminate the suspension, Probation for a minimum of 2 years subject to terms and conditions. The Board found that the physician failed to meet the standards of quality care and failed to maintain adequate medical records in regard to his care and treatment of six patients that included his prescribing practices. Date of Action: October 22, 2008

Myron D. Brenner, M.D., License #: D21657
Area of Practice: Psychiatry (Owings Mills, MD)

Surrender. The physician surrendered his license to avoid disciplinary charges and the prosecution of the charges based on his unprofessional and sexual relationship with a female patient while under his care as her treating psychiatrist. Date of Action: October 22, 2008

Timothy H. Bulkley, M.D., License #: D65772
Area of Practice: Gastroenterology/Internal Medicine (Topeka, KS)

Surrender. The physician failed to comply with the terms and conditions of his Rehabilitation Agreement with the Board. Date of Action: August 22, 2008

Michael W. Burkhart, M.D., License #: D54094
Area of Practice: Family Medicine (Rehoboth Beach, DE)

Reprimand. The Board took reciprocal action based on disciplinary action by the Delaware Board for the physician's use of excessive force to restrain an intoxicated patient in his practice as an emergency room physician. Date of Action: September 11, 2008

Susan W. Calianno, P.A., License #: C02118
Area of Practice: Physician Assistant (Severn, MD)

Consent Order that includes a Letter of Surrender in which the Physician Assistant surrenders her certificate for five years, effective the date of the Consent Order, and continuing until satisfactory compliance with requirements as set out in the Order. The Board determined that the licensee had not addressed her problems with drug addiction and has not successfully completed any programs to rehabilitate herself. Date of Action: June 16, 2008

Mark Davis, M.D., License #: D23760
Area of Practice: Internal Medicine (Bel Air, MD)

Revocation for a minimum of 3 years; the Board will not entertain an application from the physician any earlier than three years from the date of this Final Decision and Order. The physician provided substandard care to patients in his weight management practice and continues to disregard basic medical norms. Date of Action: July 8, 2008

Mark Davis, M.D., License #: D23760
Area of Practice: Internal Medicine (Abingdon, MD)

Motion for Reconsideration of the Board's July 8, 2008, Final Decision and Order is denied. The Board made its determination after deliberation on the physician's Motion for Reconsideration. Date of Action: August 27, 2008

Anand M. Dhanda, M.D., License #: D20147
Area of Practice: Urology (Pasadena, MD)

Reprimand; Probation for a minimum of 3 years subject to terms and conditions. The Board found that the physician failed to meet the standards of quality care with regard to a patient by erroneously removing the left kidney which had adequate function. Date of Action: April 7, 2008

James V. Dicanio, P.A., License #: C01024
Area of Practice: Physician Assistant (Annapolis, MD)

Surrender of Certificate. The Board accepted the licensee's surrender based upon its investigation that revealed that the licensee prescribed narcotic medication for a family member, outside the scope of his delegation agreement, without authorization or consent of the supervising physician, and without maintaining any medical records. Date of Action: August 27, 2008

Lucy M. Dossett, M.D., License #: D63668
Area of Practice: Diagnostic Radiology (Dallas, TX)

Reprimand. The Board took reciprocal action based on disciplinary action taken by the Colorado Board based on her failure to disclose her arrest for driving while intoxicated when filling out her Colorado application. Date of Action: August 18, 2008

Adam Fail, M.D., License #: D36425
Area of Practice: Internal Medicine (Belair, MD)

Stay of active suspension imposed by the May 10, 2007 Consent Order; Probation for a minimum of the duration of his Rehabilitation Agreement with the Board or through May 10, 2012, and subject to terms and conditions. The physician met the terms and conditions precedent to stay of the active suspension of license. Date of Action: April 14, 2008

Michael Ference, III, M.D., License #: D14238
Area of Practice: Ophthalmology (Bozeman, MT)

Permanent Surrender. The Board took reciprocal action on disciplinary action by the Texas Board for failure to meet standards of quality care in his practice of ophthalmology. Date of Action: September 24, 2008

Patsy Firth, M.D., License #: D39836
Area of Practice: Psychiatry (Bel Air, MD)

Reprimand; Probation for 2 years subject to terms and conditions. The physician failed to meet the standards of quality care and failed to maintain adequate medical records in regard to 10 patients receiving residential psychiatric services. Date of Action: October 22, 2008

Kelly A. Fogle, M.D., License #: D17906
Area of Practice: General Practice (Richmond, VA)

Indefinite Suspension. The Board took reciprocal action based on action by the Virginia Board; the physician is unable to practice medicine and surgery due to a neurological and/or physical condition. Date of Action: June 27, 2008

Evette Geiger, MRT, License #: R02730
Area of Practice: Radiation Technology (Baltimore, MD)

Revocation; the Board will not accept any application for reinstatement for 5 years. The licensee knowingly and willingly falsified credentialing information to continue in the practice of medical radiation technology for nearly eight years. Date of Action: June 10, 2008

Peter C. Gleason, M.D., License #: D24640
Area of Practice: Psychiatry (Annapolis, MD)

Reprimand; Probation for a minimum of 6 months and until terms and conditions are met. The Board found that the physician failed to maintain adequate medical records with regard to a patient. Date of Action: July 10, 2008

Michael Glen Harper, M.D., License #: D30673
Area of Practice: Neurology (Bethesda, MD)

Summary Suspension. The Board issued its disciplinary action based on a peer review in which the reviewers opined that the physician failed to meet standards of care with respect to prescribing narcotic medication for four of the

PHYSICIANS

charts reviewed, and a psychiatric evaluation in which the evaluator concluded that the physician required ongoing treatment in order to practice safely. Date of Action: September 24, 2008

Cheryl Harris-Chin, M.D., License #: D53865
Area of Practice: Pediatrics (Magnolia, DE)

Reprimand; Suspension from date of the Order until licensee pays a fine of \$10,000. and no later than a year from date of order; thereafter the licensee may petition for termination of suspension. The Board concluded that the physician violated the terms and conditions of the suspension imposed by the Board's April 26, 2006 Final Decision. Date of Action: June 25, 2008

Donald H. Hislop, M.D., License #: D08293
Area of Practice: Family Practice
(Annapolis, MD)

Modified Final Order on Petition for Termination of Suspension and Reinstatement of Suspended License. The Board modified the February 7, 2008 Final Order to allow the physician to petition to terminate his suspension before taking the MRO exam; however, the physician shall not become employed in the practice of medicine or open an office in the practice of medicine until he has provided documentation to the Board that he completed the MRO course, and successfully passed the MRO exam. Date of Action: April 23, 2008

Donald H. Hislop, M.D., License #: D08293
Area of Practice: Family Medicine/Geriatric Medicine (Annapolis, MD)

Termination of Suspension imposed by the April 23, 2008, Modified Final Order; Reinstatement of active license subject to Probation for a minimum of 2 years subject to terms and conditions. The physician has met the conditions precedent. Date of Action: May 13, 2008

Bryant K. Howard, P.A., License #: C01008
Area of Practice: Physician Assistant
(Whitehall, PA)

Permanent Revocation. The physician was terminated from employment in Maryland for making inappropriate sexual overtures and contact with 3 female employees; practiced in Maryland without a delegation agreement; and failed to disclose on his Maryland renewal application that his employment had been terminated for disciplinary reasons. Date of Action: October 22, 2008

Daniel M. Howell, M.D., License #: D02975
Area of Practice: Family Practice
(Hollywood, MD)

Reprimand; Probation for a minimum of 2 years and until terms and conditions are successfully completed. The Board concluded that the physician failed to meet the standards of quality care in the care and treatment of a patient and especially in regard to prescribing Controlled Dangerous Substances. Date of Action: July 23, 2008

Monica James, No License
Area of Practice: Respiratory Care Practice (Accokeek, MD)

Denial of Certification as a Respiratory Care Practitioner. The Board's action is based on the applicant's false response on her Maryland application about a suspension of license by the District of Columbia medical board, and based on the disciplinary action by the D.C. board. Date of Action: October 22, 2008

Dwight Joseph Johnson, M.D., License #: D61970
Area of Practice: Family Medicine
(Scranton, AR)

Terms: within 30 days of the date of the Consent Order the physician shall submit proof of completion of the ethics course and payment of the administrative fine imposed by the Texas Board. The Board took reciprocal action on disciplinary action by the Texas Board for unprofessional conduct for inappropriate personal involvement with a patient not related to the medical care provided. Date of Action: September 3, 2008

William K. Kelly, M.D., License #: D39979
Area of Practice: Medical Oncology
(Bethesda, MD)

Reinstatement of License; Probation for a minimum of 5 years subject to terms and conditions. The Board determined that the physician has made sincere and successful efforts in his rehabilitation. Date of Action: May 15, 2008

Charles Y. Kim, M.D., License #: D21016
Area of Practice: OB/GYN (Frederick, MD)

Reprimand; a fine of \$5,000. to be paid within 6 months of the date of the decision; Probation for 6 months and until conditions have been met. The physician willfully made false statements in answering three questions on his application for renewal of licensure and thereby attempted to conceal from the Board information potentially critical to the Board's evaluation of his qualifications for continued licensure. Date of Action: July 23, 2008

George Lakner, M.D., License #: D25404
Area of Practice: Psychiatry (Washington, DC)

Motion for Reconsideration of the March 19, 2008, Final Decision and Order is denied. The Board made its determination after deliberation on the physician's Motion for Reconsideration. Date of Action: August 27, 2008

Gregory J. Latham, M.D., License #: D67805
Area of Practice: General Practice
(Columbia, MD)

Licensure granted; within 10 days of date of the Consent Order enter into a 5-year Rehabilitation Agreement subject to terms and conditions; and Probation for 5 years subject to terms and conditions. The Board will monitor the physician's progress in rehabilitation from substance abuse. Date of Action: June 2, 2008

Zubair A. Latif, M.D., License #: D53779
Area of Practice: Internal Medicine
(Newport News, VA)

Reprimand. The Board took reciprocal action on disciplinary action by the Virginia Medical Board in regard to the physician's treatment of a patient for weight reduction and his failure to provide patient records requested by the Virginia Board. Date of Action: September 24, 2008

Sharon Marselas, M.D., License #: D22026
Area of Practice: Neurosurgery
(Philadelphia, PA)

Reprimand and terms. The physician failed to meet the standards of quality care and failed to maintain adequate medical records in regard to her surgery on two patients. Date of Action: October 22, 2008

Michael L. Martin, MRT, Certificate #: R05701
Area of Practice: Radiation Technology
(White Marsh, MD)

Revocation. The licensee pled guilty of indecency with a child which the Board found to be a crime of moral turpitude; the licensee was thereby subject to statute that mandates revocation of his certification as a medical radiation technologist. Date of Action: April 25, 2008

Shoba Mathews, M.D., License #: D38179
Area of Practice: Neurology, (Waldorf, MD)

Reprimand; the physician shall not perform a specific test in her practice of medicine; other terms and conditions. The physician failed to meet the standards of quality care and failed to keep adequate medical records in her practice of neurology. Date of Action: June 27, 2008

Renee McKenney, P.A., License #: C01040
Area of Practice: Physician Assistant
(Philadelphia, PA)

Suspension for a minimum of 1 year; should the Board grant reinstatement the Board will set terms and conditions to include a Rehabilitation Agreement of at least 5 years. The Board took action based on the practitioner's relapse in her rehabilitation program in regard to substance abuse. Date of Action: October 24, 2008

Neil A. Meade, M.D., License #: D19220
Area of Practice: General Practice
(Laurel, MD)

Suspension for 3 years with a minimum of 6 months active suspension followed by 30 months stayed; suspension subject to terms; after the period of active suspension is stayed, Probation for 3 years subject to terms and conditions. The Board found that the physician failed to meet the standards of quality care and failed to maintain adequate medical records in prescribing CDS and dependency promoting medications. Date of Action: June 26, 2008

Franklin T. Miller, RCP, License #: L04484
Area of Practice: Respiratory Care (Peoria, AZ)

Revocation. The Board took reciprocal action based on disciplinary action by the Arizona Board for the practitioner expending monies from the Arizona Society of Respiratory Care without proper authorization and for personal benefit. Date of Action: September 25, 2008

Herbert L. Muncie, Jr., M.D., License #: D14622
Area of Practice: Family Medicine/Geriatric Medicine (Mandeville, LA)

Stayed Suspension of March 28, 2007, Consent Order is removed; Reinstatement of License; and Probation for a minimum of 3 years subject to terms. The physician complied with the conditions precedent to the Board's action. Date of Action: May 22, 2008

Karen Norris, MRT, License #: R02887
Area of Practice: Radiation Technology
(California, MD)

Surrender. The Board's action is based on the revocation of the licensee's revocation of certification by the American Registry of Radiologic Technologists for practicing medical radiation technology under the influence of alcohol and drugs. Date of Action: June 27, 2008

PHYSICIANS

Catherine North, M.D., License #: D36128

Area of Practice: Radiation Oncology (Phoenix, MD)

Surrender of License. The Board found that the physician violated the Medical Practice Act as a result of substance abuse and should not presently be practicing medicine. Date of Action: June 27, 2008

Jose R. Parra, M.D., License #: D59099

Area of Practice: General Surgery (York, PA)

Reprimand; terms and conditions. The physician failed to meet the standards of quality care in regard to a patient by use of carbon dioxide as a contrast agent in a 2003 arteriogram. Date of Action: October 24, 2008

Abner P. Pasatiempo, M.D., License #: D45431

Area of Practice: Psychiatry (Baltimore, MD)

Suspension imposed by the April 26, 2006, Consent Order is stayed, Probation for a minimum of 5 years subject to terms and conditions. The physician completed the 18 month period of active suspension and demonstrated his full and successful compliance with the terms and conditions imposed during the period of active suspension. Date of Action: May 15, 2008

Barbara L. Perrone, M.D., License #: D64984

Area of Practice: General Practice (Hockessin, DE)

Reprimand and requirement to complete, that is, provide proof of payment of a fine and completion of CME's within 60 days from date of order. The Board took reciprocal action based on disciplinary action by the Alabama Board of Medical Examiners based on her falsely answering yes on her renewal application that she had completed the required CME's for the year 2006. Date of Action: August 18, 2008

Marc S. Posner, M.D., License #: D19650

Area of Practice: General Practice (Baltimore, MD)

Reprimand; Sixty (60) days from the date of the order, permanent termination of his pain management practice; and terms. The Board concluded that the physician failed to meet the standards of quality care and violated a condition of his January 26, 2005, Consent Order in his pain management practice. Date of Action: June 25, 2008

Jean W. Pribadi, M.D., License #: D30510

Area of Practice: None (Columbia, MD)

Suspension for a minimum of 1 year effective June 13, 2008; terms and conditions required during the period of suspension; if the Board stays the suspension, Probation for a minimum of 3 years subject to terms and conditions. The physician failed to meet the standards of quality care and failed to maintain adequate medical records in regard to 9 patients in regard to prescribing controlled dangerous substances. Date of Action: April 23, 2008

William A. Rohde, M.D., License #: D14247

Area of Practice: Psychiatry (Boston, MA)

Denial of reinstatement of license; the Board will not consider any application for reinstatement any earlier than 2 years from the date of the order. The physician was disciplined by the Massachusetts medical board for acts that would be grounds for discipline in Maryland, that is failure to provide information and documents to which the Massachusetts board was entitled and failure to comply with accepted standards of psychiatric care in his treatment of 15 patients. Date of Action: October 22, 2008

Mark R. Rosenberg, M.D., License #: D55806

Area of Practice: Psychiatry (Ellisville, MO)

Revocation. The physician pled guilty to a violation of 18 U.S.C. §641 for willfully and knowingly receiving and retaining stolen property of the United States and thereby is subject to state statute that mandates revocation of his medical license. Date of Action: July 28, 2008

Thaddeus Ruddock, RCP, License #: L01705

Area of Practice: Respiratory Care (Baltimore, MD)

Revocation; the Board will not accept any applications for reinstatement for 3 years. The Board concluded as a matter of law that the licensee was addicted to CDS while he was working/practicing respiratory care, and has not successfully completed any programs to rehabilitate himself from drug addiction. Date of Action: June 12, 2008

Michael D. Schaubert, M.D., License #: D56373

Area of Practice: Surgery (Cordova, MD)

Revocation; the Board will not entertain an application for reinstatement any earlier than 2 years from date of order. The physician violated two terms and conditions imposed by the April 25, 2007, Consent Order in regard to his substance abuse impairment. Date of Action: July 29, 2008

Elizabeth G. Schlenoff, M.D., License #: D22557

Area of Practice: Family Practice (Monkton, MD)

Reprimand; fine of \$1500; if the fine is not paid within 60 days, immediate suspension of license. The physician failed to disclose current or past investigations by the Board on reappointment applications of two hospitals. Date of Action: April 23, 2008

Dinesh B. Shah, M.D., License #: D23334

Area of Practice: Internal Medicine (North East, MD)

Reprimand; Probation for a minimum of 3 years and until all terms and conditions are met. The Board found that the physician failed to meet the standards of quality care and failed to maintain adequate medical records in his care and treatment of a patient for whom he was providing anti-coagulation therapy. Date of Action: August 28, 2008

Ronald L. Shreve, Jr., RCP, License #: L00621

Area of Practice: Respiratory Care (Jefferson, MD)

Revocation. The Respiratory Care Practitioner was found guilty of possession of child pornographic materials in the state of Illinois and thereby subject to statute that mandates revocation of his license. Date of Action: August 7, 2008

Deborah K. Silcott, MRT, Certificate #: R00761

Area of Practice: Medical Radiation Technology (Salisbury, MD)

Reprimand. The Board based its action on the revocation of the health care practitioner's ARRT certification and her submission of an altered ARRT card on at least 2 occasions to be recertified at a hospital. Date of Action: July 23, 2008

Bhupinder Singh, M.D., License #: D23341

Area of Practice: Urology (Bemidji, MN)

Indefinite Suspension. The Board took reciprocal action based on action by the Minnesota Board; the physician relapsed to alcohol use. Date of Action: June 27, 2008

Scott A. Steinmetz, M.D., License #: D47463

Area of Practice: Surgery (Belair, MD)

Reprimand; Probation for 3 years subject to terms

and conditions. The Board found that the physician was guilty of immoral and unprofessional conduct in the practice of medicine because of his inappropriate workplace behavior, sexual harassment and engaging in unwanted, inappropriate sexual misconduct with two women hospital staff members. Date of Action: April 23, 2008

Khosrow Tabassi, M.D., License #: D46356

Area of Practice: Emergency Medicine (Towson, MD)

Reprimand; Probation for a minimum of one (1) year subject to terms and conditions. The Board concluded that the physician violated provisions of the Maryland Medical Practice Act when he wrote CDS prescriptions for an individual who he had not examined, and wrote CDS prescriptions in the name of a third party who was not the intended recipient of the medication. Date of Action: June 27, 2008

Gregory L. Taylor, M.D., License #: D27556

Area of Practice: Family Practice (Sykesville, MD)

Reinstatement of license granted if physician meets terms and conditions; if granted, Probation for 5 years subject to terms and conditions. The Board determined that the physician showed evidence that he could be granted licensure subject to terms and conditions. Date of Action: October 29, 2008

Carlos Valentin, MRT, Certificate #: R03890

Area of Practice: Medical Radiation Technology (Orlando, FL)

Denial of Reinstatement of Certification to practice Medical Radiation Technology. The Board based its action on the revocation of his certification with the American Registry of Radiologist Technologists (ARRT) for altering 2 ARRT certificates of registration after his certification expired. Date of Action: July 23, 2008

William Samuel Vaughn, III, M.D., License #: D43641

Area of Practice: General Practice (Silver Spring, MD)

Probation for 1 year subject to terms and conditions. The Board took reciprocal action on disciplinary action by the District of Columbia Medical Board based on the physician's prescribing medication to a patient when not authorized to do so, and prescribing for the patient on hospital prescriptions pads when no records for the patient existed at the hospital. Date of Action: August 27, 2008

McClellan M. Walther, M.D., License #: D37713

Area of Practice: Urology (Metairie, LA)

Revocation. The physician pled guilty to a crime of moral turpitude, that is possession of child pornography and thereby is subject to statute that mandates revocation. Date of Action: April 9, 2008

Dana Weaver, RCP, License #: L04238

Area of Practice: Respiratory Care Practice (Silver Spring, MD)

Revocation. The licensee pled guilty to crimes of moral turpitude and thereby became subject to statute that mandates revocation. The healthcare provider pled guilty and was convicted of one felony count of embezzlement and two felony counts of forgery. Date of Action: May 8, 2008

Thomas W. Wingfield, M.D., License #: D04773

Area of Practice: Anesthesiology (Gastonia, NC)

Reprimand and condition. The Board took reciprocal

PHYSICIANS

action based on a sanction of the North Carolina Medical Board for improper prescribing. April 25, 2008

Milan Wister, M.D., License #: D30339

Area of Practice: Internal Medicine (Baltimore, MD)

Reprimand; and terms. The physician failed to meet the standards of quality care in regard to a patient, with a pre-existing history of Hodgkin's Lymphoma, who developed lung cancer. Date of Action: October 22, 2008

Richard G. Yeron, M.D., License #: D41717

Area of Practice: General Practice (Frederick, MD)

Summary Suspension. The Respondent engaged in a pattern of excessive and unjustifiable prescribing of Schedule II

opioid analgesics, that placed his patients at risk for potentially serious or life-threatening consequences such as habituation and/or addiction. Date of Action: July 9, 2008

Richard G. Yeron, M.D., License #: D41717

Area of Practice: General Practice (Frederick, MD)

July 9, 2008, Order for Summary Suspension is stayed subject to two conditions: (1) the physician shall not accept or treat any pain management patients; and (2) the physician shall not prescribe any CDS as defined by Maryland statute and regulation. The Board based its decision on the arguments and evidence presented by the parties at the Board's post-deprivation hearing. Date of Action: August 29, 2008

Ryszard Zebrak, M.D., License #: No License

Area of Practice: Psychiatry (Spotsylvania, VA)

Application for Initial Medical License is denied. The Board based its action on action by the Virginia Board for writing prescriptions in the name of another for his own use; and prescribed medications for weight loss without performing a comprehensive history, physical examination, and an electrocardiogram within 90 days of initial prescribing. Date of Action: August 28, 2008

ADMINISTRATIVE FINES

John S. Braxton, III, P.A., License #: C00645

Area of Practice: Physician Assistant (Newark, DE)

Administrative fine in the amount of \$500. The physician assistant practiced after his certificate had lapsed in violation of Md. Code Ann. Health Occ. §14-401. Date of Action: June 27, 2008

Jessica M. Brown, MRT, Certificate #: R08735

Area of Practice: Medical Radiation Technology (Suitland, MD)

Administrative fine in the amount of \$500. The health care practitioner practiced medical radiation technology without a certificate issued by the Board in violation of Md. Code Ann. Health Occ. §14-5B-17(a). Date of Action: July 24, 2008

Daniel L. Eustace, P.A., License #: C02993

Area of Practice: Physician Assistant (Aberdeen, MD)

Administrative fine in the amount of \$500. The physician assistant practiced after his certificate had lapsed in violation of Md. Code Ann. Health Occ. §14-401. Date of Action: June 27, 2008

Dexter Finklea, MRT, Cert #: R07407

Area of Practice: Radiation Technology (Lanham, MD)

Administrative fine in the amount of \$500. The health care practitioner practiced medical radiation technology without a certificate, in violation of the Medical Practice Act, Md. Code Ann., Health Occ. §14-5B-17(a). Date of Action: April 25, 2008

Rachel A. Kuss, MRT, Certificate #: R07204

Area of Practice: Medical Radiation Technology (Prince Frederick, MD)

Administrative fine in the amount of \$500. The health care practitioner practiced medical radiation technology without a certificate, in violation of the Medical Practice Act, Md. Code Ann., Health Occ. §14-5B-17(a). Date of Action: October 22, 2008

Jennifer Leadroot, P.A., Certificate #: C03247

Area of Practice: Physician Assistant (Baltimore, MD)

Administrative fine in the amount of \$500. The physician assistant continued to practice after her certificate lapsed in violation of Md. Code Ann. Health Occ. §15-401. Date of Action: September 3, 2008

Wallace B. Masciuch, M.D., License #: D37885

Area of Practice: Orthopaedic Surgery (Rockville, MD)

Administrative fine in the amount of \$1,000. The physician practiced medicine after his medical license had lapsed in violation of Md. Code Ann. Health Occ. §14-601. Date of Action: May 30, 2008

Allan R. McClary, M.D., License #: D06988

Area of Practice: Psychiatry (Baltimore, MD)

Administrative fine in the amount of \$1,000. The physician practiced medicine after his medical license had lapsed in violation of Md. Code Ann. Health Occ. §14-601. Date of Action: October 22, 2008

Debra S. Weimer, RCP, Certificate #: L04898

Area of Practice: Respiratory Care Practice (Frostburg, MD)

Administrative fine in the amount 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. Date of Action: May 30, 2008

Kristi Marie Yetter, RT, Certificate #: O00561

Area of Practice: Radiation Oncology/Therapy Technology (McAlisterville, PA)

Administrative fine in the amount of \$500. The health-care practitioner practiced radiation oncology/therapy technology without a certificate in violation of Md. Code Ann. Health Occ. §14-5B-17(c). Date of Action: September 3, 2008

Sleep laboratories: Physicians who are practicing in the area of sleep medicine should be aware the Maryland law requires polysomnographic technologists to become licensed by October 1, 2009. The Maryland Board of Physicians has published proposed regulations governing the licensure and practice requirements and we expect to begin accepting license applications by the beginning of 2009. We need you to help us reach those that may be in your labs, receiving on-the-job training, that they need to seek licensure. Please spread this information to anyone that may be affected.

Copying and Charging for Medical Records

All physicians are faced periodically with patients requesting that their records be transferred to another practice or asking for copies for themselves. Frequently, the patients assume that you will hand over your complete file; they may not understand that you are required by law to maintain the records for at least 5 years (longer for pediatric records). For you and your staff, pulling and copying records is a time-consuming interruption to the normal flow of your office.

You are obligated to provide copies of records upon request from the patient. You can, however, charge a fee for copying the records. Maryland law (Health-General §4-304) specifies rates and how the rates can be updated annually. The current

rates, adjusted according to the July 2008 Consumer Price Index, is as follows:

- Preparation fee of no more than \$22.18;
- Copying fee of no more than 73¢ per page;
- Actual mailing cost.

You may withhold the medical records pending payment of these fees. However, you may not withhold records because the patient owes money for health care services. Under the law, a provider who does not disclose the records within a reasonable time, not to exceed 21 days, is liable for actual damages.

ALLIED HEALTH PRACTITIONERS

Operation of Hybrid PET/CT Machines PET (Positron Emission Tomography) equipment is ordinarily operated by a nuclear medicine technologist, whereas CT (Computed Tomography) equipment is operated by a radiographer (aka "medical radiation technologist"). Who, then, can operate one of the new, hybrid machines which combine PET and CT technology? The Board recently amended its regulation that specifies conditions which must be met by a nuclear medicine technologist to use the hybrid machines. Information about these requirements can be found in Question 18 in the Frequently Asked Questions for Nuclear Medicine Technologists on the Board's website. This will also provide a link to the forms which must be completed and submitted to the Board.

Please note that the new requirements are intended to allow a **nuclear medicine technologist** with additional training to use the new hybrid technology. A nuclear medicine technologist, even with the additional training, **is not permitted** to operate freestanding CT equipment. Radiographers **may not** operate the hybrid equipment.

Registered Cardiac Interventional Specialist Registered Cardiac Interventional Specialists (RCIS) are credentialed by a not-for-profit organization, Cardiac Credentialing International, but are not licensed in Maryland. This limits delegation from a physician to tasks that can be delegated to a person with no health occupation training. (For information on this, please see the Board's regulations on its website.) Specifically, these individuals are not permitted to position patients, adjust settings on fluoroscopy equipment, or activate the fluoroscopy equipment. Neither a licensed physician nor a licensed radiographer is permitted to delegate the use of fluoroscopy equipment to an RCIS. A physician or radiographer who allows an unlicensed person to use fluoroscopy equipment is aiding an unlicensed person in the practice of medical radiation technology and is subject to action by the Board against his/her license and/or a fine. More importantly, an RCIS may not have had the in-depth training to operate fluoroscopy equipment safely, putting patients and others in the room at risk for unintended exposure to radiation.

More change: Effective October 1, 2008, the technologists who operate radiation equipment achieved licensure, replacing the certification that had been in use for more than 20 years. In addition, two categories of technologists have assumed new titles, which reflect usage in the health care community. "Medical radiation technologists" are now known officially as "radiographers"; and "radiation oncology therapy technologists" are "radiation therapists". The title for the third category of technologists, "nuclear medicine technologist," did not change. These changes will show up when technologists renew their licenses.

Regulatory Review Notice: The Board is currently reviewing its regulations, as required by law, and is soliciting comments from the public. The goal is to repeal regs no longer needed and to update those still in use. Chapters under review are: 10.32.01, 10.32.04, 10.32.07, 10.32.11, 10.32.12, 10.32.13, 10.32.15, 10.32.16 and 10.32.17. These regs can be accessed on the Board's website, www.mbp.state.md.us. Comments may be sent to the Board at mbpmail@rcn.com or mailed to the Board office.

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