

Maryland
BPQA

NEWSLETTER

Maryland Board of Physician Quality Assurance

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SPEX: THE SPECIAL PURPOSE EXAMINATION

In reading the synopses of disciplinary actions included in each "BPQA Newsletter," the phrase "with conditions" often appears. One of the conditions occasionally imposed by the Board is that a physician take and pass the SPEX. What is the SPEX? How does the Board use it as a part of the licensing process?

The SPEX stands for Special Purpose Examination. Offered since 1988, the SPEX was designed to evaluate physicians of all specialties for the basic knowledge physicians in mid-career should possess. It is particularly useful when a physician has been out of practice for some time, whether due to illness, leave of absence, or disciplinary action. The Board has also used the SPEX when it is not feasible to conduct a practice review, either because there are no records available to review, or the Board wants an objective evaluation of the physician's general knowledge in a timely fashion. On average, a practice review conducted by the Medical and

Chirurgical Faculty of Maryland takes nine months to complete. The SPEX, offered four times a year at various sites around the country, provides the Board with a more timely alternative. The new computerized SPEX will be available year round at different centers in the country.

Although physicians from 23 different specialties have been among the 3000 examinees who took the SPEX in the first five years of its availability, there have been no differences in pass rates between physicians of the various specialties represented. Physicians taking the SPEX for licensure purposes when moving from state to state can be expected to achieve a passing score about 85 percent of the time. Physicians who are tested before returning to practice after a leave of absence or who take the SPEX subsequent to a disciplinary action have lower pass rates.



Texas has initiated a requirement that all their licensed physicians take the SPEX at 10 year intervals after completion of their training. Texas has found that pass rates remain high for physicians in their first two decades of practice and then tend to fall off fairly precipitously. Typically, only about 35 percent of Texas physicians identified for testing due to a disciplinary action were able to pass the SPEX.

"SPEX is a one-day examination, and it is not the equivalent of an initial licensing examination. It is designed solely to re-evaluate a physician who holds or has held a valid license in the United States or Canada. It contains approximately 450 multiple choice items, and certain specific content areas are emphasized: (1) frequently mishandled clinical problems, (2) drug abuse or misuse, (3) drug-drug interactions, (4) emergency or life-threatening illnesses or injuries, (5) medical law and ethics, (6) geriatric problems, (7) newer procedures useful in medical diagnosis and therapy, (8) diseases with increasing prevalence or importance. Basic science principles are not the primary focus of the examination, but they are included where necessary as foundation for the safe and effective practice of medicine."¹

Reference:

1. Morton, JH. The Current Status of SPEX. *The Federation Bulletin* 80:257-259, 1993.

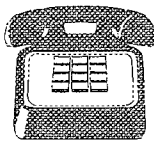
STATEWIDE FOLLOW-UP
TO
LABORATORY REPORTING BEGUN

Laboratory reporting by patient unique identifier (UI) of HIV infection and CD4+ lymphocyte counts less than 200/mm³ went into effect June 1, 1994. Physicians are responsible to do the following:

1. Create the patient's UI when ordering either test;
2. Inform the patient about the use of his/her Social Security number in the UI;
3. Put the UI and other required information on the lab request form;
4. Maintain a log linking the patient's name and UI; and
5. Assist the local or State health department with follow-up investigation.

Since January 1995, the AIDS Administration, Division of Surveillance, has pilot tested follow-up investigations of laboratory reports. Beginning July 25, 1995, local health department staff statewide began contacting physicians for follow-up of reports of confirmed HIV infection or CD4 counts less than 200. The physician's log is essential to facilitating this process.

The AIDS Administration, Division of Surveillance acknowledges and appreciates the efforts of physicians in complying with the regulations for implementation of this reporting system. For more detailed information about the reporting system, call (410) 767-5043.



NEW PHONE # FOR PHYSICIAN'S REHAB

The program for impaired physicians has a new telephone number. To obtain help for yourself or a colleague call 1-410-727-0120. A trained addictions counselor will take your call, and a member of the Physician's Rehabilitation committee will contact you.

BOARD DISCIPLINARY ACTIONS

APRIL 1 - JUNE 30, 1995

BALTATZIS, Panayiotis, M.D., License #D28949. Probation for three years subject to terms and conditions. The physician's prescribing practice with regard to controlled dangerous substances did not meet the standard of care. Effective: 4/4/95.

WILLIAMS, Robert James M.D., License #D25055. (Edmondson Avenue, Baltimore, MD) License suspended for 60 days; suspension immediately stayed. Probation for three years subject to terms and conditions. The physician prescribed controlled dangerous substances without medical indication and failed to meet appropriate standards of care. Effective: 4/4/95.

CALON, Antonino H., M.D., License #D20655. License suspended from April 17, 1995 to June 9, 1995. However, the suspension shall continue automatically until the physician passes an examination. Three years probation subject to terms and conditions. Based on a peer review, the physician's practice in internal medicine and cardiology failed to meet appropriate standards of care. Effective: 4/11/95.

KUMAR, Vinay, M.D., License #D43879. Probation imposed by the Consent Order of December 21, 1994 is terminated. The physician has complied with the conditions and terms imposed during the probationary period. Effective: 4/25/95.

FLOREEN, Barbara Noelle, Medical Radiation Technologist, Certification #R00317. Probation for two years subject to conditions. The practitioner practiced medical radiation technology without being certified by the Board; fraudulently and/or deceptively used an M.R.T. certificate; and failed to comply with COMAR regulations governing the practice of medical radiation technology. Effective: 4/26/95.

MILLER, Gerald A., M.D., License #D13275. License surrendered. The Board had sufficient evidence to prove that the physician engaged in unprofessional conduct, violated the terms of the Board's May 25, 1994 Consent Order, and practiced medicine without a license in July, August, and September of 1994 in the State of Maryland. Effective: 4/26/95.

SCHWIETERMAN, William, M.D., License #D36419. The physician may resume the clinical practice of medicine and will undergo a peer review by the Board. The physician has complied with the conditions precedent to resuming the clinical practice of medicine. Effective: 4/26/95.

ZEVALLOS, Prospero, M.D., License #D14352. License suspended for 60 days. The physician can terminate the suspension upon achieving a passing score in the retraining program specified by the Board. The physician entered into a Consent Order which addressed his failure to meet standards of care in family practice. Effective: 5/2/95.

CORBIN, John A., M.D., License #D02637. (St. Thomas, Virgin Islands) Probationary period set out in the order of July 20, 1982 is terminated. The physician shall not practice medicine in Maryland until he takes and passes the SPEX examination, appears before the Board, and obtains Board approval to practice in the State of Maryland. The respondent complied with the terms of probation imposed by the Board's order of July 20, 1982. Effective: 5/2/95.

SOLIMAN, Jimmy H., M.D., License #D43954. Fine of \$100. The physician failed to notify the Board of his change of address as required by Maryland statute. Date of action: 5/24/95.

BURLTON, Rogers, M.D., License #D04506. Probation for six months subject to conditions. The physician failed to meet standards of care in his practice of psychiatry in regard to one case that was the subject of a peer review. Effective: 5/24/95.

COLLIGAN, Franklyn W., M.D., License #D04366. Probation for two years subject to conditions. The physician failed to meet appropriate standards for record keeping in his general practice. Effective: 5/24/95.

HARRIS, Leonard C., M.D., License #D37915. License surrendered. The surrender resolves the Board's investigation initiated after it received information in regard to action taken against the physician's California medical license and a criminal conviction

in Maryland for housebreaking, battery, assault, kidnapping, carrying a weapon openly with intent to injure, and fleeing and attempting to elude a police officer. Effective: 5/24/95.

ORDONEZ-SMITH, Jorge, M.D., License #D14246. The physician cannot practice medicine, other than as a surgical assistant, until the completion of retraining. The physician failed to meet standards of care in his practice of medicine. Effective: 5/24/95.

PATEL, Kanaiyalal J., M.D., License #D21799. The Consent Order of April 13, 1994, with restrictions and terms imposed by the Board is terminated. The physician has complied with terms and conditions set forth in the Consent Order. Effective: 5/24/95.

WALLS, Philip Douglas, M.D., License #D17832. Probation terminated. The physician has complied with the conditions precedent for termination of probation ordered by the Board on March 26, 1992. Effective: 5/24/95.

HERNANDEZ, Iluminada, M.D., License #D18885. Probation for two years subject to conditions. The physician failed to meet standards of care in regard to a patient in her general practice. Effective: 5/30/95.

GARDNER, Elmer, M.D., License #D13039. License surrendered. The Board accepted the physician's failure to renew his license as a surrender in lieu of further investigation into a patient's complaint of unprofessional conduct in his practice of psychiatry. Effective: 6/6/95.

BRIGGS, Jeffrey A., M.D., License #D28640 (Cardinal Dr., Pasadena, MD). The Board approved an additional practice setting. The physician remains subject to terms and conditions and must enroll in an ethics course within 30 days from execution of this order. Effective: 6/13/95.

ZEVALLOS, Prospero, M.D., License #D14352. The 60-day active suspension is terminated as of June 20, 1995. Probation for three years from the effective date of the Consent Order of November 15, 1994. The physician successfully completed a retraining program as required by the November 15, 1994 consent order. Effective: 6/27/95.

ADAM, Baker Hakki, M.D., License #D00472. License suspended. Maryland statute requires suspension of a license after conviction of a crime of moral

turpitude. The physician was found guilty of 14 counts of Medicaid Fraud and Aiding and Abetting in Violation of 42 U.S.C. § 1320a-7 (b) and 18 U.S.C. §2. Effective: 6/28/95.

ALP, Necati M., M.D., License #D20695. Reprimand. The physician shall cease acting as a primary care physician and as a primary care provider or provider of non-psychiatric medicine to any and all patients on or before June 30, 1995. The physician is subject to other conditions, and his license shall become inactive. The physician shall be on probation from the effective date of the Consent Order until he goes inactive. The physician was guilty of unprofessional conduct in the practice of medicine and failed to meet standards of care in his practice of psychiatry. Effective: 6/28/95.

CALON, Antonino H., M.D., License #D20655. Suspension imposed by an order of April 11, 1995 is terminated. Probation for three years, effective from April 11, 1995, subject to terms and conditions. The physician successfully completed the required reeducation program required by the April 11, 1995 order. Effective: 6/28/95.

CORREA, Elsa I., M.D., License #D20136. License suspended for a period of one year, effective July 28, 1995. Conditions imposed during suspension. In the event of reinstatement, the physician will be on probation for three years subject to terms and conditions. The physician is guilty of immoral and unprofessional conduct in the practice of psychiatry and medicine. Effective: 6/28/95.

MIZRAHI, Maryam, M.D., License #D34505. Reprimand and fine of \$10,000. The physician is subject to monitoring conditions for three years. This sanction is administrative in nature. The physician engaged in the practice of medicine with unauthorized persons or aided unauthorized persons in the practice of medicine. Effective: 6/28/95.

VINITSKY, Alan R., M.D., License #D22180. Reprimand and fine of \$10,000. The physician is subject to monitoring for three years. This sanction is administrative in nature. The physician engaged in the practice of medicine with unauthorized persons or aided unauthorized persons in the practice of medicine. Effective: 6/28/95.

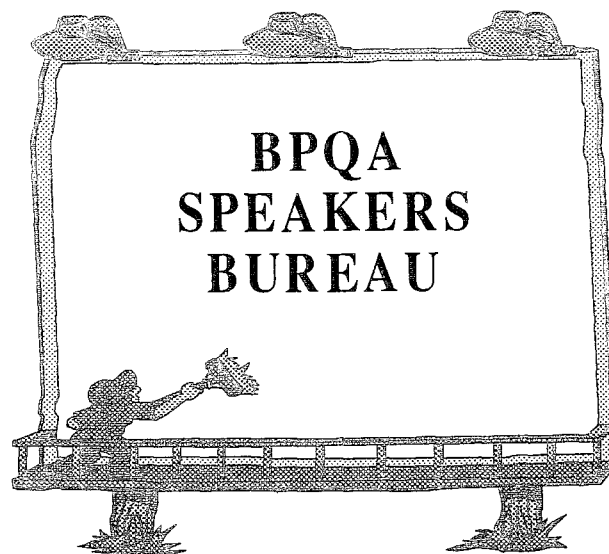
ZAKAI, Zia, M.D., License #26485. Reprimand. Probation for 36 months subject to terms and conditions. The physician failed to meet the standards of care in his practice of orthopaedic surgery with respect to three patients. Effective: 6/28/95.

BOARD ADVISORIES

NEW DO NOT RESUSCITATE PROTOCOL APPROVED FOR AMBULANCE SERVICE PERSONNEL

New statewide EMS Palliative Care/Do Not Resuscitate (DNR) Order forms and bracelets approved by BPQA went into effect July 1, 1995. Without a Maryland form or bracelet, which must be signed by a Maryland licensed physician, patients with life-threatening conditions will be resuscitated by ambulance personnel. With a valid form or bracelet, patients will receive specified palliative care and no resuscitation in accordance with the EMS Palliative Care/Do Not Resuscitate Protocol. Other forms of DNR orders may not be honored by ambulance personnel.

For an informational booklet or to obtain forms and bracelets for your patients, contact the Maryland Institute for Emergency Medical Services Systems (MIEMSS) DNR Program Office at 636 West Lombard Street, Room 225, Baltimore, MD 21201-1528; call (410) 706-4367; or fax your request to (410) 706-4366.



Upon request, BPQA will provide speakers who will make presentations designed to lessen the risk of Board discipline. Topics include boundary crossing violations, especially in the area of sexual misconduct; inappropriate prescribing practices; problem medical records; fraudulent activities; and the role and responsibilities of BPQA, including the process from complaint to resolution. The programs are available to hospital staffs, medical society meetings, and other groups involved in medical care.

For information or to arrange a speaker for your meeting, contact Mr. Rod Clark, BPQA Education and Training Coordinator, at (410) 764-2492.

REQUIREMENT REPEALED

Effective July 1, 1995, physicians are no longer required to obtain prior approval from the Department of Health and Mental Hygiene (DHMH) before prescribing amphetamines or methamphetamines. (HB 1260 Ch. 103) Formerly, physicians were required to notify the medical consultant, a physician named by DHMH who was also the Chair of the Committee on Drugs at the Medical and Chirurgical Faculty of Maryland.

FAREWELL, MR. GUNTHER

The Board bids a fond farewell to Frank Gunther, Jr., who served as Vice-chairman and consumer member for the past seven years. Mr. Gunther was one of the original members appointed in 1988 when the Commission of Medical Discipline merged with the Board of Medical Examiners to create BPQA.

At the June Board meeting, Dr. Israel Weiner, Board Chair, presented a plaque to Mr.



Gunther in recognition of his "untiring efforts as a consumer member of BPQA serving the citizens of Maryland."

Reflecting on his experience at the Board, Mr. Gunther said, "I've been really impressed and pleased by the commitment and dedication of the physicians on the Board. They are devoted to assuring that Marylanders receive optimal medical care by qualified health professionals. I'm proud to have been a part of this process."

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