

# Maryland Board of Physicians

Board Chairman: Paul T. Elder, M.D. • Executive Director: C. Irving Pinder, Jr.

Spring 2011



## Maryland Court of Appeals Affirms Board's Declaratory Ruling 2006-1 Self-Referral of MRI Scans

The Maryland self-referral law prohibits a health care practitioner from referring a patient to another health care entity in which the health care practitioner has a financial interest. This is a complicated law with many exceptions. The Board of Physicians issued a declaratory ruling in 2006 addressing particular fact patterns of alleged self-referrals, with the intent of indicating the Board's view on the propriety of certain referrals. The Board's ruling on MRI scans was appealed and has now been affirmed by Maryland's highest court, the Maryland Court of Appeals.

The Maryland Court of Appeals ruling provides the following description of the self-referral law: "The Maryland Self-Referral Law was enacted during the 1993 legislative session as House Bill 1280 (HB 1280). The Legislative history shows that HB 1280 was part of a statutory scheme designed to address two problems plaguing health care in Maryland: "access to health insurance and escalating health care costs." There seems to be little question that the legislative intent of this bill is to substantially restrict the practice of self-referring, especially self-referrals of MRI scans, CAT scans and radiation therapy services.

The Self-Referral Law thus created a broad and pervasive prohibition against self-referrals not only by physicians (as did the federal law) but also by all other health care providers. In addition, and again unlike the federal law, the Maryland prohibition covered every type of health care service." (*Potomac Valley Orthopedic Associates, et al. v. Maryland State Board of Physicians, et al., No. 18, September Term, 2008*). Now that the Court of Appeals decision has been issued, the Board will begin more active enforcement of this law.

In 2006, the Board of Physicians issued a declaratory ruling to describe how it would interpret the specific MRI prohibition in the law. Several parties sued the Board to prevent enforcement of the declaratory ruling. After long consideration, Maryland's highest court concluded that the Board's understanding of the law is correct.

The Board of Physicians website includes a link to the complete ruling. The website also allows you to access all of the declaratory rulings the Board has issued. Under "Self Referral Law-Educational Update" you can find additional information.

## Verification of Licensure (aka, Letter of Good Standing or Jurisdictional Clearance)

Verification of a health professional's credentials happens frequently: when you start a new job, apply for a license in another state, obtain privileges at another health care center, etc. Verification means that the verifier has verified that the individual is qualified for a license and that the license has been issued. The Maryland Board of Physicians website receives the MBP information directly from the MBP database. Consistent with JCAHO and NCQA standards for primary source verification, the MBP website at <http://www.mbp.state.md.us> is considered a primary source for these MBP data – it is the same information the MBP provides through other means, such as phone, fax, or mail, and is true and

complete to the best of our knowledge.

Verification can be obtained at any time by accessing the Board's website [www.mbp.state.md.us](http://www.mbp.state.md.us); select "Practitioner Profile."

For some purposes, a written verification of professional status (also called "Letter of Good Standing" or "Jurisdictional Clearance") from the licensing board is required. To obtain this written confirmation, you must submit an application form and a check made payable to the Maryland Board of Physicians for \$50 (for physicians) and \$25 (for allied health). (If you are requesting that written verification be sent to more than one entity, the charge is per entity.) In most cases, the

written verification will be sent directly to the licensing board or other entity requiring the verification. The Verification Request Form (VRF) asks for the name and address to whom the verification should be sent.

If you do not have a VRF supplied by the requesting board, they are available on the Board's website, [www.mbp.state.md.us](http://www.mbp.state.md.us). Click on "Download Forms" under "Find Something" on the right side of the home page. Your completed application and check must be sent to the address shown on the application form. Do not bring the application to the Board's office. Monetary transactions are processed in another location.

## PHYSICIANS

**Adebowale I. Ajayi, M.D., License #: D45217**

**Area of Practice: Internal Medicine (College Park, MD)**

Reprimand. The Board found that the physician failed to meet the standard of quality medical care. Date of Action: February 2, 2011

**Abeda Ali-Khan, M.D., License #: D43323**

**Area of Practice: Internal Medicine (Columbia, MD)**

Probation for a minimum of 1 year until terms and conditions are met. The Board found that the physician failed to meet the standard of care with respect to two patients and failed to keep adequate records with respect to two patients. Date of Action: February 2, 2011

**David C. Allen, M.D., License #: D25230**

**Area of Practice: Internal Medicine (Hollywood, MD)**

Summary Suspension. The Board determined that the physician's conduct constituted a substantial likelihood of a risk of serious harm to the public health, safety and welfare based on the physician's substance abuse issues. Date of Action: March 1, 2011

**David C. Allen, M.D., License #: D25230**

**Area of Practice: Internal Medicine (Hollywood, MD)**

Summary Suspension affirmed. The Board determined that there exists a substantial likelihood of a risk of serious harm to the public health, safety and welfare in the physician's continued practice. Date of Action: March 14, 2011

**Phyllis K. Barson, M.D., License #: D15687**

**Area of Practice: Anesthesiology (Silver Spring, MD)**

Summary Suspension. The Board determined that the physician's conduct constituted a substantial likelihood of a risk of serious harm to the public health, safety and welfare based on, including but not limited to, a review of her care and treatment of twelve patients in her pain management practice. Date of Action: January 13, 2011

**Phyllis K. Barson, M.D., License #: D15687**

**Area of Practice: Anesthesiology (Silver Spring, MD)**

Summary Suspension affirmed. The Board found that there exists a substantial risk of serious harm to the public health, safety or welfare in the physician's continued practice. Date of Action: February 4, 2011

**Peter G. Bernad, M.D., License #: D24238**

**Area of Practice: Neurology (Woodbridge, VA)**

Reprimand. The Board took reciprocal action based on action by the Virginia Medical Board for failing to meet appropriate standards of care and failing to keep adequate records. Date of Action: November 16, 2010

**Kermit Bonovich, M.D., License #: D05593**

**Area of Practice: Internal Medicine (Kingsville, MD)**

Revocation. The physician failed to comply with the requirements of his October 22, 2008, Consent Order. Date of Action: November 30, 2010

**Robert J. Branton, D.O., License #: H50743**

**Area of Practice: Internal Medicine (Salisbury, MD)**

Suspension for 6 months and until completion of terms and conditions; should the Board terminate the suspension; Probation for 5 years until terms and conditions are met. The Board found that the physician's conduct constituted fraudulently or deceptively using a license; engaging in immoral and unprofessional conduct in the practice of medicine; being addicted to, or habitually abusing, any narcotic or controlled dangerous substance; making or filing a false report or record in the practice of medicine and selling, prescribing, giving away or administering drugs for illegal or illegitimate medical purposes. Date of Action: February 2, 2011

**Manjit S. Chowdhary, M.D., License #: D24941**

**Area of Practice: Anesthesiology (Silver Spring, MD)**

Termination of probationary terms and conditions imposed by the Consent Order, dated March 25, 2010. The physician has complied with the terms and conditions precedent. Date of Action: January 6, 2011

**Jayesh Dayal, M.D., License #: D44144**

**Area of Practice: Anesthesiology (Rockville, MD)**

Termination of Probationary terms and conditions imposed by the Consent Order dated May 27, 2010. The physician has complied with the terms and conditions precedent. Date of Action: December 2, 2010

**Glen R. Edgecombe, M.D., License #: D23826**

**Area of Practice: Family Medicine (Clinton, MD)**

Termination of probationary terms and conditions imposed by the Consent Order dated June 9, 2009. The physician has complied with the terms and conditions precedent. Date of Action: March 2, 2011

**Francis B. Fernandes, M.D., License #: D16862**

**Area of Practice: General Practice (Rockville, MD)**

Summary Suspension. The Board determined that the physician's conduct constituted a substantial likelihood of a risk of serious harm to the public health, safety and welfare based on the physician's organic brain condition that affects his cognitive abilities and judgment. Date of Action: April 4, 2011

**Thomas B. Fioretti, M.D., License #: D40836**

**Area of Practice: OB/GYN (Ocean City, MD)**

Probation for a minimum of 5 years and until terms and conditions are met. The Board determined that the physician repeatedly mismanaged the care of patients and failed to meet the standards of quality care and failed to maintain adequate medical records in eighteen patients reviewed. Date of Action: March 23, 2011

**Patsy N. Firth, M.D., License #: D39836**

**Area of Practice: Child Psychiatry (Joppa, MD)**

Termination of probationary terms and conditions imposed by the Consent Order, dated October 22, 2008. The physician has complied with the terms and conditions precedent. Date of Action: January 6, 2011

**C. Thomas Folkemer, M.D., License #: D14751**

**Area of Practice: General Practice (Pasadena, MD)**

Suspension for a minimum period of 1 year with all but 90 days stayed; suspension to commence December 15, 2010; after the 90 day period of active suspension Probation for a minimum period of 3 years and until 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 regard to eleven patients in his practice of general medicine. Date of Action: November 18, 2010

**Mark R. Geier, M.D., License #: D24250**

**Area of Practice: Genetic Counseling (Silver Spring, MD)**

Summary Suspension. The Board determined that the physician's conduct constituted a substantial likelihood of a risk of serious harm to the public health, safety and welfare based on the physician's experimental treatment of autistic children with Lupron. Date of Action: April 27, 2011

**John B. Gholi, M.D., License #: D34564**

**Area of Practice: Head and Neck Surgery (Cambridge, OH)**

Suspension. The Board took action based on disciplinary action by the Ohio Medical board based on the physician's impairment in his ability to practice medicine because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice. Date of Action: November 17, 2010

**Glen R. Gibson, M.D., License #: D62550**

**Area of Practice: General Surgery (Annapolis, MD)**

Termination of Probation imposed by Consent Order dated November 18, 2009. The physician has complied with the probationary terms and conditions precedent. Date of Action: December 1, 2010

**Raafat Y. Girgis, M.D., License #: D31726**

**Area of Practice: Internal Medicine (Catonsville, MD)**

Revocation. The Board found that the physician engaged in immoral and unprofessional conduct in the practice of medicine with respect to three patients, by repeatedly exploiting his position of trust and by inappropriately touching or otherwise making contact of a sexual nature with them. Date of Action: December 27, 2010

**Leonard S. Goldstein, M.D., License #: D18033**

**Area of Practice: Psychiatry (Fairfax, VA)**

Reprimand; Probation for a minimum of 6 months and until he successfully completes terms and condition; Fine in the amount of \$2,000. The Board found that the physician failed to meet the standards of quality care, failed to maintain adequate medical records, and was guilty of unprofessional conduct in the practice of medicine in his care and treatment of a patient in his practice of psychiatry. Date of Action: December 16, 2010

## PHYSICIANS

**John P. Hakim, M.D., License #: D47748**

**Area of Practice: Cardiology (Clinton, MD)**

Reprimand; Probation for a minimum of 2 years and until terms and conditions are met. The Board took action based on its investigation of disciplinary action reports from two hospitals, responses on his physician renewal application, and a Board ordered evaluation. Date of Action: November 18, 2010

**Kelvin B. Hao, M.D., License #: D50343**

**Area of Practice: Internal Medicine (Bowie, MD)**

Termination of probationary terms and conditions imposed by the Consent Order, dated March 27, 2008. The physician has complied with the terms and conditions precedent. Date of Action: April 6, 2011

**Cheryl Harris-Chin, M.D., License #: D53865**

**Area of Practice: Pediatrics (Gaithersburg, MD)**

Pursuant to the November 22, 2010 Mandates issued by the Court of Special Appeals, the June 25, 2008 Board Order is affirmed effective December 7, 2010 by order of the Circuit Court for Baltimore City. 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 and Order. Date of Action: December 7, 2010

**Augustus H. Hill, M.D., License #: D27931**

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

Termination of terms and conditions imposed by the Consent Order dated August 18, 2003. The physician has successfully complied with the terms and conditions precedent. Date of Action: November 4, 2010

**James L. Hooper, M.D., License #: D08910**

**Area of Practice: Physical Medicine & Rehabilitation (Owings Mills, MD)**

Summary Suspension. The Board determined that the physician's conduct constituted a substantial likelihood of a risk of serious harm to the public health, safety, or welfare based on a review of his care and treatment of 15 patients in his practice of pain management. Date of Action: November 17, 2010

**Jerry B. Hunt, M.D., License #: D25373**

**Area of Practice: Internal Medicine (Baltimore, MD)**

Suspension for one year with terms and conditions. The Board found that the physician failed to meet the standards of quality medical care, failed to keep adequate medical records, willfully failed to file or record a medical report, and was guilty of unprofessional conduct in the practice of medicine, in thirteen patients reviewed. Date of Action: February 23, 2011

**Lorraine Jarrah, M.D., License #: D50614**

**Area of Practice: Internal Medicine (Salisbury, MD)**

Reprimand; terms and conditions. The Board found

the physician's conduct constituted immoral and unprofessional conduct in the practice of medicine for impermissibly allowing unlicensed staff members at her practice to approve non-narcotic prescription medication refills using her signature stamp without her prior review, and failing to report promptly that her spouse unlawfully used her prescription pad and forged her signature to obtain medication for her use. Date of Action: February 2, 2011

**Emerson R. Julian, Jr., M.D., License #: D20998**

**Area of Practice: OB/GYN (Baltimore, MD)**

Termination of probationary terms and conditions imposed by the Final Decision and Order, dated March 30, 2010. The physician has complied with the terms and conditions precedent. Date of Action: April 6, 2011

**Richard N. Katon, M.D., License #: D06258**

**Area of Practice: Internal Medicine (Rockville, MD)**

Permanent Surrender. The physician decided to permanently surrender his license to avoid further prosecution of the case. The Board charged the physician with a single act of engaging in immoral and unprofessional conduct in the practice of medicine and with a violation of sexual misconduct. Date of Action: April 27, 2011

**Eugene P. Libre, M.D., License #: D09470**

**Area of Practice: Internal Medicine (Lake Placid, NY)**

Permanent Surrender. The surrender of license is based on the physicians desire to avoid further prosecution of pending charges of immoral and unprofessional conduct in the practice of medicine, his age, residency in New York, and the fact he no longer practices medicine in Maryland. Date of Action: December 15, 2010

**Joshua R. Mitchell, III, M.D., License #: D08782**

**Area of Practice: Family Practice (Baltimore, MD)**

Permanent Revocation. The Board found that the physician was guilty of immoral and unprofessional conduct in the practice of medicine and his actions in regard to three female patients constituted sexual misconduct under Maryland regulations. Date of Action: November 5, 2010

**Lauren Moran, M.D., License #: D68448**

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

Termination of Probation imposed by the Consent Order dated November 20, 2008. The physician has complied with the terms and conditions precedent. Date of Action: December 1, 2010

**Rohan Saint-Aubyn Mullings, M.D., License #: D60913**

**Area of Practice: Anesthesiology & Pain Management (Cumberland, MD)**

Summary Suspension. The Board determined that the physician's conduct constituted a substantial likelihood of a risk of serious harm to the public health, safety and welfare. Date of Action: February 14, 2011

**Rohan Saint-Aubyn Mullings, M.D., License #: D60913**

**Area of Practice: Anesthesiology & Pain Management (Cumberland, MD)**

Summary Suspension affirmed. The Board determined that there exists a substantial likelihood of serious harm to the public health, safety and welfare in the physician's continued practice. Date of Action: February 24, 2011

**Anil K. Narang, D.O., License #: H32092**

**Area of Practice: Diagnostic Radiology (Silver Spring, MD)**

Termination of probationary terms and conditions imposed by the Consent Order, dated November 18, 2009. The physician has complied with the terms and conditions precedent. Date of Action: January 6, 2011

**Colin C. Ottey, M.D., License #: D52294**

**Area of Practice: Family Practice (Capital Heights, MD)**

Termination of Probation imposed by the Final Order Staying Suspension/Order of Probation dated November 28, 2007. The physician has complied with the terms and conditions precedent. Date of Action: December 1, 2010

**John D. Paulson, M.D., License #: D38946**

**Area of Practice: OB/GYN (Gaithersburg, MD)**

Summary Suspension. The Board determined that the physician's conduct constituted a substantial likelihood of a risk of serious harm to the public health, safety and welfare based on the physician's consistently prescribing high-dose opioid medications in the absence of medical necessity. Date of Action: April 4, 2011

**John D. Paulson, M.D., License #: D38946**

**Area of Practice: OB/GYN (Gaithersburg, MD)**

Summary Suspension affirmed. The Board determined that there exists a substantial likelihood of a risk of serious harm to the public health, safety and welfare in the physician's continued practice. Date of Action: April 14, 2011

**Vijayalakshmi Reddy, M.D., License #: D47644**

**Area of Practice: Internal Medicine (Ellicott City, MD)**

Order for Summary Suspension terminated; Suspension subject to terms and conditions; 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 in regard to five patients and failed to keep adequate medical records in regard to six patients in her practice of internal medicine. Date of Action: November 5, 2010

**Donald C. Roane, M.D., License #: D10698**

**Area of Practice: Family Practice (Annapolis, MD)**

The May 21, 2010 Order of Summary Suspension is affirmed. The Board found that the physician presents a substantial likelihood of risk of serious harm to the public health, safety, or welfare requiring summary

## PHYSICIANS

suspension of his license based on the physician's immoral and unprofessional conduct with regard to 2 patients. Date of Action: December 13, 2010

**Howard I. Saiontz, M.D., License #: D15552**  
**Area of Practice: Internal Medicine (Westminster, MD)**

Reprimand; Probation for a minimum of 2 years and until terms and conditions are met. The Board found that the physician engaged in unprofessional conduct in the practice of medicine and sexual misconduct and impropriety in violation of the Board's regulations, with respect to two patients, by failing to provide the patients with privacy for disrobing and by his uninvited involvement in the removal of their clothing and redressing them. Date of Action: January 5, 2011

**Stephen C. Schellhase, M.D., License #: D56490**  
**Area of Practice: Psychiatry (Baltimore, MD)**

Termination of probationary terms and conditions imposed by Order dated January 23, 2008. The physician has complied with the terms and conditions precedent. Date of Action: February 3, 2011

**Allan Z. Schwartzberg, M.D., License #: D10705**

**Area of Practice: Psychiatry (Gaithersburg, MD)**

Summary Suspension vacated; Probation for a minimum of 1 year and until terms and conditions are met. The Board concluded that the physician was professionally, physically, or mentally incompetent in violation of the Maryland Medical Practice Act. Date of Action: February 2, 2011

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

**Area of Practice: Internal Medicine (NorthEast, MD)**

Summary Suspension remains following an evidentiary hearing before the Administrative Law Judge. The Board determined that there exists a substantial likelihood of a risk of serious harm to the public health, safety and welfare in the physician's continued practice. Date of Action: April 21, 2011

**Alvin A. Stambler, M.D., License #: D11204**

**Area of Practice: Pediatrics (Baltimore, MD)**

Termination of probationary terms and conditions imposed by the Consent Order, dated February 17, 2009. The physician has complied with the terms and conditions precedent. Date of Action: April 6, 2011

**George Shepard, Jr., M.D., License #: D48352**

**Area of Practice: OB/GYN (Seaford, DE)**

Permanent Revocation. The Board found the physician guilty of unprofessional conduct in the practice of medicine and guilty of practicing medicine with an unauthorized person or aiding an unauthorized person in the practice of medicine. Date of Action: November 18, 2010

**Jack W. Snyder, M.D., License #: D66294**

**Area of Practice: Anatomic/Clinical Pathology (Potomac, MD)**

Reciprocal action of suspension imposed by the Consent Order of September 9, 2009 is terminated. License reinstated by Virginia Department of Health Professionals. Date of Action: December 20, 2010

**Rajan Sood, M.D., License #: D29097**

**Area of Practice: Internal Medicine (Mitchellville, MD)**

Suspension terminated; Probation for a minimum period of 5 years and until terms and conditions are met. The physician has complied with the conditions of suspension. Date of Action: December 21, 2010

**Pradeep Srivastava, M.D., License #: D33483**

**Area of Practice: Internal Medicine (Montgomery Village, MD)**

Suspension. The Board took mandatory action based on the physician's conviction for his crimes of willful tax evasion and willful filing of a false income tax return, crimes constituting crimes of moral turpitude. Date of Action: December 27, 2010

**Pearson Sunderland, III, M.D., License #: D22662**

**Area of Practice: Psychiatry (Chevy Chase, MD)**

Petition for Reinstatement denied. The Board determined that the physician has not established sufficient

grounds for reinstatement. Date of Action: December 20, 2010

**Sean R. Tunis, M.D., License #: D37634**

**Area of Practice: Internal Medicine (Baltimore, MD)**

Termination of Probationary terms and conditions imposed by the Order dated June 8, 2006. The physician has successfully complied with the probationary terms and conditions precedent. Date of Action: November 4, 2010

**Melvin Yeshnik, M.D., License #: D30191**

**Area of Practice: OB/GYN (Westminster, MD)**

Termination of probationary terms and conditions imposed by the Consent Order, dated December 20, 2007. The physician has complied with the terms and conditions precedent. Date of Action: January 6, 2011

**Khwaja J. Zakriya, M.D., License #: D56141**

**Area of Practice: Anesthesiology (Clarksville, MD)**

Suspension for one year with all but 1 month stayed; Probation for 5 years subject to terms and conditions. The Board found that the physician violated his Rehabilitation Agreement. Date of Action: December 16, 2010

**Arnold J. Zedd, M.D., License #: D53164**

**Area of Practice: Pediatrics (Alexandria, VA)**

License reinstated; Probation for a minimum of 3 years and until terms and conditions are met. The Board determined that the physician's license should be reinstated with terms and conditions upon his reinstated license. Date of Action: December 20, 2010

**Silviu Ziscovici, M.D., License #: D47167**

**Area of Practice: Pain Management (Rockville, MD)**

Summary Suspension. The Board determined that the physician posed a substantial likelihood of risk of serious harm to the public health, safety, and welfare based on, including but not limited to, the physician's gross lack of professional competence and a clear disregard for the standards of care in practicing pain medicine. Date of Action: December 1, 2010

## ALLIED HEALTH PRACTITIONERS

**Peter J. Bruger, P.A., License #: C03868**

**Area of Practice: Physician Assistant (Fruitland, MD)**

Suspension for ninety (90) days with Terms and Conditions including entrance into a 5 year rehabilitation monitoring agreement with the Board. The Board took action based upon the physician assistant's substance abuse issues. Date of Action: March 23, 2011

**Gerard J. Dauer, RT, License #: R02847**

**Area of Practice: Radiologic Technology (Ellicott City, MD)**

Summary Suspension terminated; Probation for a minimum of 3 years until terms and conditions are met;

monetary fine in the amount of \$2,500. The Board found the licensee guilty of unprofessional conduct or immoral conduct in the practice of radiation oncology/therapy technology, medical radiation technology, or nuclear medicine technology; knowingly practicing radiation/therapy technology, medical radiation technologist, or nuclear medicine technology with an unauthorized individual or aided an unauthorized individual in the practice of radiation oncology/therapy technology, medical radiation technology, or nuclear medicine technology; and administering contrast medium without consultation or under supervision of a physician who is immediately and physically available. Date of Action: February 2, 2011

**Simone Gifford-Allen, RT, License #: R04583**

**Area of Practice: Radiation Technology (Laurel, MD)**

Termination of suspension dated November 15, 2000. The practitioner has complied with the conditions precedent. Date of Action: November 3, 2010

**Robert Klimczak, RCP, License #: L03388**

**Area of Practice: Respiratory Care (Easton, MD)**

Permanent Surrender of license to practice respiratory care. The practitioner decided to permanently surrender his license to avoid further prosecution of the case, including his violation of the conditions of the June 24,

2010 Consent Order and his non-compliance with his rehabilitation plan for his on-going substance abuse problem. Date of Action: April 21, 2011

**Renee McKenney, P.A., License #: C01040**  
**Area of Practice: Physician Assistant**  
**(Baltimore, MD)**

Suspension terminated; Probation to run concurrent with her rehabilitation agreement. The practitioner met the conditions precedent to termination of the suspension of her license. Date of Action: November 3, 2010

**Carl F. Oltman, Sr., P.A., No License**  
**Area of Practice: Physician Assistant**  
**(Annapolis, MD)**

Certificate Reinstated, Probation for a minimum of 5 years and until terms and conditions are met. The Board determined that the physician assistant's certificate should be reinstated with probation and terms and conditions. Date of Action: February 28, 2011

**Earl J. Wilson, RCP, License #: L04767**  
**Area of Practice: Respiratory Care**  
**(Baltimore, MD)**

Suspension. The practitioner violated the terms of the March 23, 2010 Amended and Superseding Consent Order. Date of Action: November 9, 2010

**Earl J. Wilson, RCP, License #: L04767**  
**Area of Practice: Respiratory Care**  
**(Baltimore, MD)**

Suspension of license to continue until the practitioner fully and successfully completes terms; after completion of the terms, Probation for a minimum of 5 years subject to conditions. The healthcare practitioner tested positive for CDS in violation of his consent order with the Board. Date of Action: November 22, 2010

**Earl J. Wilson, RCP, License #: L04767**  
**Area of Practice: Respiratory Care**  
**(Baltimore, MD)**

Suspension imposed by the Order dated November 22, 2010 is terminated; Probation for a minimum of 5 years subject to conditions. The healthcare practitioner successfully completed the Board-approved outpatient program as required by Order dated November 22, 2010. Date of Action: January 3, 2011

**Simon A. Yiare, II, RCP, License #: L04487**  
**Area of Practice: Respiratory Care**  
**(Washington, DC)**

Suspension. The Board took reciprocal action based upon a disciplinary action by the District of Columbia's medical board in which the practitioner tested positive for marijuana and failed to disclose his criminal history when he submitted his application for licensure in the District of Columbia. Date of Action: April 18, 2011

## UNLICENSED

**Pamela Eslin, Unlicensed**  
**(Silver Spring, MD)**

Monetary fine of \$1000. The individual practiced medicine in Maryland without a license by performing laser hair removal. Date of Action: February 24, 2011

**Michael P. Fullam, Applicant**  
**Area of Practice: Radiologic Technology**  
**(Elkton, MD)**

Application for Licensure denied. The Board determined that there are sufficient grounds for denial of

applicant's application for licensure. Date of Action: February 24, 2011

**Stephanie Luko, Unlicensed**  
**(Montgomery Village, MD)**

Monetary fine of \$1000. The individual practiced medicine in Maryland without a license by performing laser hair removal. Date of Action: February 24, 2011

**Adrian Williams, Unlicensed**  
**(White Plains, MD)**

Monetary fine in the amount of \$12,400; terms and conditions. The Board found that the Respondent practiced medicine in the State without a license to practice medicine. Date of Action: February 2, 2011

## ADMINISTRATIVE FINES

**John K. Aziz, M.D., License #: D36868**  
**Area of Practice: Anesthesiology**  
**(Oxon Hill, MD)**

Administrative fine of \$275; terms and conditions. The physician affirmed in his 2008 renewal application that he had obtained the required CME credit hours when he had not. Date of Action: March 7, 2011

**Jason A. Clem, M.D., License #: D58701**  
**Area of Practice: Family Medicine**  
**(Ocean City, MD)**

Administrative fine of \$1,675; terms and conditions. The physician affirmed in his 2008 renewal application that he had obtained the required CME credit hours when he had not. Date of Action: April 11, 2011

**Robyn L. Riemer, RCP, License #: L05171**  
**Area of Practice: Respiratory Care**  
**(Frederick, MD)**

Administrative fine of \$500. The healthcare practitioner practiced respiratory care without a certificate in

violation of Md. Code Ann. Health Occ §14-5A-20. Date of Action: December 28, 2010

**William J. Roe, Jr., M.D., License #: D29579**  
**Area of Practice: Surgery (Baltimore, MD)**

Administrative fine of \$2,425; terms and conditions. The physician affirmed in his 2009 renewal application that he had obtained the required CME credit hours when he had not. Date of Action: January 6, 2011

**Rajendra R. Shetty, M.D., License #: D57771**  
**Area of Practice: Internal Medicine**  
**(Lanham, MD)**

Administrative fine of \$225; terms and conditions. The physician affirmed in his 2009 renewal application that he had obtained the required CME credit hours when he had not. Date of Action: March 11, 2011

**Linda F. Sloan, M.D., License #: D33485**  
**Area of Practice: Internal Medicine (Largo, MD)**

Administrative fine of \$2,050; terms and conditions. The physician affirmed in her 2009 renewal applica-

tion that she had obtained the required CME credit hours when she had not. Date of Action: November 4, 2010

**Gary L. Smith, RCP, License #: L04489**  
**Area of Practice: Respiratory Care (Crisfield, MD)**

Administrative fine of \$500. The healthcare practitioner practiced respiratory care without a certificate in violation of Md. Code Ann. Health Occ §14-5A-20. Date of Action: December 14, 2010

**Shelly Williams, M.D., License #: D44826**  
**Area of Practice: General Practice**  
**(Silver Spring, MD)**

Administrative fine of \$1,500; terms and conditions. The physician affirmed in her 2009 renewal application that she had obtained the required CME credit hours when she had not. Date of Action: December 29, 2010

## 2011 Legislative Wrap-UP

**House Bill 82/SB 203 - Health Care Decisions Act - "Medical Orders for Life-Sustaining Treatment Form"** - This bill repeals provisions of law relating to the "Instructions on Current Life-Sustaining Treatment Options" form and requires the Department of Health and Mental Hygiene (DHMH), in conjunction with the Maryland Institute for Emergency Medical Services Systems (MIEMSS) and the State Board of Physicians, to develop and periodically revise a "Medical Orders for Life-Sustaining Treatment" form and instructions for its use. Effective date 10/1/11.

**House Bill 286 - Hospitals and Freestanding Ambulatory Care Facilities - Practitioner Performance Evaluation** - This bill requires a hospital or freestanding ambulatory care facility to establish, as a condition of licensure, a practitioner performance evaluation process that objectively evaluates the performance of each member of the medical staff at the hospital or facility. Effective date 10/1/11.

**House Bill 287 - Maryland Perfusion Act** - This bill establishes a new category of health care provider in Maryland, a licensed perfusionist. These professionals perform complex procedures and use advanced technology to support patients during cardiobypass surgery. The bill requires the State Board of Physicians to license and regulate the practice of perfusion. By October 1, 2013, an individual must be licensed in order to practice perfusion in the State. Effective date 10/1/12.

**House Bill 503/Senate Bill 371 - Health Occupations Boards - Discipline of Health Care Practitioners - Failure to Comply with Governor's Order** - This bill authorizes each health occupations board to take disciplinary action against a health care practitioner who fails to comply with an order from the Governor relating to catastrophic health emergencies, subject to the hearing provisions that govern the discipline of that health care practitioner by each respective board. (Persons who are not health care providers who fail to comply are subject to misdemeanor charges, with possible fine and/or imprisonment.) During a catastrophic health emergency, the Secretary of the Department of Health and Mental Hygiene or other designated official can order any licensed health care practitioner in Maryland to participate in disease surveillance, treatment, and suppression efforts. Effective date 10/1/11.

**House Bill 560/Senate Bill 641 - Health and Government Operations Education, Health, and Environmental Affairs Polysomnography - Technologists Licensure** - This bill delays the date by which a polysomnographic technologist must be licensed by the State Board of Physicians from October 1, 2011, to October 1, 2013. The bill also extends the date by which licensure applicants can fulfill the requirements for a waiver of educational requirements from September 30, 2011, to September 30, 2013. This delay resulted from a concern that there would be insufficient licensed polysomnographic technologists to meet the demand for sleep studies in Maryland by the September 30, 2011 deadline. Effective date 10/1/11.

**House Bill 600/Senate Bill 960 - Health Care Providers - Investigations - Information Sharing Among State Agencies** - The Department of Health and Mental Hygiene includes a number of regulatory agencies or boards with seemingly overlapping authority to take regulatory action. For instance, the Office of Health Care Quality regulates hospitals; however, the Board of Physicians can also take action against a physician's license as a result of care provided

within a hospital. Due to confidentiality requirements, one Departmental agency may not be aware of another agency's investigation; both could be independently investigating the same set of circumstances. HB 600 permits limited sharing of certain otherwise confidential information obtained by entities of the Department of Health and Mental Hygiene. With respect to information collected by the Board of Physicians, the bill allows sharing of information relating to an investigation of quality or utilization of care with the Secretary of the Department of Health and Mental Hygiene, the Office of Health Care Quality, and the Health Services Cost Review Commission. Effective date 7/1/11.

**House Bill 858 - Education, Health, and Environmental Affairs Education - Public Schools and Youth Sports Programs - Concussions** - This bill requires the Maryland State Department of Education (MSDE) to develop policies and implement a program to provide concussion awareness to coaches, school personnel, students, and parents in collaboration with the Department of Health and Mental Hygiene (DHMH), local boards of education, and other experts and stakeholders. A student or youth athlete who is suspected of sustaining a concussion or other head injury in a practice or game must be removed from play. Once removed from play, a student or youth athlete may not return to play until he or she has obtained written clearance from a licensed health care professional trained in the evaluation and management of concussions.. Effective date 7/1/11.

**House Bill 986/Senate Bill 845 - Pharmacists - Administration of Vaccinations - Children** - This bill authorizes licensed pharmacists to administer an influenza vaccination to an individual if the individual is at least nine years old and the vaccination is administered in accordance with regulations adopted by the State Board of Pharmacy, in consultation with the Department of Health and Mental Hygiene. A pharmacist must report any influenza vaccination administered to an individual age 9 to 18 to the Maryland Immunization Registry. Effective date 10/1/11.

**Senate Bill 308/House Bill 291 Medical Marijuana - Affirmative Defenses - Maryland Medical Marijuana Model Program Workgroup** - This bill establishes medical necessity as an affirmative defense in a prosecution for the use and possession of marijuana and prohibits the Board of Physician from disciplining a physician solely because the physician provided a patient with a statement or medical records stating that in the physician's opinion, the patient has a condition that may benefit from use of marijuana. As originally written, the bill would have required the state health department to establish a program to provide marijuana for medical use, including authorizing growers and registering providers and patients. Instead, the bill requires the Secretary of Health and Mental Hygiene to convene a workgroup to develop a model program for facilitating patient access to marijuana for medical purposes. Effective date 6/1/11.

**Senate Bill 883/House Bill 1229 - Prescription Drug Monitoring Program** - This Administration bill establishes the Prescription Drug Monitoring Program (PDMP) in the Department of Health and Mental Hygiene (DHMH), to monitor the prescribing and dispensing of Schedule II through V controlled dangerous substances. The Secretary of Health and Mental Hygiene, in consultation with an Advisory Board on Prescription Drug Monitoring established in the bill, must adopt regulations to carry out the bill's provisions. Implementation of the program is subject to the availability of funds. Effective date 10/1/11.

## Why Is Your License Renewal Fee Going Up?

The cost of physician renewal has gone up by two dollars, from \$512 to \$514. This increase reflects an increase in the Maryland Health Care Commission assessment paid by each licensed health care practitioner in Maryland at the time of license renewal. The Board of Physicians transfers these funds directly to the Maryland Health Care Commission, an independent health regulatory commission whose mission is to plan health system needs, promote informed decision-making, increase accountability, and promote access to care. The total two-year assessment is \$28. While the fees quoted in the first sentence apply only to physicians, the Board's other licensees will see a similar increase in the renewal fee. Those licensees who do not renew their licenses in the current fiscal year will see the fee increase reflected in next year's renewal fee.

## 2011 Physician Renewal – 100% Online

Physicians whose last names begin with the letters M-Z must renew their medical licenses between July 18, 2011 and September 30, 2011. The renewal is 100% online and the Board will not accept a paper renewal application. Payment options will continue to be the same: payment online with a credit card (VISA or MasterCard, not debit cards), submission of a paper check to the Board after completing the online application, or third party submission of a paper check after you complete the online application. The renewal fee is \$514. Late applications, including checks postmarked after September 30 are subject to an additional \$100 late fee.

Under Maryland law, the Board of Physicians is not permitted to renew a license unless the Comptroller has verified that you have no outstanding, undisputed tax liability. You will be notified by mail from the Board if you are affected. Renewal reminder letters will be mailed in late June to the last confidential address the physician supplied to the Board. It is your responsibility to renew your license, even if you do not receive a reminder. Application forms will not be mailed and **will not** be available to download from the website.

Physicians can renew online, 24 hours a day, 7 days a week. If you have used the online renewal system previously, you will be able to update any information which has changed, and you will not have to re-enter information which has not changed. Should you have an inability to access a computer during the renewal period, you may come to the Board office for assistance with your application. Please call (410) 764-4777 to schedule an appointment. MedChi has also agreed to provide computer access for physicians needing assistance. You must schedule an appointment with MedChi by calling 1-800-492-1056 x3323. Walk-in licensees who do not have a previously scheduled appointment will not be granted computer access at any of MedChi's offices.

As always, physicians must earn at least 50 category I CME credits during the two year period immediately preceding the submission date of the renewal application. Do not send your CME documents to the Board but retain this documentation for six years after your renewal application is submitted for possible inspection by the Board. Physicians who were licensed since October 1, 2009 must complete the *New Physician Orientation*, available on the Board's website, but do not need to earn 50 CME credits for renewal. Licensees whose licenses have been reinstated since October 1, 2009, provided information about CME credits to the Board at that time and do not have to earn additional credits for renewal.

**Voluntary non-renewal of license:** If you will not be practicing medicine at all after September 30, 2011, you may elect not to renew your license. If you do not want to renew your license you do not need to notify the Board. Your license will automatically expire if not renewed by the expiration date. If you wish to practice in the future you will be required to reinstate your license.

## Allied Health Corner – Spring 2011

### Athletic Trainers

By October 1, 2011, individuals practicing athletic training must be licensed by the Board. Qualifications for licensure include graduation, with at least a bachelor's degree, from an athletic training educational program that is accredited by the Commission on Accreditation of Athletic Training Education or its successor and certification by the Board of Certification. In addition to a license, an athletic trainer must enter into a written Board-approved evaluation and treatment protocol with a licensed physician. For information about the qualifications for licensure, please go to the Board's website. <http://www.mbp.state.md.us/pages/athletic.html>

Applications for licensure and evaluation and treatment protocols should be available on the Board's website by mid-July.

### Physician Assistants

The Board has begun posting a cumulative list of approved delegation agreements on its website. This list contains the names of physician assistants and primary supervising physicians who have approved delegation agreements on file with the Board. The list will be posted on the Board's website within 24–72 hours after the Board meeting. Please use this link to access the delegation agreement list. [http://www.mbp.state.md.us/pages/phys\\_assi\\_della.html](http://www.mbp.state.md.us/pages/phys_assi_della.html) (Board generally meets on the fourth Wednesday of every).

To terminate a delegation agreement, please complete that Termination of Employment form and send it to the Board. [http://www.mbp.state.md.us/forms/della\\_term\\_form.pdf](http://www.mbp.state.md.us/forms/della_term_form.pdf)

### Respiratory Care Practitioners

New regulations went into effect on March 7, 2011. You may access the new regulations by going to this website. <http://www.dsd.state.md.us/comar/SubtitleSearch.aspx?search=10.32.11>.

## Electronic Records - Incentives

Beginning in 2011, physicians that adopt an electronic health record are eligible to receive an incentive either under Medicare or Medicaid. To receive this incentive, a physician must meet certain criteria, which varies depending on which program you choose. The Medicare incentive is up to \$44,000 over five years and the Medicaid incentive is up to \$63,750 over six years. Physicians are encouraged to learn more about these incentive opportunities by visiting the Centers for Medicare and Medicaid Services website at <https://www.cms.gov/ehrincentiveprograms/>.

## Loan Repayment Assistance

The Maryland Loan Assistance Repayment Program (LARP) needs applicants for this year's funding cycle. The program is for primary care physicians and psychiatrists who render direct care to patients; accept Medicaid, Medicare and have a sliding fee scale. Program details and the application can be found at [http://fha.maryland.gov/ohpp/pco\\_larp.cfm](http://fha.maryland.gov/ohpp/pco_larp.cfm). The due date for this year's application is September 26, 2011.

Maryland Board of Physicians  
4201 Patterson Avenue  
P.O. Box 2571  
Baltimore, MD 21215-0095

PRSR STD  
U.S. POSTAGE  
**PAID**  
BALTIMORE, MD  
PERMIT NO. 4114

## BOARD MEMBERS

Paul T. Elder, M.D., *Chair*  
Harry C. Knipp, M.D., *Vice Chair*  
Laura E. Henderson, M.D.,  
*Secretary/Treasurer*  
Brenda G. Baker  
Evelyn Beasley  
Habib Bhutta, M.D.  
Richard Bittner, Esq.  
Carmen M. Contee  
Suresh K. Gupta, M.D.  
Tricia J. Thompson Handel, D.O.

Robert G. Hennessy, M.D.  
Samuel K. Himmelrich, Sr.  
Jonathan Lerner, P.A.-C.  
John R. Lilly, M.D.  
Hilary T. O'Herlihy, M.D.  
Nallan C. Ramakrishna, M.D.  
Harold A. Rose  
Beryl J. Rosenstein, M.D.  
Susan T. Strahan, M.D.  
Laurie S.Y. Tyau, M.D.  
Rosaire Verna, M.D.

**410-764-4777**

**Toll Free: 1-800-492-6836**

**FAX: 410-358-2252**

**E-Mail: [mbpmail@rcn.com](mailto:mbpmail@rcn.com)**

**Web site: [www.mbp.state.md.us](http://www.mbp.state.md.us)**