

BPQA

Board of Physician Quality Assurance
Spring Edition, 2002 Vol 01



N E W S L E T T E R

MESSAGE FROM THE CHAIRMAN OF THE BOARD

The Board of Physician Quality Assurance is devoting a significant part of this Newsletter to helping Maryland prepare to handle public health emergencies that could result from terrorism and bioterrorism. No single level of government nor segment of society is exempt from the need to plan ahead for emergencies. In November, Governor Glendening announced creation of regional "Rapid Response Teams" trained to assess situations, deploy resources, and coordinate services in case of emergencies. Maryland's existing health care providers and facilities—physicians, pharmacists, nurses, local health departments, hospitals, etc—would play a major role in case of

emergency. After the September 11th disasters, the Maryland Department of Health and Mental Hygiene received numerous calls from health care workers who wanted to volunteer their services. It became apparent that with preplanning and organization, Maryland would be in an excellent position to respond to terrorism, bioterrorism, or other public health threats.

Secretary Benjamin's letter invites your participation in the State's planning for emergencies. If you are willing to volunteer, please take a few minutes to fill out the form on page 3 and return it to the Board.

The Board will confirm your licensure and create a database to enable us to reach you in an emergency.

We will also be able to acknowledge you formally as a volunteer in order to qualify you for qualified immunity under Maryland's Tort Claims Act, and provide information about special training opportunities or specific information you should have about Maryland's plans.

We all hope that this nation will never see a repetition of September 11th, but many of us feel helpless when we consider the enormity of what could happen. Now you can do something to help—by registering your willingness, using the form on page 3.

Samir Neimat, M.D.

MESSAGE FROM THE SECRETARY

Dear Maryland Physicians:

Since the September 11, 2001 disaster, there has been heightened awareness and concern that all states are prepared and ready in the event of another disaster. As part of Maryland's emergency preparedness efforts, the Department of Health and Mental Hygiene has identified the need for physician volunteers to help staff hospitals, clinics, alternate treatment facilities and potentially work in other environments.

Physicians may also be asked to provide technical knowledge or experience in the recognition and handling of a biological, chemical or radiological agent(s) and/or treatment in the event of an incident(s) or large scale disaster event.

The purpose of this message is to request that you consider volunteering your time in the event of an emergency or disaster situation. If you would be willing to volunteer, please complete the Physician Contact Volunteer Information form and mail or fax, it to the Board of Physician Quality Assurance (BPQA).

The Board of Physician Quality Assurance is assisting the Department in their endeavor by establishing and maintaining a database of volunteer physicians. If you have already sent a letter to the Department or BPQA, we would appreciate it if you would complete this specific form. We are also seeking physician assistants as volunteers. Please pass this letter on to physician assistants where you work to enlist their support.

**What's
Inside...**

FAQ, Physician Profiles, Transmitting Prescriptions, Law & Human Rights
Volunteer Form, Legislative Updates
Board Orders and Administrative Fines, Renewal Notice, NPO

In an attempt to help our licensees, "Frequently Asked Questions" will be featured in issues of the Board's newsletter. If you have a question you would like to see answered in this column, please fax your question to 410-358-2252 or e-mail to BPQA at bpqa@erols.com.

F REQUENTLY A SKED Q UESTIONS

Medical Records

Question: *May I charge patients when they request a copy of their medical records?*

Answer: Yes you may charge for the copying of a medical record. Effective July 2001, the charges for copying a medical record (except x-rays) are as follows:

- Preparation fee of no more than \$17.90;
- No more than .59 cents per page copied;
- Actual cost of postage.

Question: *How long do I have to retain a patient medical record after the patient has died or ceased coming to my practice?*

Answer: If the patient is an adult, you must retain the medical record for 5 years from the date the record was created. For a record created about a minor patient, the record must be maintained until the patient reaches the age of majority plus three years (i.e., 18 + 3 = 21 years of age) or 5 years after the record was created, whichever is later.

Question: *May I refuse to disclose a medical record to a patient, if the patient fails to pay for health care rendered by me?*

Answer: No, you may not refuse to disclose a medical record because of the patient's failure to pay a medical bill from you. In addition, if you do not disclose the medical record for this reason,

you could be found guilty of a misdemeanor and on conviction could be subject to a fine not exceeding \$1,000 for the first offense and not exceeding \$5,000 for each subsequent conviction for this violation.

Question: *What is considered a "timely response" to a request for medical records?*

Answer: A physician should mail a copy of the medical record within 21 business days. Maryland Code Annotated, Health General Article Section 4-309(a) states "a reasonable time but no more than 21 working days after the date a person in interest requests the disclosure."

Office Rental

Question: *Can an office rental agreement constitute an illegal kickback or self-referral?*

Answer: Yes. The most obvious situation which might raise legal difficulties is a lease in which the rent is adjusted based on referrals from the tenant-physician to the landlord-physician. This situation might well violate the Maryland Medical Practice Act, which prohibits payment or the acceptance of compensation for referrals. Such an arrangement may also violate Maryland law against self-referrals, which prohibits referrals to any health care provider with whom the physician has a compensation arrangement. The Board is required by statute to enforce both of these laws. Federal law also prohibits physicians from referring Medicare patients to persons with whom the physician has a financial relationship. Although renting an office from another physician may appear to be a simple matter, conditioning rent in any way upon referrals could lead to serious legal difficulties.

Physician Profiles

Physician profiles for over 22,000 Maryland physicians are now available on line at www.bpqa.state.md.us. These profiles contain information about medical school and post-graduate training, specialty board certification, hospitals where a physician has privileges, address of the primary practice location, and final disciplinary actions by the Board and actions taken by other state boards as reported to the National Practitioner Data Bank. Thanks to all of you who responded to the opportunity you had to review your profiles before they went on line. The Physician Profiles are available to the general public through the Board's website. The Board invites you to take a look at your profile on the Internet. If you have any questions about your profile, please contact the Towanda Tombs at 410-764-4777 or 1-800-492-6836. If you wish to update your profile, please mail your comments to Towanda Tombs, BPQA, PO Box 2571, Baltimore, MD 21215-0095.

Transmitting Prescriptions

In light of recent studies on medication errors, the Board of Physician Quality Assurance wants to clarify who may transmit a physician's prescription by telephone to another health care facility, provider, or pharmacy. Frequently, unlicensed staff are transmitting prescriptions by telephone. Is this legal?

Maryland regulations (COMAR 10.32.12) allow a physician to delegate certain acts to an unlicensed assistant so long as the physician ensures that the assistant has necessary training, supervises the assistant, and retains responsibility for the delegated acts. One responsibility that may be delegated to an assistant is transmitting a prescription to a pharmacy, but not to another health care facility. A physician cannot transmit the prescription to an "assistant" at a facility and "delegate" to that individual transmitting the prescription on to a pharmacy. To prevent medication errors and conform to accepted practice, the physician or his assistant should transmit the prescription directly to the pharmacy.

**By : Donald Chambers, M.D.
Vice Chair**

Law and Human Rights

The Board of Physician Quality Assurance acknowledges the American Medical Association's ethical opinion, "Physician-Patient Relationship: Respect for Law and Human Rights." The opinion states that physicians who offer their services to the public may not decline to accept patients because of race, color, religion, national origin, sexual orientation, or any other basis that would constitute invidious discrimination. The Board cautions that physicians who disregard the AMA policy may be in violation of the Maryland Medical Practice Act and may be subject to discipline for immoral or unprofessional conduct in the practice of medicine.

Note: Full text of AMA Opinion 9.12 may be accessed online at <http://www.ama-assn.org/ama/pub/category/2503.html>

**By : Donald Chambers, M.D.
Vice Chair**

Legislative Updates

Sunset

The 2002 session of the Maryland General Assembly closed at midnight on April 8, 2002. After a "sunset review" which analyzed the functioning of the Board of Physician Quality Assurance in detail, bills were considered that would have extended the life of the Board and changed some operating details (HB 846, SB 613).

One pivotal issue was the peer review process used when the Board is investigating charges that a physician failed to meet the standard of care. Currently, peer review is coordinated by MedChi, using two reviewers who are generally Maryland physicians practicing in the same specialty as the physician being evaluated. Possible changes considered were to use an agency other than MedChi to coordinate the reviews, to use a third reviewer if the first two reviewers differed on whether the standard of care had been met, and specifying qualifications for the reviewers.

Another issue was increasing or changing Board membership and changing the process for nominating physicians for consideration by the Governor for Board membership (now done by MedChi). In the end, the General Assembly did not pass any "sunset" legislation.

Does the failure of the General Assembly to pass one of these bills mean that physician licensing will come to a halt in Maryland? Fortunately, the Board continues to exist through July 1, 2003. The 2003 General Assembly will have to reach resolution on these issues.

Medical Radiation Technologists and Nuclear Medical Technologists

The General Assembly did pass legislation (SB 534 and HB 518) to incorporate into law many of the provisions now in regulations governing the licensure, scope of practice, and related details of the Board operations to certify and discipline three categories of allied health professionals working with radiation. Thanks to cooperation with the legislators, the bills were amended to make them consistent with most current practices. Staff in a physician's office who were not hired primarily to take x-rays, who took a 30-hour course and were approved by the Board in 1994 may continue to take the x-rays permitted by the 1994 law under the new provisions.



Exception to seven-year rule

Two bills (SB 42 and HB 375) would have required the Board to adopt regulations granting an exception to the 7-year rule for passing licensure examinations for applicants whose medical training was interrupted by serious illness. The Board decided that it was preferable to amend the regulations to extend the time period for all applicants, allowing them up to ten years, with no more than 3 fails on each step. Proposed amendments to the licensure regulations are expected to be printed in the Maryland Register on May 3, 2002. As a result, the two licensure bills received an unfavorable report in the House Environmental Matters Committee.

Physician Assistants

HB 533, which passed the General Assembly, makes changes in the Maryland Physician Assistant's Act. This bill allows for alternate supervising physicians for physician assistants working in the community, so that a physician assistant can continue to work when his primary supervising physician is on leave. In detention centers and public health facilities, supervising physicians will be permitted to supervise (and have delegation agreements with) more than two physician assistants. The bill also directs the Board, the Board of Nursing, and others to study and report on what education and training should be required for a physician assistant to administer anesthesia.

Drug Therapy Management

After extensive work last summer and fall, a multi-disciplinary committee convened by the Board of Pharmacy crafted a bill (SB 676/HB 781) which allows physicians and pharmacists to collaborate more closely to improve outcomes for patients with chronic conditions. The Boards of Pharmacy and Physician Quality Assurance will be jointly responsible for developing regulations and implementing the program. With the consent of the patient, physician, and pharmacist, this bill will allow the pharmacist to assist the patient in maintaining adequate control of conditions such as diabetes and hypertension.

For those bills which passed both Houses and are signed by the Governor, you will hear more in the next few months as the Board takes action needed to implement the changes.

If you are interested in obtaining more information, including copies of the bills discussed in this article, you can access them through the General Assembly's website: mlis.state.md.us. That site will also let you know which bills have been signed by the Governor.

MHCC BOOKMARK OFFER TO HELP YOUR PATIENTS FIND OBJECTIVE INFORMATION ON MARYLAND HMOS, NURSING HOMES & HOSPITALS

The Maryland Health Care Commission (MHCC) is offering to send physicians a free supply of consumer handouts for their patients. The handout, in the form of a "bookmark," briefly describes the three types of performance evaluation guides for consumers that the MHCC produces and posts on its website: <http://www.mhcc.state.md.us>. Interested physicians may request bookmarks by contacting the MHCC 4201 Patterson Avenue, 5th Floor, Baltimore, MD 21215, Phone: 410-764-3460 or 1-877-245-1762 toll-free. E-mail Zeke Barbour: zbarbour@mhcc.state.md.us

Physician Volunteer Contact Information

COMPLETE AND MAIL OR FAX BACK TO BPQA

Please contact:: 4201 Patterson Avenue
Baltimore, Maryland 21215

Email: wserpi@dhmh.state.md.us
Telephone: (410) 764 - 5972
Fax: (410) 358 - 2252

Yes, I would be willing to volunteer my time to provide medical care in an emergency situation.

Name _____ License# _____ Exp. Date: ___ / ___ / ___

Pager _____ Cell _____ E-mail (home) _____

E-mail (work) _____ Home phone () _____ Work phone () _____

Fax (home) _____ Fax (Work) _____

GIVE US THE ONE BEST NUMBER OR E-MAIL ADDRESS THAT SHOULD BE USED IN THE EVENT OF AN ACTUAL EMERGENCY.

Daytime: _____ Nighttime: _____

Check here if willing to serve in any area of the State, or list the counties in which you would refer to volunteer:

Name of Practice: _____

Work Address: _____

County: _____ Zip Code: _____ Phone: _____ Fax: _____

Home Address: _____

City, State _____ Zip Code: _____

Tell us about any particular training and experience you have regarding any of the specific agents.
_____ chemical _____ biological _____ radiological (Check all that apply.)

BOARD ORDERS April 04, 2001 - March 31, 2002

NOTE: More details of these actions appear under "BPQA Newsletters" at the Maryland home page www.docboard.org.

Full text of orders may be downloaded from same internet site at "Search for a Provider."

Gerald H. Fink, M.D.

License #: D02125, Specialty: Psychiatry
Silver Spring, MD
Date of Action: April 4, 2001

Reprimand; Probation for three (3) years subject to terms and conditions. The Board concluded that the physician breached the standard of care and committed ethical violations in the psychiatric treatment of a patient

Barbara A. Solomon, M.D.

License #: D10472, Specialty: Internal Medicine
Baltimore, MD
Date of Action: April 4, 2001

Revocation. The Board found that the physician failed to cooperate with a lawful investigation conducted by the Board.

Paul A. Mullan, M.D.

License #: D08462, Specialty: Unspecified
Towson, MD
Date of Action: April 11, 2002

Roland Imperial, M.D.

License #: D05276, Specialty: Unspecified
Bethesda, MD
Date of Action: April 25, 2001

Summary suspension order upheld; physician to remain suspended until completion of requirements; if suspension is lifted, probation for two years subject to terms and conditions. The physician failed to meet standards of care in regard to 8 patients; failed to keep adequate medical records in regard to 6 patients. The Board also found that the physician failed to cooperate with a Board investigation, committed unprofessional conduct, failed to comply with CDC universal precautions, and failed to meet standards of care in his prescribing to a patient, and the hazardous condition of his office posed a threat to the health, welfare and safety of the public.

Daniel R. Howard, M.D.

License #: D43386, Specialty: OB/GYN
Baltimore, MD
Date of Action: April 25, 2001

Discontinuation of the practice of obstetrical care. The Board found that the physician violated the standards of care with regard to his obstetrical practice based on a peer review of 4 high risk obstetrical patients.

David C. Allen, M.D.

License #: D25230, Specialty: Internal Medicine
California, MD
Date of Action: May 23, 2001

Surrender of License. The physician surrendered his license to avoid further prosecution on public charges based on instances of self prescribing and engaging in drinking alcohol in violation of a rehabilitation agreement, and being involuntarily admitted to a treatment facility.

Barry Ray Byram, M.D.

License #: D50059, Specialty: General/Family Practice
Laguna Beach, CA
Date of Action: May 23, 2001

Surrender; if the physician reapplies for licensure the conditions of the Indefinite Suspension of license by the Louisiana Board shall be imposed. The Board took action based on action by the Louisiana Board; the underlying grounds include that the physician is professionally, physically or mentally incompetent, and is addicted to, or habitually abuses, any narcotic or controlled dangerous substance.

Mary H. Fang, M.D.

License #: D23448, Specialty: Internal Medicine
Potomac, MD
Date of Action: May 23, 2001

License reinstated; probation for two (2) years subject to terms and conditions. The Board determined that the physician is eligible for reinstatement of her medical license.

Alan S. Greenberg, M.D.

License #: D04728, Specialty: Neurology
Jarrettsville, MD
Date of Action: May 23, 2001

Revocation. The Board found that the physician is mentally incompetent to practice medicine.

Paul J. Scheel, Jr., M.D.

License #: D39882, Specialty: Unspecified
Ellicott City, MD
Date of Action: May 25, 2001

Reprimand. The physician accessed a patient's record without the patient's authorization or consent.

David M. O'Neil, M.D.

License #: D22619, Specialty: OB/GYN
Baltimore, MD
Date of Action: May 25, 2001

Reprimand; terms and conditions for a period of one year. The physician engaged in unprofessional conduct in the practice of medicine.

Hanif A. Gopalani, M.D.

License #: D37448, Specialty: Psychiatrist
Baltimore, MD
Date of Action: June 11, 2001

Summary Suspension. Based on the Board's investigation, the Board has reason to believe, among other things, that the physician has a serious mental disorder, is not competent to practice medicine, and has impaired judgement and thereby concludes that the health, welfare, and safety of the public required immediately suspension of the physician's license.

Arvind K. Pathak, M.D.

License #: D12867, Specialty: General/Family Practice
McLean, VA
Date of Action: July 18, 2001

Revocation. The physician pled guilty to one count of income tax evasion and is thereby subject to Maryland statute which requires revocation of a license.

Ronald J. Crisp, M.D.

License #: No License; Specialty: Not Specified
Frederick, MD
Date of Action: June 27, 2001

Application for licensure denied. The reasons for the Board action include that the physician did not submit an accurate copy of his academic record to an institution, made false statements on licensure applications and an application for employment in other states, diverted narcotics for his own personal use and pled guilty to a crime of mail fraud.

Joel Cohen, M.D.

License #: D08672, Specialty: Psychiatry
Potomac, MD
Date of Action: July 11, 2001

Reprimand; probation for two (2) years subject to terms and conditions. The Board found that the physician was guilty of immoral or unprofessional conduct with regard to a patient.

Arvind Kumar Pathak, M.D.

License #: D12867, Specialty: Family Practice
Reston, VA
Date of Action: June 27, 2001

Reprimand. The Board's action is based on a sanction of the Virginia Board for allowing another physician to use his name to refer cancer patients to a hospital.

Alfredo J. Herrera, M.D.

License #: D17863, Specialty: Pediatrics
Ellicott City, MD
Date of Action: July 18, 2001

Suspension. The physician pled guilty to felony medicaid fraud and thereby was subject to State statute which requires suspension of the license.

George Yossif, M.D.

License #: D21314, Specialty: Psychiatry
Baltimore, MD
Date of Action: July 25, 2001

Reinstatement of License. The Board resolved its public charges based on the physician's prior convictions for federal income tax evasion and failure to file federal income tax returns

Ross Joseph Brechner, M.D.

License #: D39783, Specialty: Ophthalmology
Phoenix, AZ
Date of Action: July 25, 2001

Licensure granted; physician shall not practice surgery. The Board based its action on action taken by other state medical boards.

Mahmoud F. Abbas, M.D.

License #: D12722, Specialty: Psychiatry
Ellicott City, MD
Date of Action: July 25, 2001

Application for reinstatement declined. After the revocation of his license, the physician did not make an adequate showing of the understanding of the gravity of his offense or conduct demonstrating reformation of character.

Young H. Yu, M.D.

License #: D09075, Specialty: OB/GYN
Towson, MD
Date of Action: August 22, 2001; effective date September 21, 2001.

Surrender of license; the physician will not apply for reinstatement of his medical license; effective September 21, 2001. The physician surrendered his license to avoid further prosecution of charges involving his practice of obstetrics and gynecology.

Romanus O. Nwanna, M.D.

No License, Specialty: Unspecified
Scotch Plains, N.J.
Date of Action: August 22, 2001

Application for medical licensure denied. The Board based its action in part on action by the New Jersey Board of Medical Examiners for abandoning a patient and found that the conduct in New Jersey is evidence that the applicant lacks good moral character.

William H. Choate, M.D.

License #: D01030, Specialty: General/Family Practice
Annapolis, MD
Date of Action: August 22, 2001

Reprimand; probation for three (3) years subject to terms and conditions. The Board found that the physician violated his corrective action agreement with the Board and was found to violate standards of care in his general practice of medicine.

James T. Hicks, M.D.

License #: D05178, Specialty: General Practice
Oakbrook Terrace, IL
Date of Action: September 5, 2001

Revocation. The physician pled guilty to obtaining Schedule II Controlled Substances with the intent of abusing or unlawfully reselling them to others and was thereby subject to Maryland Statute which requires revocation of the license.

Pricha Phattiyakul, M.D.

License #: D17730, Specialty: Anesthesiology

Prince Frederick, MD

Date of Action: September 19, 2001

Suspension for 12 months; 6 months stayed; the Active Suspension period is subject to terms and conditions; if suspension lifted, probation for 3 years, subject to terms and conditions. The Board found that the physician did not provide truthful information on his renewal application; did not practice competently and prescribed for illegitimate medical purposes with regard to a patient; and engaged in a sexual relationship with this same patient, concurrent with the physician patient relationship.

William F. Eberlin

No License, No Specialty

Gaithersburg, MD

Date of Action: September 19, 2001

Fine of \$15,000. The respondent practiced medicine without a license by use of a blood irradiation devices, not approved by the FDA for any human use.

Sol Witriol, M.D.

License #: D29137, Specialty: General Practitioner

Baltimore, MD

Date of Action: September 26, 2001

Stay of suspension lifted; physician's license is to remain suspended until completion of specified conditions. The physician failed to fulfill the terms and conditions of his May 6, 1999 Consent Order and the April 26, 2000 Consent Order.

Alan Brody, M.D.

License #: D26759, Specialty: Psychiatry

Potomac, MD

Date of Action: October 17, 2001

Suspension for 6 months; 3 months stayed; after the stay of active suspension, probation for 3 years; terms and conditions during the suspension and the probation. Active suspension to begin November 1, 2001. The Board concluded that the physician was guilty of unprofessional conduct for obtaining confidential information from a patient which the physician used for his own financial benefit.

Alfredo J. Herrera, M.D.

License #: D17863, Specialty: Pediatrics

Ellicott City, MD

Date of Action: November 28, 2001

Revocation. The physician pled guilty to felony medicaid fraud and thereby was subject to State statute which requires revocation of the license.

John P. Serlemitsos, M.D.

License #: D32654, Specialty: Internal Medicine

Crownsville, MD

Date of Action: December 19, 2001

Revocation. The physician pled guilty to a crime of moral turpitude and thereby was subject to statute that requires revocation of his license.

Melvin Duckett, M.D.

License #: D32401, Specialty: Urological Surgery

Sparks, MD

Date of Action: December 19, 2001

Suspension effective April 24, 2001, stayed; probation for 4 years subject to terms and conditions set out in the April 24, 2001 Consent Order. The physician has met the conditions precedent.

Suhayl S. Kalash, M.D.

License #: D23768, Specialty: Urological Surgery
Cockeysville, MD
Date of Action: December 19, 2001

Order staying active suspension imposed by Consent Order of September 19, 2001; Probation for 4 years subject to terms and conditions in the 9/19/01 Consent. The physician paid the \$10,000 fine imposed by the September 19, 2001 Consent Order.

Robert T. Horton, M.D.

License# D54056, Specialty: Psychiatry
Baltimore, MD
Date of Action: January 9, 2002

Suspension; the physician violated his advocacy contract with the state's physician rehabilitation program.

Robert Michael Elliott, M.D.

License #: D42601 (non-renewed), Dermatology
San Juan Capistrano, CA
Date of Action: January 16, 2002

Application for Reinstatement of License denied. The physician failed to disclose on his reinstatement application action taken against his license by three state medical boards, investigations of complaints by four state medical boards, and three medical malpractice claims settled on his behalf within a five years period prior to his submission of his reinstatement application.

Mahmoud Nemazee, M.D.

License #: D38784, Specialty: Internal Medicine
Santa Monica, CA
Date of Action: January 23, 2002

Termination of Suspension of the Consent Order of March 28, 2001. The physician must appear before a committee of the Board before actively practicing in Maryland; notice to the Board for any locum tenens work. The physician complied with the conditions precedent to termination of the suspension.

Paul A. Mullan, M.D.

License #: D08462, Specialty: Unspecified
Towson, MD
Date of Action: January 23, 2002

Revocation; stay of revocation; terms and conditions to be met; if not met, stay automatically expires, if stay continues, suspension of license until completion of further terms and conditions. The Board concluded that the physician having treated patients while under the influence of alcohol violated the Maryland Medical Practice Act. In doing so, he also committed unprofessional conduct in the practice of medicine.

William K. Kelly, M.D.

License #: D39979, Specialty: Medical Oncology
Bethesda, MD
Date of Action: January 23, 2002

Summary Suspension. The Board concluded that the physician engaged in conduct which constitutes unprofessional conduct and evidence that he is addicted to, or habitually abuses, narcotics or controlled substances, and that he provided professional services while using any narcotic or controlled dangerous substances, or other drugs that is in excess of therapeutic amounts without valid medical indication. The physician's failure to sign releases for his medical records constitutes his failure to cooperate with a lawful investigation.

Hanif A. Gopalani, M.D.

License #: D37448, Specialty: Psychiatrist
Baltimore, MD
Date of Action: January 23, 2002

Surrender. The physician acknowledged that the Board found that he violated the Maryland Medical Practice Act, that is, he is guilty of unprofessional conduct and was not competent to practice medicine.

Carmen N. DiMario, D.O.

License #: H47569, Specialty: Plastic Surgery
West Chester, PA
Date of Action: January 23, 2002

Revocation. The physician pled guilty to mail fraud and tax evasion and thereby became subject to state statute which requires revocation.

Norman L. Clark, M.D.

License #: D42095, Specialty: Plastic Surgery
Parsippany, NJ
Date of Action: January 23, 2002

Revocation. The physician violated the Board's final order in that he had not initiated service or begun payment for a service obligation owed to the federal government.

Luanne Ruona, M.D.

License #: D14211, Specialty: Unspecified
Alexandria, VA
Date of Action: January 30, 2002

Reinstatement; probation to run concurrent with probationary period by the Virginia Board of Medicine; probation subject to terms and conditions. The physician met the requirements for reinstatement subject to terms and conditions related to her contract with the physicians rehabilitation program in Maryland.

Leonard C. Kinland, M.D.

License #: D22037, Specialty: Family Practice
Brunswick, MD
Date of Action: February 06, 2002

Supplemental Order to June 2, 1999 order. One ground for charging dismissed (H.O. §14-404(a)(22)). A requisite peer review for standard of care issues was not completed prior to charging. The Board's sanction based on unprofessional conduct and prescribing or administering drugs for illegal and illegitimate medical purposes remains unchanged.

Alfred Muller, M.D.

License #: D15017, Specialty: Internal Medicine
Chevy Chase, MD
Date of Action: February 27, 2002

Revocation. The physician pled guilty to a charge of misdemeanor sexual abuse and thereby was subject to state statute that requires revocation.

Dora M. Mamodesene, M.D.

License #: D29649, Specialty: General/Family Practice
Silver Spring, MD
Date of Action: February 27, 2002

Reprimand; terms and conditions. The Board found that the physician repeatedly withheld credentialing information on hospital reappointment and Board license renewal applications.

Timothy H. Emeigh, MRT

License #: R03572, Specialty: Radiologic Technician
York Springs, PA
Date of Action: February 27, 2002

Reprimand; fine of \$1,200. The licensee allowed an uncertified individual to provide radiological services to patients.

P. Waverly Davidson, III, M.D.

License #: D03269, Specialty: Psychiatry

Beverly Hills, CA

Date of Action: February 27, 2002

Revocation; revocation stayed; probation for 5 years subject to terms and conditions. Based on an order of the California medical board the Board found the physician guilty of unprofessional conduct and practicing medicine with an unauthorized person in his practice of psychiatry.

Israel Kogan, M.D.

License #: D14110, Specialty: OB/GYN

Washington, DC

Date of Action: March 15, 2002

Suspension; 6 months; may be stayed after 3 months if conditions are met; if suspension is stayed, probation for 3 years subject to terms and conditions. The Board found that the physician's sexual relationship with a patient constituted unprofessional conduct in the practice of medicine.

William Ellis, M.D.

License #: D04173, Specialty: Ophthalmology

El Cerrito, CA

Date of Action: March 20, 2002

Reprimand; the physician shall comply with all the terms and conditions of his California Order. The Maryland Board took reciprocal action based on the California board's Reprimand which was the settlement of a pending accusation and also an investigation regarding the physician's advertisements.

Jeffrey I. Goltz, M.D.

License #: D16463, Specialty: Orthopedic Surgery

Boca Taton, FL

Date of Action: March 20, 2002

Reinstatement of license; physician must appear before the Board prior to actively practicing in Maryland. The physician completed his sentence from his guilty plea to tax evasion, and met the requirements for reinstatement of his Maryland license, subject to a specific condition.

Hassan H. Hodjati, M.D.

License #: D23383, Specialty: General Surgery

Silver Spring, MD

Date of Action: March 20, 2002

Summary suspension. The investigatory information of the Board is that the physician is addicted to or habitually uses narcotics or controlled dangerous substances.

Tsu-Chun Lin, M.D.

License #: D24756, Specialty: Pediatrics

Gambrills, MD

Date of Action: March 20, 2002; effective date March 31, 2002

Surrender. The physician's decision to surrender was prompted by an investigation of his prescribing practices which included prescribing controlled dangerous substances for which there is no medical indication.

Shirley E. Brown-Ornish, M.D.

License #: D53085

Mitchellville, MD

Date of Action: March 28, 2002

Suspension of license until the physician complies with the Board investigation; \$10,000 fine to be paid within 3 years of the date of the Final Order or reinstatement, whichever occurs first. The physician failed to cooperate with a lawful investigation to the Board.

Administrative Fines

Nancy V. Brown-Holt, M.D.

License #: D41854, Specialty: OB/GYN
Baltimore, MD
Date of Action: October 24, 2001

Administrative fine of \$1,000 for failure to provide documentation of required CMEs.

Rory C. Byrne, M.D.

License #: D46196, Specialty: Unspecified
Ellicott City, MD
Date of Action: May 23, 2001

Administrative fine of \$1,000. The physician did not timely renew his license and practiced with a lapsed license.

Julia Yu-Yun Lee, M.D.

License #: D27788, Specialty: Unspecified
Ellicott City, MD
Date of Action: May 9, 2001

Administrative fine of \$1,000. The physician practiced medicine after her license lapsed.

Donald J. Fishman, M.D.

License # D18250
Potomac, M.D.
Date of Action: February 6, 2002

Administrative fine of \$1,000. The physician continued to practice medicine after the lapse of his license and prior to formal reinstatement.

Renewal Notice

Physicians whose last names begin with the letters A-L must renew their medical licenses by September 30, 2002. Renewal applications will be mailed in early July to the last address the physician supplied to the Board. If you do not receive your application by the end of July, please contact the Board or take advantage of the new option to renew online.

This year physicians will be able to renew online, 24 hours a day, 7 days a week. You will be able to update any information which has changed, but will not have to re-enter information which has not changed. We hope to offer electronic payment as a feature for the online renewal.

Physicians must earn 50 category I CME credits for renewal. The dates when your credits were earned must fall within the current licensing cycle. For those renewing this year, credits must have been earned between October 1, 2000 and September 30, 2002.

Physicians whose renewal applications are not postmarked by September 30, 2002 will no longer be licensed to practice medicine in Maryland on October 1, 2002. Physicians practicing without a valid license are subject to fines up to \$50,000.

New Physicians Orientation Goes Online

On March 20, 2002, the BPQA approved a web-based alternative to the classroom presentation of the New Physician Orientation Program. The new format was designed in part in response to suggestions by attendees that the program be available on the Internet. Since 1999, BPQA regulations require all newly licensed physicians to complete a BPQA approved orientation program as a condition for their first renewal. The web-based program allows physicians to complete this requirement at their own pace without having to travel to attend the session. The program content remains focused on orienting the newly licensed physician to the structure and function of the BPQA using case studies and question-and-answer format to convey information. Information on the program will be posted at <http://www.bpqa.state.md.us> and <http://www.docboard.org>.

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