

M A R Y L A N D



B P Q A N E W S L E T T E R

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GOVERNOR APPOINTS SAMIR R. NEIMAT, M.D. AS BPQA CHAIR

Governor Parris N. Glendening has appointed Dr. Samir Neimat to the Chairmanship of the Maryland Board of Physician Quality Assurance. Dr. Neimat is currently in his third year of service to the Board. Dr. Neimat has served as Board Vice-Chairman, and on the Physician Assistant Advisory Committee. He maintains an active surgical practice in Takoma Park, Maryland.

As a practicing cardiovascular and thoracic surgeon, Dr. Neimat is certified by the American Board of Thoracic Surgery and is a Fellow of the American College of Surgeons, the American College of Cardiology and the American College of Chest Physicians. He performed his surgical residency and research training at Roswell Park Memorial Institute in Buffalo, did graduate studies at Tufts University in Boston and completed his training at the University of Iowa under the direction of J.L. Ehrenhaft, M.D., one of the pioneers in cardiac surgery.

Dr. Neimat established a cardiac surgery program at the Washington Adventist Hospital which has acquired an excellent reputation over the last twenty-five years. In 1991, he established a new Cardiac Surgery Program at Prince George's Hospital Center and serves as the Chairman, Division of Cardiac Surgery. His team has performed well over 8,000 open heart cases in the Washington D.C. metropolitan area.

In addition to his cardiovascular, and thoracic surgery schedule, Dr. Neimat also serves as Clinical Professor of Surgery at Georgetown University Medical



Samir R. Neimat, M.D.

Center Division and as Assistant Clinical Professor of Surgery at George Washington University. He served as Chairman of the Department of Surgery at Washington Adventist Hospital.

Dr. Neimat's experience and commitment to patient care will serve as an asset to the BPQA in his position as Chairman of the Board of Physician Quality Assurance.

In his address to the Board, Dr. Neimat stated, "I have always felt that I am the best advocate for my patients and I am grateful to be given the opportunity to extend my advocacy to all of the patients in Maryland."

BOARD ORDERS April - October 2000

Lawrence S. Krain, M.D. License #: D21434, Specialty: General /Family Practice. Chicago IL. Revocation. The Board action was based on actions taken by Ohio, California, and Illinois. The Board concluded the physician fraudulently and deceptively obtained or attempted to obtain a license; was incompetent; willfully made a false representation when seeking or making application for licensure; and was convicted of a crime of moral turpitude. Date of Action: April 5, 2000.

Silverrene P. Roundtree, M.D. License #: D19789, Specialty: General/Family Practice. Mt. Pocono, PA. Revocation. The Board based its action on disciplinary action in Virginia because of fraud in obtaining a license, unprofessional conduct, failure to provide details of a patient's medical record to a patient, failure to meet standards of care and prescribing or administration of drugs for illegal or illegitimate medical purposes. Date of Action: April 19, 2000.

Robert N. Foster, RT License #: R04392, Specialty: Medical Radiation Technology. Preston, MD. Surrender of Certification. The inability of the practitioner to work competently at this time. Date of Action: April 26, 2000.

Faith Ellen Barash, M.D. License #: D41726, Specialty: OB/GYN. Silver Spring, MD. Fine of \$5,000. The physician had submitted claim forms to the insurer for payment of acupuncture on three occasions, after the physician had completed the training for acupuncture but before Board registration. Date of Action: April 26, 2000.

Sol Witriol, M.D. License #: D29137, Specialty: Internal Medicine. Pasadena, MD. Suspension; stayed; probation for 3 years subject to terms and conditions. In the District Court of Baltimore County the physician pled guilty to 2 counts of obtaining drug by fraud and was given probation before judgement and three years of unsupervised probation. The Board, based on the district court matters, found the physician guilty of Violations of the Maryland Medical Practice Act. Date of Action: April 26, 2000.

Robert M. Armentrout, RCT #: L02212, Specialty: Respiratory Therapy. Ridgeley, MD. Reprimand; two years probation subject to terms. The respiratory care therapist was convicted and subsequently pled guilty to one (1) count of unlawfully obtaining a prescription CDS by forging a prescription. Date of Action: May 3, 2000.

Isabelle C. Martire, M.D. License #: D45014, Specialty: Radiology. Lutherville, MD. Reprimand. The physician failed to meet standards of care with regard to three patients in her practice of radiation oncology. Date of Action: May 10, 2000.

Paul A. Lange, M.D. License #: D14520, Specialty: Psychiatry. Bethesda, MD. Suspension. The Board took action based on the action taken by the Virginia Board because of the physician's sexual misconduct with a patient. Date of Action: May 10, 2000.

Darlene Campbell, RT Certification #: L00984, Specialty: Respiratory Therapist. Baltimore, MD. Revocation. The Board found that licensee is addicted to or habitually uses a narcotic or controlled dangerous substance and did so while employed as a respiratory therapist. Date of Action: May 10, 2000.

Joseph A. Kelchak, M.D. License #: D42922, Specialty: Emergency Medicine. Cumberland, MD. Terms and conditions; limitations on the practice of medicine in Maryland. The physician suffered a traumatic spinal chord injury and West Virginia took action to restrict his practice of medicine. The Maryland Board took reciprocal action to limit his practice in Maryland. Date of Action: May 17, 2000.

Kyung S. Park, M.D. License #: D36375, Specialty: Child Psychiatry Great Falls, VA. Six months suspension of physician's inactive medical license. The physician entered into a sexual relationship with a patient. Date of Action: May 17, 2000.

Dan Edokpolor Austin, M.D. License #: D46605, Specialty: Internal Medicine. Mitchellville, MD. Revocation. The physician was found guilty of mail fraud and loan fraud and thereby subject to Maryland statute which requires revocation of the license. Date of Action: May 24, 2000.

Dai O. Moon, M.D. License #: D27375, Specialty: Orthopedic Surgery. Elkton, MD. Reprimand; probation for two years subject to terms and conditions; fine of \$10,000. The Board found the physician guilty of unprofessional conduct in that the physician prepared and submitted incorrect bills to insurance companies. Date of Action: May 24, 2000.

Negash Tesemma, D.O. License #: H55512, Specialty: Osteopathic Medicine. Silver Spring, MD. Surrender of license. The Board found that the physician failed to provide information on his application for licensure which would have made him ineligible for licensure. Date of Action: May 24, 2000.

Michael F. Miller, M.D. License #: D36056, Specialty: Emergency Medicine. Annapolis, MD. Probation for two years subject to conditions. The New York Board took action against the physician for practicing with gross negligence in his practice of medicine. Date of Action: May 24, 2000.

Jeffrey M. Levitt, M.D. License #: D29875, Specialty: OB/GYN. Kensington, MD. Revocation. The physician shall not be allowed to apply for reinstatement any earlier than five years from the date of the order. The physician was found guilty of immoral or unprofessional conduct, incompetence, abandoning a patient, being addicted to or habitually abusing CDS, providing professional services while using narcotic drugs or CDS, willfully failing to file a record or medical report required by law and inducing another to fail to file a record or report, selling, prescribing, giving away or administering drugs for illegal or illegitimate medical purposes, practicing acupuncture without required registration and failing to display proper notice required by statute. Date of Action: May 24, 2000.

Alan S. Greenberg, M.D. License #: D04728, Specialty: Neurology. Jarrettsville, MD. Summary Suspension. The Board found that Dr. Greenberg is not competent to practice medicine. Date of Action: May 24, 2000.

Barry Portner, M.D. License #: D09675, Specialty: OB/GYN. Owings Mills, MD. Suspension of license. The Board found the physician guilty of unprofessional conduct because of his violations of the standard of care, and guilty of violating the standard of care by failing to provide appropriate care to a viable infant. Date of Action: May 31, 2000.

Paul A. Mullan, M.D. License #: D08462, Specialty: Pediatrics. Towson, MD. Reprimand; terms. The physician provided medical care while under the influence of alcohol and thereby was guilty of unprofessional conduct. Date of Action: June 7, 2000.

Peter T. Katsiyannis, M.D. License #: D50936, Specialty: Emergency Medicine. Gambrills, MD. Reprimand; terms. The physician engaged in unprofessional conduct with regard to a patient. Date of Action: June 7, 2000.

David G. Allingham, M.D. License #: D38380, Specialty: General/Family Practice. Oakton, VA. Reprimand; terms and conditions. The Board took reciprocal action based upon action by the Virginia Board because the physician permitted individuals to practice as physician assistants, on four occasions treated himself and billed the insurance with himself as patient and provider, and treated a family member without maintaining an appropriate clinical record. Date of Action: June 28, 2000.

Norman L. Clark, M.D. License #: D42095, Specialty: Plastic Surgery. Parsippany, NJ. Reprimand; terms and conditions. The Board found that the physician received federal funds for his medical education and was in breach of a service agreement resulting from that funding. Date of Action: June 21 2000.

Yung M. Lee, M.D. License #: D19817, Specialty: Anesthesiology. Glen Arm, MD. Suspension effective fifteen days from the date of the order, that is, July 16, 2000; the suspension continues until conditions are met. The physician failed to meet standards of care and filed a false report in the practice of medicine in his practice of anesthesiology with regard to a patient. Date of Action: June 21, 2000.

Barry Ray Byram, M.D. License #: D50059, Specialty: General Practice. Costa Mesa, CA. Revocation. The Board took reciprocal action based on action of the Louisiana Board for the physician's chemical dependency problem. Date of Action: June 28, 2000.

Harold D. Johnson, M.D. License #: D16699, Specialty: OB/GYN. Washington, DC. Reprimand; fine of \$10,000. The physician practiced medicine with an unauthorized person in that a registered nurse provided services in the physician's practice beyond a registered nurse's scope of practice. Date of Action: June 28, 2000.

Lewis H. Dennis, M.D. License #: D01499, Specialty: Internal Medicine. College Park, MD. Inactive license. Following a peer review of the physician's practice, the physician reported having ceased the practice of medicine and his intention to retire. Date of Action: June 28, 2000.

Jewel L. Scott, MRT Certification #: R05448, Specialty: Radiology. Washington, DC. Summary Suspension. The health professional practiced medical radiation technology without certification and did not respond in any manner to the Board's investigation of the issue. Date of Action: July 26, 2000.

Artemio Miranda-Solari, M.D. License #: D23276, Specialty: Internal Medicine. Baltimore, MD. Revocation. The Board concluded based on a peer review that the physician failed to meet the standard of care in his treatment of three patients and failed to keep adequate medical records and violated a prior consent order by failing to meet standards of care and failing to complete required courses in medical record keeping and prescribing CDS. Date of Action: July 12, 2000.

William E. Lightfoote, Jr., M.D. License #: D06195, Specialty: Neurology. Washington, DC. Revocation. The physician was convicted of a crime of moral turpitude, in that he pled guilty to one count of failure to remain at the scene of a traffic accident in which a person was injured and failure to report driver information after the accident. Date of Action: July 12, 2000.

Michael G. Sumner, M.D. License #: No License, Specialty: Psychiatry & Internal Medicine. Fairfax, VA. Application for licensure granted; reprimanded; fine of \$5,000. The Maryland Board took reciprocal action because of disciplinary action in Ontario, Canada, because the physician gave information on a patient without the consent of the patient and because the physician did not provide information on this action in his application for Maryland licensure. Date of Action: July 26, 2000.

Paul A. Mullan, M.D. License #: D08462, Specialty: Pediatrics. Towson, MD. Summary suspension. The Board has cause to believe that the physician provided professional services under the influence of alcohol. Date of Action: August 23, 2000.

Farshad Yazdani, M.D. License #: D37046, Specialty: Internal Medicine. Hagerstown, MD. Summary suspension. The Board has probable cause to believe that the physician is unable to practice based on a recent evaluation. Date of Action: July 26, 2000.

Malinda A. Midzenski, M.D. License #: D37629, Specialty: Internal Medicine. Baltimore, MD. Surrender of License. The physician surrendered her license because of a Board investigation, her arrest and pending criminal charges, and inability to work competently due to impairment. Date of Action: August 23, 2000.

Frank M. O'Shea, M.D. License #: D27961, Specialty: Physical Medicine & Rehabilitation. Ellicott City, MD. Surrender of License. The physician surrendered his license to avoid a summary suspension based on non-compliance with the physician rehabilitation program for dependency on mood altering substances. Date of Action: August 9, 2000.

Christopher G. Turner, MRT Certification #: O00222, Specialty: Medical Radiation Technologist. Severn, MD. Fine, \$300. The health care provider practiced radiation technology prior to receiving his Maryland State certification. Date of Action: September 13, 2000.

Edward P. Costlow, Jr., M.D. License #: D19503, Specialty: General/Family Practice. Timonium, MD. Reprimand; probation for two years subject to terms and conditions. The physician did not comply with provisions of his consent order of July 28, 1999, and was also found to have failed to meet standards of care and keep adequate medical records with respect to four patients. Date of Action: September 28, 2000.

Prabhakar Kharod, M.D. License #: D22212, Specialty: Orthopaedic Surgery. Pasadena, MD. Fine of \$7,000. The physician practiced medicine without a license. He had submitted a claim to an insurer requesting reimbursement for medical services he provided to a patient and identified himself as the attending physician. Date of Action: September 28, 2000.

ADMINISTRATIVE FINES April - October 2000

Juan J. Garro, M.D. License #: D04810, Specialty: Otolaryngology. Washington, DC. Administrative fine. The physician practiced medicine with a non-renewed license and failed to notify the Board of a change of address. Date of Action: June 5, 2000.

PHYSICIAN ASSISTANTS' AUTHORITY TO ISSUE VERBAL ORDERS

Since 1997, physician assistants have been authorized to write medication orders in hospitals, public health facilities, detention centers, and correctional facilities. Recently, physician assistants have been given the authority to prescribe and administer prescription drugs and controlled dangerous substances, pursuant to Delegation Agreements. While physician assistants may administer both prescription drugs and controlled dangerous substances, they are specifically prohibited from prescribing Schedule I controlled dangerous substances. Supervising physicians are required to review and cosign prescriptions within a period reasonable and appropriate to the practice setting and consistent with current standards of acceptable medical practice.

Current regulations allow the BPQA to authorize a physician to delegate the authority to give verbal medication orders in hospitals, public health facilities, correctional facilities, or detention centers. If the physician assistant is authorized to issue verbal orders, the physician assistant must meet the following criteria:

***Legibly write and sign the verbal order in the patient chart with the name of the physician assistant, the initials "PA-C" and any other**

notation mandated by the hospital, public health facility, correctional facility, or detention center.

***In a hospital, correctional facility, or detention center, have each medication order signed by the supervising physician within 48 hours of issuance.**

***In a public health facility, have each medication order signed by the supervising physician within 72 hours of issuance.**

Physician assistants in hospitals, correctional facilities and detention centers are prohibited from ordering Schedule I controlled dangerous substances. Physician assistants in public health facilities are prohibited from ordering any controlled dangerous substances. Physician assistants are prohibited from verbally transmitting medication orders from outside the hospital, public health facility, correctional facility, or detention center. Even though physician assistants may be authorized to issue verbal orders, the hospital, public health facilities, detention centers, and correctional facilities may have protocols that prohibit such services.

HEALTH RELATED LEGISLATION EFFECTIVE OCTOBER 1, 2000

The following health related legislation was signed into law by the Governor and took effect on October 1, 2000.

House Bill 558, Licensure of Physicians-Qualifications-Postgraduate Training, requires two years, instead of three, of postgraduate training for graduates of foreign medical schools. Postgraduate training for graduates of US/Canadian medical schools remains the same, one year. HB 558 also eliminates the "approved school list." The approved school list allows foreign medical who attended "approved schools" to complete only one year of postgraduate training if they graduated before 7/1/92.

House Bill 1102, State Board of Physicians - Powers and Duties, authorizes the BPQA to investigate an alleged violation of the Maryland Medical Practice Act without a written and signed complaint. With the rapid expansion of access to the Internet in recent years, the practice of medicine and the availability of prescription medications over the Internet, the previous statutory requirement of a written and signed complaint restricted the BPQA's authority to investigate even when there was substantial and detailed information that the BPQA received from legitimate sources.

You may access the above referenced legislation at www.mlis.state.md.us. or by contacting Marie Savage, BPQA Legislative Liaison, at 410-764-4782.

ARE YOU INTERESTED IN WORKING ON PHYSICIAN ASSISTANT ADVISORY COMMITTEE?

The Physician Assistant Advisory Committee is in search of a physician member to join us on the 2nd Wednesday of every month from 4p.m. - 6 p.m. The term of a member is 3 years. The Committee reviews applications to make recommendations to the Board; conducts interviews when deemed necessary; and advises the Board on matters related to the practice of physician assistants. If you are presently or have previously supervised a physician assistant, we would appreciate a copy of your c.v. to be considered for the committee physician membership. Please send all correspondence to:

Kathy Scott, Administrator, Allied Health Unit
4201 Patterson Avenue
Baltimore, MD 21215

NASOPHARYNGEAL RADIUM IRRADIATION

By Georges C. Benjamin, M.D.
Secretary, Maryland Department of Health and Mental Hygiene

An estimated 500,000 to 2 million people were treated with Nasopharyngeal Radium Irradiation (NRI) from 1940 through the mid to late 1960's including an estimated 10,000 to 40,000 Maryland residents. The majority of those receiving treatment were children at the time, born between 1940 and 1950. Nationwide, more than 8,000 World War II veterans, primarily submariners and aviators, also received NRI to treat aerotitis media.

NRI was used as means of treatment for hearing loss, chronic otitis, and other conditions among children before 1950. It was believed that NRI treatments would reduce swollen tissues surrounding the eustachian tubes, thereby allowing the ears to drain and possibly preventing chronic ear infections leading to hearing loss. External X-irradiation was also used to treat hearing loss, acne, tinea capitis, enlarged adenoids, and enlarged thymus. During this period, topical radon and radium were used to treat hemangiomas.

Rods with radium-containing capsules at their tips were applied to the intranasal area adjacent to the pharyngeal opening of the eustachian tubes. Typical treatment lasted from 6-12 minutes and was commonly repeated at two to three week intervals for a period of three visits. On rare occasions, a second course of three treatments was given. Because of the location of the applicators, and because most of the radiation from the NRI was in the form of beta particles, the nasopharynx and eustachian tubes received the greatest radiation dose (estimated 2000 rads). However, the brain and the pituitary, salivary, and thyroid glands all received lower doses of irradiation (24 to 2 rads).

In a Maryland study of 904 exposed and 2021 unexposed persons who were seen between 1943-1960 (by Sandler et al. published in 1982), the risk of head and neck cancers combined was higher among those who had received NRI treatments. This finding was based on small numbers of cancers (three brain and one soft palate) and was statistically significant after categories were combined.

In light of the findings, the Centers for Disease Control and Prevention (CDC) has recommended the following:

For symptomatic patients: For patients with head or neck complaints, take a thorough medical history, including whether they recall being given NRI or any other form of radiation therapy to the head and neck, particularly during childhood. A positive history for NRI or other radiation should be followed by a complete work-up to arrive at a diagnosis and appropriate treatment plan.

For asymptomatic patients: CDC does not recommend screening for persons without symptoms who received NRI. However, physicians may consider performing thorough head and neck examinations on patients with a history or NRI treatments at their next regular checkup. In addition, the National Cancer Institute recommends that all individuals who are at risk of thyroid cancer because of prior radiation to the head and neck should receive a thyroid examination every 1-2 years.

For more information about NRI and head and neck exams, a videotape specifically targeted for physician education can be obtained from the Centers for Disease Control and Prevention by calling 1-877-252-1200 and asking for the "NRI videocourse" (Item #: VC0010). Additional information is available on the CDC's Web site at www.cdc.gov/nceh/programs/radiation/NRI.

NEW BOARD MEMBERS JOIN BPQA

Governor Parris Glendening has appointed Eric S. Wargotz, M.D and Richard M. Hirata, M.D. to the Board of Physician Quality Assurance.



Eric C. Wargotz, M.D.

Dr. Wargotz is the Medical Laboratory Director and Chief of Pathology at Doctors Community Hospital in Lanham, Maryland. He has served and presently serves on a variety of Hospital Medical Staff Committees, many with peer review functions. He is an active member of the Queenstown Medical Society and an affiliate member of the Prince George's County Medical Society.

He is a graduate of the Ohio State University, College of Medicine and completed his residency and chief residency in Pathology at the George Washington University Medical Center. Completion of a fellowship at the Armed Forces Institute of Pathology was followed by a staff appointment to the Gynecologic and Breast Division. He is a recipient of the AFIP Directors' letter of Commendation.

Dr. Wargotz is a Clinical Professor of Pathology at the George Washington University, School of Medicine. He has authored and coauthored over two dozen medical and scientific articles, serves as a reviewer for several multi-disciplinary journals and as an editorial board member for several publications. He is a member of a variety of societies and associations including the AMA.

In his own words "I am honored as a new appointee to the BPQA and hope that my service will contribute to the provision and practice of quality healthcare in the State of Maryland.

With the addition of these new members, the majority of the BPQA board members are serving in their first four-year term of service on the BPQA. All Board members have shown enthusiasm and energy. They have demonstrated that they are eager to contribute their skills to fulfilling the charge of the Board to protect the public and maintain a high standard of medical practice among Maryland physicians.



Richard C. Hirata, M.D.

Dr. Hirata is the other recent addition to the Board of Physician Quality Assurance. He is a graduate of the United States Military Academy, West Point, New York and of Cornell University College of Medicine. He received his training in Surgery and in Head and Neck surgery at Walter Reed Army Medical Center. He is certified by the American Board of Surgery and is recognized as a specialist in Surgery and in Head and Neck Surgery by the BPQA. He has been in practice in Maryland since 1981.

He served on the Peer Review Committee of Baltimore County Medical Association from 1991-2000, including serving as Chairman. He says, "during that period of time, I gained a healthy respect for the peer review process and the necessary balance required to advocate for the patients we care for, while doing our best to assure physician quality and competence. I particularly appreciated our work to improve physician competence (when necessary) by recommending courses of action to achieve that objective. I do take seriously all that is entailed in physician quality assurance and hope to serve this community of physicians and patients to the best of my ability." He looks forward to the challenges of serving on the BPQA.

Governor Glendening also reappointed Dr. Donald C. Chambers and Dr. Moises Z. Fraiman to their second four-year terms on the Board.

NEW PHYSICIAN ORIENTATION

On April 5, 1999, new regulations went into effect requiring physicians who are applying for the first renewal of a Maryland Medical License to attend the Board of Physician Quality Assurance "New Physician Orientation Program." This means that, if you received your initial medical license within the last two years and have not yet renewed your license, you must attend this orientation program as a requirement for the renewal of your license.

These programs are free. However, everyone must register to attend. You are encouraged to register early to assure that you meet this requirement for licensure before your Maryland Medical License expires.

An overview of the program and registration forms are

available on the BPQA website at www.docboard.org. Scroll down to Maryland and look in the New Physician Orientation section of the home page. A registration form may be downloaded from the BPQA home page.

If you have any questions, please contact the Education and Training Director, at 410-764-2492, or 1-800-492-6836, ext. #2492. You may also contact us by Fax at 410-358-2252, or by direct mail at:

New Physician Orientation Program
BPQA
4201 Patterson Ave
Baltimore, Maryland 21215

AN OPEN LETTER FROM FRANCES HUGHES GLENDENING AND DR. GEORGES C. BENJAMIN

Dear Doctor,

As a health care provider you are well aware of the devastating physical and emotional toll on women diagnosed with breast cancer. Access to straightforward information about available treatment options and knowing how to seek support from family and friends can help newly-diagnosed women persevere during this difficult time.

After a thorough search, we have found a book and video we hope will be both informative and helpful as women cope with the overwhelming news of their breast cancer diagnosis. Both the book and video are entitled *Be a Survivor - Your Guide to Breast Cancer Treatment*, and they are available free to Maryland women who have been newly-diagnosed with breast cancer.

During August, surgeons and clinical oncologists throughout Maryland received a copy of both the book and video. As part of this package, providers also received pre-addressed and stamped postcards to distribute to appropriate patients. Interested patients who return the postcard to the Department of Health and Mental Hygiene will receive the book and video at their home.

If you routinely consult with breast cancer patients early in the diagnostic process and did not receive this mailing, please call 410-767-5281 for your packet and postcards. Through our collaborative efforts, we hope this additional resource will help to allay the profound emotional distress women may feel during this critical time.

Very truly yours,

Frances Hughes Glendening
First Lady of Maryland

Dr. Georges C. Benjamin
Secretary of the Department of Health & Mental Hygiene

BOARD OF PHYSICIAN QUALITY ASSURANCE

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ABOUT THE NEW PHYSICIAN ORIENTATION
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