

M B P

MARYLAND BOARD OF PHYSICIANS

"ASSURING CONTINUED QUALITY HEALTHCARE"

WINTER 2004

Governor Appoints Members To The New Board of Physicians



From left to right (top): David B. Swoap, Frank M. Calia, M.D., Nallan C. Ramakrishna, M.D., Carol Samuels-Botts, M.D., Robert G. Hennessy, M.D., Habib A. Bhutta, M.D., Samuel K. Himmelrich, Sr., Moises Z. Fraiman, M.D., J. Ramsay Farah, M.D., Paul R. Fleury, M.D., Paul T. Elder, M.D., Harry C. Knipp, M.D., Harold Rose, Frank D. Boston, Jr., F. Michael Gloth, III, M.D.

From left to right (bottom): Cheryl A. McCally, Susan T. Strahan, M.D., Evelyn T. Beasley, Ruth A. Robinson, D.O., Theresa C. Rohrs, P.A.-C, Anil Sanghera, M.D.

On September 10, 2003, Governor Ehrlich announced the appointment of members of the new Maryland Board of Physicians. Among other changes contained in Senate Bill 500, passed by the General Assembly and signed into law last year, the law reconstituted the old Board of Physician Quality Assurance as the new Board of Physicians.

The new Board consists of 21 members appointed by the Governor, with the advice of the Secretary of the Department of Health and Mental Hygiene and the advice and consent of the Senate. Thirteen of the members must be licensed physicians, one member represents the Department of Health and Mental Hygiene, one member must be a physician assistant, five members are consumers, and one is a public member knowledgeable in risk management.

The new members, who attended an orientation in September and held their first official Board meeting in October, are:

Evelyn T. Beasley (Consumer) is a former Baltimore City public school teacher and principal and presently works in real estate.

Habib A. Bhutta, M.D. (Physician - Surgeon-General) is a General Surgeon in Laurel and is the President of Preventive Care Enterprises.

Frank D. Boston, Jr., (Consumer) is a Special Assistant to the County Executive in Harford County and a former three-term State Delegate.

Frank M. Calia, M.D. (Medical School Faculty) is Vice Dean of the University of Maryland School of Medicine and Professor of Medicine, Microbiology and Immunology.

Paul T. Elder, M.D. (Physician - Anesthesiology) is an Anesthesiologist at Anne Arundel Medical Center.

J. Ramsay Farah, M.D. (Physician - Pediatrics) is Medical Director at Sierra Military Health Services, Inc. and practices at Patient First and Hagerstown Treatment Center.

Paul R. Fleury, M.D. (Physician - Internal Medicine) is a Physician with Blue Heron Medical Group in Pocomoke City.

Moises Z. Fraiman, M.D. (Physician - Surgeon-General) is a Surgeon and owns a private practice in Baltimore.

F. Michael Gloth, III, M.D. (Physician - Internal Medicine) is a Physician and President of Internal Medicine at Victory Springs Senior Health Associates in Reisterstown.

Robert G. Hennessy, M.D. (Physician - Surgeon-Neurology) is a Neurosurgeon with Henderson, Hennessy & Shuey in Baltimore.

Samuel K. Himmelrich, Sr. (Public with Experience in Risk Management) is President of Windsor Terminal, Inc. and a General Partner at Eutaw Property Enterprise in Baltimore.

Harry C. Knipp, M.D. (Physician - Radiology) is a Diagnostic Radiologist with Advanced Radiology in Baltimore.

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**C. IRVING PINDER, JR.,
EXECUTIVE DIRECTOR**

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Senate Bill 500 Makes Changes to Physician Licensing and Discipline in Maryland

Senate Bill 500, signed into law on May 13, 2003, made numerous changes to the Medical Practice Act which governs the practice of medicine in Maryland. The Board of Physician Quality Assurance became the Maryland Board of Physicians on July 1, 2003. Twenty-one members were appointed to the new Board. (See article on page 1) Other significant changes affect the peer review and physician rehabilitation programs, the process of sanctioning a physician, and the information about physicians on the Board's website.

Peer Review Services

Peer review services are used by the Board when a complaint alleging substandard medical care is received. Until July 1, 2003, the Board was required to obtain peer review services from MedChi, the Maryland State Medical Society. Peer review services were funded through a set-aside from the physician licensing/renewal fee.

Under the new law, the Board is required to contract with one (or more) nonprofit entity (entities) for peer review services. After a competitive procurement process, the Board has contracted with two non-profit agencies for this service: Delmarva Foundation, Inc., and the Maryland Psychiatric Society. Under the new law, these agencies must use physician peer reviewers who are board certified, have no formal actions against their licenses, and, if possible, are licensed to practice in Maryland. Peer reviews must be completed within 90 days, and the contractor will not be paid for a case until reports from both reviewers are received.

Physician Rehabilitation Services

Physician rehabilitation services provide assessment, referral, and monitoring for physicians with substance abuse, mental health, or other physical or emotional conditions which might impair the physician's ability to practice medicine. Before July 1, 2003, the Physician Rehabilitation Program was operated by MedChi. The new law requires the Board to procure these services from a non-profit agency. MedChi is currently continuing the physician rehabilitation program through an emergency contract.

Disciplinary Process

Two significant changes were made in the disciplinary process used by the Board to reprimand, suspend, or revoke a licensee's license to practice when a physician is charged with misconduct. The law contains 40 specific grounds for disciplinary actions; these were not changed by the new law. However, the standard of proof required to take action for most of these grounds was lowered from clear and convincing to preponderance of evidence. The more stringent standard, clear and convincing, will continue to be applied in cases alleging that care was substandard.

Before July 1, 2003, a majority of all of the members of the Board, regardless of the number of Board members present, was required to sanction a physician. This meant that at least 8 of the 15 Board members had to be present and vote affirmatively in order to impose a sanction. Under the new law, a majority of those present must vote in favor to sanction a physician. Therefore, with 21 Board members, at least 11 must be present (for a quorum). A majority of those present are required to vote affirmatively in order to impose a sanction.

Board's Website

Along with a new name, the Board has a new website: www.mbp.state.md.us. As required by SB 500, individual physician profiles will include information about malpractice final court judgments and arbitration awards (within the past 10 years) and the number of malpractice settlements in excess of \$150,000 (if three or more within the past 5 years). Those of you who renewed your licenses in 2003 have already been asked questions to collect this information. The new website also allows physicians to change or correct certain information in their personal profile online.

The new website has also consolidated the information in two data bases into one location. Previously, the Administrators in Medicine website, www.docboard.org, contained information about all of the practitioners licensed or certified by the Maryland Board, including those whose licenses were expired. Only physicians with active licenses were included in the physician profiles available on the Board's old website (www.bpqa.state.md.us). All the information from both data bases is now available by selecting "Search Practitioner Profiles" on

www.mbp.state.md.us.

FEE CHANGE

Under Maryland law and federal HIPAA requirements, the following fees can be charged to a "person in interest" (adult patient, parent of a minor, or person authorized to consent to a patient's health care) requesting copies of a medical record:

Preparation fee:

\$18.54 if records sent to another provider. None if records are given/sent to the "person in interest"

Copying fee: 61¢ per page
Mailing: Actual Cost



The federal HIPAA regulations do not allow a charge for a preparation fee for records provided directly to the patient.

OPIOID TREATMENT

Maryland Passes New Law to Encourage Physicians to consider Office-based Opioid Treatment for their Patients.

Senator Paula Hollinger sponsored legislation in the 2003 General Assembly designed to encourage Maryland physicians to participate in a new program that allows some physicians to provide office-based, medication-assisted opioid addiction therapy for patients. SB 224 (Chapter 220, Laws of 2003) directs the Board to conduct outreach to inform physicians about the program and designate a training program for interested physicians.

Until recently, the only drug available for treating opioid dependency was methadone, which is available only through federally-approved drug treatment centers. Under the federal Drug Addiction Treatment Act of 2000, the Substance Abuse and Mental Health Services Administration (SAMHSA) within the federal Department of Health and Human Services may authorize certain physicians to prescribe Food and Drug Administration (FDA) approved Schedule III, IV, and V medications for office-based treatment of persons with opioid dependency. In October 2002, the FDA approved two drugs for this purpose: Subutex (buprenorphine) and Suboxone (buprenorphine hydrochloride and naloxone hydrochloride).

In order to participate, physicians must obtain a waiver from provisions of the federal Controlled Substances Act. To qualify, physicians must meet one of the several criteria, including: subspecialty board certification in addiction psychiatry from the American Board of Medical Specialties, addiction certification from the American Society of Addiction Medicine, subspecialty board certification in addiction medicine from the American Osteopathic Association, or completion of at least eight hours of approved training about the treatment and management of opiate-dependent patients. A physician may treat up to 30 patients under an approved waiver.

More information about how to obtain a waiver, where to go for approved training programs, and which Maryland physicians have been approved for this program can be found at www.buprenorphine.samhsa.gov.

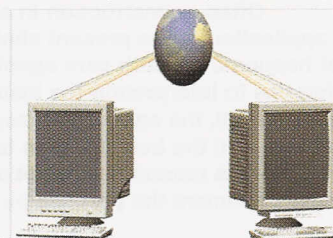
VOLUNTEER CORPS

The Maryland Physician Volunteer Corps is a group of Maryland physicians and allied health practitioners who have indicated their willingness to serve in a volunteer capacity in the event of a disaster such as bioterrorism, hurricane, flood or other catastrophic health emergency. There are currently 470 volunteers registered with the Maryland Physician Volunteer Corps. Of these volunteers, 223 have attended a training session. Preparedness Training for Health Professionals was held on June 6, 2003, at Allegany College of Maryland, in Cumberland, Maryland. On June 26, 2003, Bioterrorism Preparedness Addressing the Special Needs of Children training was held in Rockville. If you are interested in becoming a volunteer, forms are available at www.mbp.state.md.us, or call 410-764-4780. Look on our website for upcoming training programs.

NEW WEBSITE ALLOWS LICENSEES TO UPDATE RECORDS

The Board of Physicians' new website, www.mbp.state.md.us, allows physicians and other practitioners licensed or certified by this Board to update their profiles online. Updates to data such as specialty certification and postgraduate education can now be made by licensees online using the password protected system.

It is important that all practitioners log on as soon as possible, review the practitioner's individual profile, establish a password and update the profile as appropriate. This profile may be the first impression of you that a potential patient may have, so you should be certain that the information is correct. If there are errors in fields that can be changed, please do so. If you see errors in fields that you cannot change, please notify the Board in writing.



The profile content for physicians is required by law. Senate Bill 302 was passed by the General Assembly and became law October 1, 1999. This law required the Board to collect and provide to the public certain information about physicians. In 2003, SB 500 added new information about physicians to be collected and made available to the public, such as malpractice settlements. During the 2003 renewal period, additional data was collected from physicians whose last names begin with the letters "M" through "Z." The new data will be available to the public in the spring, 2004 and in the spring, 2005 for the remaining records. Physicians can assist in keeping certain self-reported data current by using the online system.

The profiles for physician assistants, radiation technologists, and respiratory care practitioners include less extensive information than the physician profiles.

For more information on Physician Profiles, go to the FAQ section of the Board's website at www.mbp.state.md.us.

PHYSICIAN RESPONSIBILITY AND THE HEALTH CARE DECISION ACT

Physicians and other health care professionals face a difficult situation when a patient's advance directive contains a clear decision about treatment but the patient's family wants to make a different decision. For example, suppose a patient has been certified by her physician to lack decision-making capacity and to be in terminal condition. Her living will says that, under these circumstances, she doesn't want life-sustaining treatment. At the same time, she used an advance directive form to designate her son as her health care agent (sometimes called a durable power of attorney for health care). The son insists that "everything be done."

These kinds of conflicts can usually be resolved through effective communication, especially about the patient's prognosis. Sometimes pastoral care or social work services can be particularly helpful. At other times, an ethics consult can result in a plan of care consistent with the patient's wishes and acceptable to the family.

In working to resolve conflicts of this kind, physicians need to know the legal framework in Maryland. Here are the key points:

Only the patient, while he or she still has capacity, can change or revoke an advance directive. A health care agent or surrogate (a family member or a friend) may not. A legally valid advance directive cannot be dismissed simply because a health care agent or surrogate says that the patient "didn't really mean this" or "changed her mind."

Often an instruction in an advance directive is ambiguous, or its application to the present clinical circumstances is unclear. When that happens, a health care agent or surrogate should be given great deference to interpreting the instruction and deciding on a plan of care. After all, the agent or surrogate is presumed to know the patient best and is in the best position to figure out what the patient intended when there is reasonable doubt about it. A health care facility should clearly document the process by which the decision was reached.

When an instruction in an advance directive is unambiguous and clearly applicable to the present clinical circumstances, agents and surrogates are obliged to carry out the instruction. This is so because the Health Care Decisions Act instructs agents and surrogates to base their decisions "on the wishes of the patient," unless those wishes are unknown or unclear. An unambiguously applicable directive makes the patient's wishes clearly known. Honoring such an advance directive, in accordance with the Health Care Decisions Act, gives the physicians and other health care professionals involved immunity from suit and disciplinary actions.

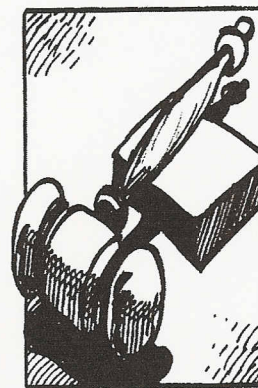
Hospitals and long term care facilities have a regulatory obligation to honor a patient's refusal of treatment, including a refusal in an unambiguously applicable advance directive.

Nothing in an advance directive or an agent's or surrogate's decision affects the legal right of a physician to refrain from providing ethically inappropriate or medically ineffective treatment, in accordance with the Health Care Decision Act.

Jack Schwartz, Esq.
Assistant Attorney General
Office of the Attorney General

GOVERNOR'S APPOINTMENTS

(from front page)



Cheryl A. McCally, (Consumer) is a Partner with McCally & Hall in Rockville and former Assistant State's Attorney for Montgomery County.

Nallan C. Ramakrishna, M.D. (Physician - Cardiology) is a Cardiologist at the Heart Center of Southern Maryland in Clinton.

Ruth A. Robinson, D.O. (Physician - Osteopath) is a Family Physician with Mid-Atlantic Permanente Medical Group in Annapolis.

Theresa C. Rohrs, P.A. (Physician Assistant) is a Physician Assistant at Franklin Square Hospital.

Harold A. Rose, (Consumer) served for fourteen years on the staff of the Board of Physician Quality Assurance and is now retired, having served for the Attorney General's Office for the State of Maryland and the Baltimore City State's Attorney's Office.

Carol Samuels-Botts, M.D. (Physician - Pediatrics) is a Pediatrician at the Kaiser Permanente Largo Medical Facility.

Anil Sanghera, M.D. (Physician - Psychiatry) is a Psychiatrist and owns a private practice in Towson.

Susan T. Strahan, M.D. (DHMH Representative) is a Psychiatrist and owns a private practice in Towson, and works in Mental Hygiene Administration at DHMH.

David B. Swoap, (Consumer) is a former Deputy Secretary for the U.S. Department of Health and Human Services and is now a self-employed Government Affairs Consultant in Cambridge.

BOARD SANCTIONS OCTOBER 2002 TO DECEMBER 2003

Sarkis G. Aghazarian, M.D., License #: D28245,
Area of Practice: General Surgery (Baltimore, MD) Reprimand. The Board found that the physician failed to meet standards of care in the care and treatment of a patient in his practice of general surgery. Date of Action: July 23, 2003

David C. Allen, M.D., License #: D25230,
Area of Practice: Internal Medicine (California, MD) Reinstatement of license; suspension for 5 years; suspension stayed; probation for 5 years subject to terms and conditions. The Board found that the physician could be reinstated, but because of his long and significant history of substance abuse made the reinstatement subject to terms and conditions. Date of Action: September 4, 2003

Sarabjit S. Anand, M.D., License #: D41023,
Area of Practice: General Surgery, (Laurel, MD) Suspension for 2 years; stayed; probation for 2 years subject to terms and conditions. The physician failed to meet the standard of care while attempting to correct his patients' surgical complications and for failing to timely refer the patient to a tertiary care center. Date of Action: February 21, 2003

Kimberley A. Anderson, M.D., License #: D34747,
Area of Practice: Unspecified, (Burtonsville, MD) Surrender. The physician's surrender was prompted by an investigation of the physician's two positive urine screens for drugs which reflect a violation of her rehabilitation agreement with the Board. Date of Action: March 26, 2003

Anthony E. Barnes, M.D., License #: D44173 (Inactive),
Area of Practice: General Practice (Atlanta, GA) Reprimand; physician must comply with conditions with Georgia Medical Board order. The physician was sanctioned by the Georgia Medical Board for failing to meet standards of care because of misdiagnosis of and failure to treat a patient's urinary tract infection. Date of Action: July 23, 2003

Bohumil F. Beran, M.D., License #: D13875,
Area of Practice: Psychiatry (Baltimore, MD) Fine of \$2,000; terms in regard to CME credits. The physician continued to practice after his license lapsed and when making application for reinstatement had not earned the required CME credits. Date of Action: July 28, 2003

Joseph C. Boschulte, M.D., License #: D08760,
Area of Practice: Psychiatry, (Baltimore, MD) Suspension for 6 months; terms and conditions during suspension; if reinstated, 3 years probation subject to terms and conditions. The Board found that the physician violated the Medical Practice Act in that he had a sexual relationship with a patient and failed to meet standards of care in prescribing for this patient. Date of Action: January 22, 2003

Troy B. Brigance, RCP, Certification #: L03089,
Area of Practice: Respiratory Care Practitioner, (Baltimore, MD) Surrender. The practitioner's decision to surrender was prompted by the Board's investigation and formal charges that he falsified his initial application and two renewal applications for licensure in Maryland. Date of Action: March 26, 2003

Alfred D. Budnichuk, R.T., Certification #: M00009,
Area of Practice: Radiation Therapy Technologist, (Bel Air, MD) Revocation. The health provider violated his disposition agreement with the Board, failed a urine screen and tested positive for morphine. Date of Action: January 15, 2003

Leonard J. Burman, M.D., License #: D45449,
Area of Practice: OB/GYN, (Victor, NY) Revocation. The Board's action is based on action in New York, Illinois, and California for care involving a sterilization procedure and lack of informed consent of a patient in New York. Date of Action: March 26, 2003

John A. Campa, III, M.D., License #: D41991,
Area of Practice: Unspecified, (San Antonio, TX) Revocation. The physician pled guilty to frauds and swindles, health care fraud, and making false statements relating to health care matters and thereby is subject to Maryland statute that requires revocation. Date of Action: October 11, 2002

Nibondh Chaiyupatumpa, M.D., License #: D18850,
Area of Practice: OB/GYN (Baltimore, MD) Reprimand; Probation for 2 years, subject to terms and conditions. The Board found that the physician failed to meet standards of care in his practice of obstetrics in regard to a patient during labor, delivery, and postpartum. Date of Action: July 23, 2003

Irma R. Chance, M.D., License #: D31138,
Area of Practice: Psychiatry, (Eastham, MA) Surrender. The physician has no current intention of practicing in Maryland and wants to avoid further defending charges based on an investigation which determined that claim forms, stamped with her professional association facsimile signature and certifying that services were performed under her supervision, were submitted for reimbursement while her Maryland license was inactive. Date of Action: October 23, 2002

William H. Choate, M.D., License #: D01030,
Area of Practice: General Practice, (Mayo, MD) Order granting an inactive license; probation of consent order of 8/22/01 tolled until license to practice medicine is reinstated. The physician has retired from the practice of medicine, but has not completed the conditions of his August 22, 2001, consent order. Date of Action: October 16, 2002

Adrian M. Cohen, M.D., License #: D04365,
Area of Practice: Psychiatry (Silver Spring, MD) Revocation. The physician violated the conditions of the probation set out in the 1997 and 1998 orders of the Board. Date of Action: December 12, 2002

Steven T. Coulter, M.D., License#: D39934,
Area of Practice: Family Practice (Bethesda, MD) Summary
Suspension. The Board found probable cause to believe that,
among other things, the physician is habitually intoxicated and pro-
vided professional services while under the influence of alcohol.
Date of Action: May 28, 2003

William J. Crittenden, III, M.D., License #: D54547,
Area of Practice: Unspecified (College Park, MD) Fine of \$1,200
to be paid within 30 days of effective date of the order. The physi-
cian was disciplined by the District of Columbia Board for providing
false information on his DC application for medical licensure. Date
of Action: June 25, 2003

Dean S. Cunningham, M.D., License #: D42521,
Area of Practice: OB/GYN (Morgantown, WV) Surrender. The
physician surrendered his license based on his surrender of
license in West Virginia prompted by his intention to plead guilty to
a count of healthcare fraud in United States District Court. Date of
Action: October 22, 2003

Joseph H. Cutchin, Jr., M.D., License#: D04230,
Area of Practice: OB/GYN (Salisbury, MD) Reprimand; physician
shall not practice obstetrics; subject to terms and conditions for two
years in regard to his gynecological practice. The physician
breached the standard of care in regard to three obstetrical
patients. Date of Action: April 23, 2003

Joseph H. Cutchin, Jr., M.D., License #: D04230,
Area of Practice: OB/GYN (Salisbury, MD) Amended consent
order; the order of April 23, 2003, is vacated; Reprimand; physician
shall not practice obstetrics; subject to terms and conditions. The
physician breached the standard of care in regard to three obstetri-
cal patients. Date of Action: June 4, 2003

Selwa J. Diwani, M.D., License #: D39713,
Area of Practice: Pediatrics, (Suitland, MD) Reprimand; fine of
\$25,000; probation for 2 years subject to terms and conditions.
The Board found that the physician failed to meet standards of
care, grossly overutilized health care services, failed to disclose to
a patient or third-party payer the name of outside laboratories
used, and unprofessional conduct in the practice of medicine with
regard to 10 patients. Date of Action: October 30, 2002

Jean M. Eisenbrey, M.D., License #: D16180,
Area of Practice: Pediatrics (Clinton, MD) Suspension; stayed;
probation for two years subject to terms and conditions. The
Board found that the physician failed to meet standards of care in
the assessment and treatment of a newborn child during the seven
week period in which the physician provided medical care. Date of
Action: June 25, 2003

Robert M. Elliott, M.D., License #: D42601,
Area of Practice: Dermatology (San Juan Capistrano, CA)
Application for Reinstatement denied after the Board of Review
remanded the case for further hearing. The applicant made false
statements on his reinstatement application. Date of Action:
September 30, 2003

Asghar A. Farsaii, M.D., License #: D40392,
Area of Practice: Urological Surgery (Germantown, MD)
Reprimand; one year probation subject to terms and conditions.
The Board found that the physician failed to meet standards of
care in his treatment of a patient for urinary retention due to an
acute urinary tract infection. Date of Action: May 28, 2003

Leslie Howard Fenton, M.D., License #: D01254,
Area of Practice: Unspecified (Washington, DC) The physician is
reprimanded; placed on probation for one (1) year subject to
terms; also, subject to a civil fine of \$5,000; and permanent pro-
hibition from testifying in any litigation to provide expert medical
opinion. The Board found the physician guilty of unprofessional
conduct in the practice of medicine because of his misrepresenta-
tions under oath about his credentials in medical malpractice
cases for which the physician has been called to render an
expert opinion. Date of Action: June 11, 2003

John Lee Flowers, M.D., License #: D40524,
Area of Practice: General Surgery (Towson, MD) Surrender. The
physician surrendered his license because of a criminal investi-
gation and his Alford plea to one count of prescription drug fraud.
Date of Action: April 30, 2003

Farid Gharagozloo, M.D., License #: D48203,
Area of Practice: Thoracic Surgery, (Washington, DC)
Reprimand; fine of \$10,000. The Board based its action on the
physician's failure to disclose on his Maryland renewal applica-
tion an investigation and final order of another state. Date of
Action: November 22, 2002

Ramon L. Gonzalez, M.D., License #: D29566,
Area of Practice: Unspecified, (Burke, MD) Application for rein-
statement denied; revocation of suspended license. The physi-
cian violated the terms of the consent order of March 25, 1998,
and violated the Maryland Medical Practice Act on multiple
grounds which included those of fraud, unprofessionalism, and
substance abuse. Date of Action: October 9, 2002

Arcadius H. Hakim, M.D., License #: D06460,
Area of Practice: Otolaryngology, (Annandale, VA) Revocation.
The Board took its action based on the physician's surrender of
his medical license in Virginia and New York because of multiple
charges of violation of professional standards. Date of Action:
October 7, 2002

Sang K. Han, M.D., License #: D17694,
Area of Practice: General Surgery, (Glen Burnie, MD)
Reprimand; probation for 3 years subject to terms and condi-
tions, one of which is that Respondent shall permanently cease
performing any surgeries involving the head and neck, excluding
endarectomies and superficial lymph node and/or skin biopsies.
The Board found that the physician failed to meet standards of
care in that he failed to appropriately address and treat a
patient's thyroid tumor. Date of Action: February 26, 2003

Carl F. Herb, Jr., RCP, Certification #: L02035,
Area of Practice: Respiratory Practitioner (Baltimore, MD)
Application for Reinstatement of Respiratory Care Certification is
denied. The Board found that the applicant had failed to report a
number of past criminal convictions in an accurate and truthful
manner. Date of Action: October 8, 2003

John H. Hewitt, III, M.D., License #: D21742,
Area of Practice: Emergency Medicine, (Hagerstown, MD)
Suspension for 3 years (to begin 10 days from date of order); suspension to continue for 6 months and until terms and conditions are met; if suspension is stayed, probation for 3 years subject to terms and conditions. The Board found that the physician violated the Maryland Medical Practice Act under the following grounds; unprofessional conduct; failure to meet the standards of care; sold, prescribed, gave away, or administered drugs for illegal or illegitimate purposes; violated the state pharmacy act; and failed to keep adequate medical records. Date of Action: January 7, 2003

Augustus H. Hill, M.D., License #: D27931,
Area of Practice: General Surgery (Silver Spring, MD) Reprimand; terms and conditions for 3 years. The Board found that the physician failed to meet standards of care and failed to keep adequate medical records in the care and treatment of four patients in his practice of general surgery. Date of Action: August 18, 2003

Hassan H. Hodjati, M.D., License #: D23383,
Area of Practice: General Surgery, (Silver Spring, MD) Revocation. The Board found the physician guilty of being addicted to, or habitually abusing narcotic or controlled dangerous substance; making a false report in the practice of medicine; and prescribing or administering drugs for illegal or illegitimate medical purposes. Date of Action: March 18, 2003

Harvey B. Jacobs, M.D., License #: D17933,
Area of Practice: General Surgery, (San Diego, CA) Revocation. The physician was convicted of murder in the second degree and was thereby subject to state statute which mandates revocation of his license. Date of Action: May 19, 2003

Ronald D. Jacobs, M.D., License #: D32150,
Area of Practice: OB/GYN (Silver Spring, MD) Reprimand. The physician failed to meet standards of care with regard to a patient by failure to diagnose a pregnancy in a timely manner. Date of Action: July 23, 2003

Mukesh K. Jalota, M.D., License #: D23231,
Area of Practice: Emergency Medicine, (Ashton, MD) Reprimand; 6 months probation subject to terms and conditions. The physician failed to meet standards of care in his assessment and treatment of a patient in an emergency room. Date of Action: February 26, 2003

Francisco G. Japzon, M.D., License #: D21740,
Area of Practice: General Surgery (Hagerstown, MD) Reprimand; terms and conditions which include to permanently cease the practice of surgery. The physician failed to meet the standards of surgical care in regard to two patients. Date of Action: June 25, 2003

Joseph A. Kelchak, M.D., License #: D42922,
Area of Practice: Emergency Medicine (Verona, PA) Termination of conditions of May 17, 2000, Consent Order. The physician shall not clinically practice in Maryland unless and until approval by the Board. The physician met the conditions for termination of the order. Date of Action: June 16, 2003

Joanne B. Kelly, M.D., License #: D21467,
Area of Practice: Anesthesiology, (Rockville, MD) Restrictions of the September 27, 2002, Interim Order are lifted; terms.

Any further Board action is pending a full evidentiary hearing on the Board's charges. Date of Action: November 7, 2002

Joanne B. Kelly, M.D., License #: D21467,
Area of Practice: Anesthesiology (Rockville, MD) Suspension. The Board found that the physician is in no condition to practice medicine, and it would be a danger to the public to allow the physician to practice. Date of Action: June 25, 2003

Joseph L. Kelly, M.D., License #: D55060,
Area of Practice: Internal Medicine (Annapolis, MD) Surrender. The physician surrendered his license because of the Board's investigation of allegations that he did not notify the Board of a Virginia consent order; that he was under investigation in Virginia; his application for license in Texas was not accepted because of false information; failure to disclose treatment for behavioral health impairment; and providing medical services for patients while under the influence of drugs and alcohol. Date of Action: April 23, 2003

William K. Kelly, M.D., License #: D39979,
Area of Practice: Unspecified (Bethesda, MD) Revocation. The physician plead guilty to attempting to obtain CDS by fraud. Date of Action: October 22, 2003

Weerasak W. Lima, M.D., License #: D23262,
Area of Practice: Orthopedic Surgery (Timonium, MD) Reprimand; terms and conditions. The physician performed a planned right knee arthroscopy on the patient's left knee. Date of Action: May 28, 2003

Rafael A. Lopez, M.D.
aka **Rafael A. Lopez-Steuart, M.D.**, License #: D40755,
Area of Practice: Orthopedic Surgery, (Owings Mill, MD) Reprimand; probation for 2 years subject to terms and conditions. The Board found that the physician engaged in unprofessional conduct because of his disruptive behavior in a surgical setting. Date of Action: April 25, 2003

Denis MacDonald, M.D., License #: D15408,
Area of Practice: Internal Medicine (Baltimore, MD) Reprimand; probation for one year, subject to conditions. The Board found that the physician failed to meet standards of care with regard to two patients in his general medicine practice and willfully made a false representation on two renewal applications for medical licensure. Date of Action: July 23, 2003

Margo Sheila McBride, M.D., License#: D45096,
Area of Practice: Internal Medicine (Annapolis, MD) Reprimand; minimum of 2 years probation until 2 years following the physician's return to active medical practice. The physician violated her disposition agreement when she relapsed into prescription drug use. Date of Action: April 23, 2003

William B. McLeod, M.D., License #: D27517,
Area of Practice: Unspecified (Claremont, CA) Revocation; any petition for reinstatement is contingent upon compliance with conditions of California order dated February 6, 2002. The physician was sanctioned by the Medical Board of California for unprofessional conduct in regard to several patients. Date of Action: October 22, 2003

William W. Mark, Jr., M.D., License #: D31221,
Area of Practice: Internal Medicine, (Cumberland, MD)
Supplemental Final Order. One ground for charging dismissed in
the February 2, 2000 order. Reprimand, terms and conditions for
failure to keep adequate medical records.
Date of Action: February 5, 2003

Michael J. Mitchell, No License,
Area of Practice: Unspecified, (Severn, MD) Fine of \$5,000. The
individual performed x-rays without certification as a medical radia-
tion technologist. Date of Action: October 10, 2002

Dai O. Moon, M.D., License #: D27375,
Area of Practice: Orthopedic Surgery, (Elkton, MD) Probation of the
May 24, 2000, consent order is extended for one year; \$15,000.
fine; terms and conditions. The physician violated the terms and
conditions of the May 24, 2000, Consent Order. Date of Action:
December 18, 2002

Paul A. Mullan, M.D., License #: D08462,
Area of Practice: Pediatrics, (Towson, MD) Reprimand. The
physician violated the June 7, 2000, order of the Maryland Board.
Date of Action: January 22, 2003

Joyce W. Neal, M.D., License#: D50618,
Area of Practice: OB/GYN (Charlotte Hall, MD) Reprimand; proba-
tion for 3 years subject to terms and conditions. The Board found
that the physician failed to meet standards with respect to the
obstetrical care the Respondent provided during a patient's labor
and delivery. Date of Action: April 23, 2003

Omar K. Omland, M.D., License #: D16665,
Area of Practice: Child & Adolescent Psychiatry (Bethesda, MD)
Suspension for 3 years to begin 10 days from execution of the
order (that is July 14, 2003); active suspension for a minimum of
one year and until conditions are met; should the Board grant a
stay of suspension, the physician shall be subject to terms, one of
which is restricting his practice to male patients only. The Board
found Dr. Omland guilty of unprofessional conduct by engaging in a
social, personal, and sexual relationship with a former patient and
also continuing to treat the patient's husband while commencing a
social and personal relationship with the patient. Date of Action:
July 14, 2003/Effective Date of Action: July 24, 2003

Carl F. Oltman, Sr., PA, License #: C01407,
Area of Practice: Physician Assistant (Annapolis, MD) Revocation.
The Board found that the licensee was convicted of a crime of
moral turpitude, in that he pled guilty to forgery of prescriptions and
continuous receipt of fraudulently obtained prescription medication
from 1996 through 1998. Date of Action: August 11, 2003

Zakaria A. Oweiss, M.D., License #: D24580
Area of Practice: OB/GYN (Hagerstown, MD) Suspension. The
physician was found guilty of second degree murder, a crime involv-
ing moral turpitude, and was thereby subject to state statute which
mandates suspension of the license. Date of Action: December
17, 2003

George A. Oyler, M.D., License #: D46921,
Area of Practice: Neurology (Baltimore, MD) Surrender. The
physician's surrender was prompted by the Board's investigation
of information that he had violated his Consent Order requiring
him to abstain from the use of all mood altering chemicals and
that he engaged in drinking alcohol in August 2003. Date of
Action: November 18, 2003

Arturo A. Pidlaon, M.D., License #: D15024,
Area of Practice: General Surgery (Baltimore, MD) Summary
Suspension. The Board found that the physician engaged in a
pattern of excessive and unjustifiable prescribing of narcotic
analgesic pain medications and benzodiazepines that placed his
patients at risk for potentially serious or life threatening
consequences. Date of Action: May 28, 2003

Arturo A. Pidlaon, M.D., License #: D15024,
Area of Practice: General Surgery (Baltimore, MD) Suspension
for 3 years with all but 6 months stayed, said suspension to
have commenced on 5/28/03; should the physician be
reinstated, probation for 3 years subject to terms and
conditions. The Board found that the physician violated
standards of care, prescribed drugs for illegitimate medical
purposes, and failed to keep adequate medical records in his
self-designated specialty of general surgery. Date of Action:
July 23, 2003

Helmy A.F. Qurtom, M.D., License #: D44724,
Area of Practice: Pediatrics (Beltsville, MD) The Board orders
that the physician's license is reinstated (said reinstatement is
contingent upon the completion of the administrative licensure
process). After the physician is issued an active license, the
physician will be on probation for one year. The Administrative
Law Judge found that Dr. Qurtom had practiced medicine in
Maryland after his license was revoked. Date of Action: July
16, 2003

Bannister Raines, Jr., M.D., License #: D17735,
Area of Practice: Internal Medicine, (Baltimore, MD) Order of
Reinstatement; probation for five years subject to terms and
conditions. The physician must be under a physician rehabilita-
tion program subject to terms and conditions because of sub-
stance and alcohol abuse issues. Date of Action: October 23,
2002

Ranjit Risam, M.D., License #: D32769,
Area of Practice: General Practice (Bowie, MD) Reprimand;
terms and conditions. The physician violated his Corrective
Action Agreement and violated standards of care in regard to
two patients in his practice of general medicine. Date of Action:
July 23, 2003

Michael R. Ross, M.D., License #: D43135,
Area of Practice: Family Practice, (Baltimore, MD) Suspension
for 60 days; stayed; terms and conditions. The Board based its
action on a Consent Order of the North Carolina Board sanc-
tioning the physician for authorizing prescriptions without a
physical examination and without any prior physician-patient
relationship. Date of Action: November 7, 2002

Luanne Ruona, M.D., License #: D14211

Area of Practice: Unspecified (Alexandria, VA) Surrender. The physician's surrender was prompted by the Board's investigation of a violation of probation, in that the physician engaged in drinking alcohol in violation of the Board's order and the physician's advocacy contract for rehabilitation. Date of Action: December 9, 2003

Henry S. Sabatier, Jr., M.D., License #: D04091,

Area of Practice: Emergency Medicine, (Baltimore, MD) Probation for 5 years subject to terms and conditions. The Board concluded that the physician violated his disposition agreement with the Board. Date of Action: February 26, 2003

Lewis M. Satloff, M.D., License #: D47081,

Area of Practice: Anesthesiology (Los Angeles, CA) Probation for 5 years subject to terms and conditions of an order of the Arizona Medical Board. The Arizona board sanctioned the physician because of his abuse of fentanyl and Demerol IV. Date of Action: July 23, 2003

John P. Serlemitsos, M.D., License #: D32654,

Area of Practice: Internal Medicine (Crownsville, MD) Ruling on petition for reinstatement; reinstatement of licensure; suspension for 3 years; suspension stayed subject to meeting all conditions of probation for a term of 3 years. Based on the exceptional circumstances of the case the Board reinstates the physician's license, and consistent with the Board's psychiatric evaluator, the Board imposes conditions on the reinstatement. Date of Action: September 11, 2003

Jewel Scott, RT, License #: R05448,

Area of Practice: Radiation Therapy Technology (Washington, DC) Order of Reinstatement. The health practitioner met the conditions precedent to licensure. Date of Action: October 23, 2002

Raymond M. Shapiro, M.D., License #: D45791

Area of Practice: (Gaithersburg, MD) Reprimand; fine of \$100. The Board's action is based on action by the West Virginia Board of Medicine for unprofessional conduct in the course of the physician rendering care and treatment to a patient. The physician also failed to notify the Board of his change of address as required by law. Date of Action: October 22, 2003

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

Area of Practice: Family Practice (Baltimore, MD) Stay of suspension of the July 10, 2002 Consent Order is lifted. Physician's license is suspended. In September 2003 the physician violated his Consent Order by ingesting controlled dangerous substances. Date of Action: November 19, 2003

William D. Taylor, RT, Certification #: R02017,

Area of Practice: Radiologic Technologist, (Aberdeen, MD) Surrender. The practitioner surrendered his certification in lieu of further investigation of recent DUI and DWI arrests which reflect a violation of his disposition agreement with the Board. Date of Action: December 18, 2002

Oparaugo I. Udebiuwa, M.D., License #: D44603,

Area of Practice: Psychiatry, (Davidsonville, MD) Reprimand; probation for 3 years subject to terms and conditions, including a fine of \$10,000. The physician was found among other things to have fraudulently or deceptively obtained or attempted to obtain a license and willfully made a false representation when seeking or making application for licensure. Date of Action: March 26, 2003

John O. B. Wills, M.D., License #: D34465,

Area of Practice: Emergency Medicine (Madison, WI) Reprimand; \$3,500 fine on or before July 1, 2003; if fine not paid, suspension until the fine is paid. The physician was sanctioned on January 7, 1999, by the Michigan board for failure to show satisfactory evidence of completing required CMEs, and the physician failed to provide accurate information in regard to CME on his 1997 renewal application in Maryland. Date of Action: June 25, 2003

Eric R. Wooten, M.D., License #: D44550

Area of Practice: Family Practice (Trion, GA) Revocation. The physician pled guilty to felony murder and did not appeal the entry of the guilty plea; the Board found that the crime is a crime involving moral turpitude and that the physician was thereby subject to state statute which mandates revocation of the license. Date of Action: December 17, 2003

Charles L. Wright, III, M.D. Registration #: P14010,

Area of Practice: Pediatrics (Baltimore, MD) Surrender. The physician violated his rehabilitation advocacy contract and Board Disposition Agreement. Date of Action: November 19, 2003

Anis Y. Akrawi, M.D., License #: D32889,

Area of Practice: Internal Medicine, (Stuart, FL) Administrative fine of \$500. The Board took action based on a Florida Consent Agreement resolving an administrative complaint of standard of care and medical record keeping issues. Date of Action: November 7, 2002

ADMINISTRATIVE FINES

Lawrence F. Honick, M.D., License #: D08769,

Area of Practice: Orthopedic Surgery (Baltimore, MD) Administrative fine of \$1,100. The physician practiced with a lapsed license and failed to notify the board of a change of address as required by law. Date of Action: July 23, 2003

Wendy J. Hookman, M.D., License #: D56474,

Area of Practice: Psychiatry, (Rockville, MD) Administrative fine of \$1,100. The physician practiced medicine with a lapsed license and failed to notify the Board of a change of address as required by law. Date of Action: November 20, 2003

Malcolm N. Joseph, III, M.D., License #: D23234,

Area of Practice: Unspecified (Clarksville, MD) Administrative fine of \$1,100. The physician practiced with a lapsed license and failed to notify the Board of a change of address as required by law. Date of Action: November 28, 2003

Jonathan A. Turoff, M.D., License #: D53072,

Area of Practice: Neurology, (Lewistown, PA) Administrative penalty of \$100. Failure to notify the Board of a change of address. Date of Action: March 11, 2003

RENEWAL REMINDER

Respiratory Care Practitioners' licenses expire on May 30, 2004 and must be renewed by that date. Application forms should be available in March. The renewal fee will be \$169, including \$34 that Maryland law requires that the Board collect and forward to the Maryland Health Care Commission.

Physicians with last names from A-L are required to renew their licenses between July 01 and September 30, 2004. They will be able to complete the renewal process online or download a copy of the application, complete it, and send it by mail. The renewal fee is \$520; this fee includes \$50 to support the Physician Rehabilitation Program and the peer review services and \$34 which Maryland law requires that the Board collect and forward to the Maryland Health Care Commission.

Paper copies of the application will not be mailed to all physicians. Any physician who does not have access to the internet may call the Board at 410-764-4777 and request that a copy be mailed.

Attention, Physician Assistants

Effective May 1, 2004, the fee for filing a delegation agreement will be \$200, regardless of whether it is the first delegation agreement for the physician assistant or not. This should eliminate confusion regarding the fee for delegation agreements. Also, starting on May 1, 2004, there will be a \$25 fee for written verification of a physician assistant's certification.



THE CHECK IS IN THE LOCKBOX

The Board of Physicians is striving to become a "checkless" office. Applications for licensure or renewal, delegation agreements, and other Board transactions are routed through a bank lockbox system. Checks are removed and deposited directly by the bank before forms reach the Board. Please help us by sending all forms and checks to the post office box shown on the form. Sending forms and checks directly to the Board's office will slow the process, since your transaction will be sent from the Board to the bank before we can process your request.

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