

The Maryland Board of Physicians serves an important role to ensure medical professionals are acting in a safe and legal manner. But the Board is hurting patients and punishing doctors as it is currently configured.

The Board has investigated me for 15 years and never once proved I hurt anyone. In fact all my patients have been shown to be doing very well. My success rate with patients with addiction was 90%.

I want to be clear. I have done everything the Board has ordered me to do. But every time I comply, the Board changes the objective or finds a new doctor with a different opinion.

My patients have been hurt by the Board. In August of 2019 I received a letter to stop writing opioids as of that day. My patients could not possibly find a new doctor in one day. I asked if the Board had a plan for the safety of my patients. They did not. I asked to be given 2 months to transition patients. That request was denied. In the middle of an opioid crisis, my 250 patients on pain meds and 100 patients on suboxone were thrown out on the street to fend for themselves. I can't think of a more dangerous and desperate situation to put these patients in. Patients went on the street and overdosed, they quit their jobs because pain was too intolerable, and at least 1 pt committed suicide.

I believe there are several changes that can be made that can keep the Board's ability to keep patients safe and yet safeguard the physicians who are taking care of them from excessive scrutiny.

1. The standard of proof is currently preponderance of evidence at 51%. It should be changed to clear and convincing at 75%. If a doctor's behaviors are egregious, this will still allow the Board to act but it would protect the physician from the capricious nature of standard of care especially in highly charged topics like pain medication and addiction treatment.
2. The Board should be required to make a plan for the safety of patients if a doctor is to have his/her license restricted or revoked.
3. Probation should be for no more than a year. Probation has become a cruel punishment in today's world. Because I was on probation, I was disenrolled from every private insurance company and every MCO in Maryland. I lost my malpractice carrier. I was decertified as a medical director for nursing homes. I lost multiple jobs and much more. This is an excessive punishment. My lawyer tells me the Board has the power to monitor a physician without invoking probation and all its consequences. So my probation of 6 ½ years is serving no one.
4. A medical professional should be able to appeal the Board's decision to an independent judge. Currently, a medical professional can only appeal the process the Board went through to reach a decision, but the decision itself is not appealable. This is so high and difficult of standard that no one every appeals and so the Board has no check and balance on its decisions.
5. Votes should be written not oral. This decreases the intimidation of a single strong voice and the tendency to go along with the others even if you don't agree.
6. There are other suggestions in the material I have given you.

I want to thank you for your attention. I hope you will see the merit of these changes for the safety of the patients of Maryland and the doctors who take care of them.