

IN THE MATTER OF	*	BEFORE THE
ALAN R. VINITSKY, M.D.	*	STATE BOARD OF PHYSICIAN
Respondent	*	QUALITY ASSURANCE
License Number: D22180	*	Case Number: 94-0715
* * * * *	*	* * * * *

CONSENT ORDER

On April 18, 1995, the State Board of Physician Quality Assurance (the "Board") charged Alan R. Vinitzky, M.D. (the "Respondent"), D.O.B. 3/21/48, license number D22180, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. §14-101 et seq. (1994).

The pertinent provisions of §14-404 of the Act provide:

- (a) Subject to the hearing provisions of §14-405 of this subtitle, the Board on the affirmative vote of a majority of its full authorized membership, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:
  - (18) Practices medicine with an unauthorized person or aids an unauthorized person in the practice of medicine.

On May 3, 1995, a Case Resolution Conference was held. As a result of the Case Resolution Conference, the parties agreed to enter into this Consent Order.

The Board, at its meeting on June 28, 1995, considered the Case Resolution Conference's recommendation and voted<sup>1</sup> to accept this Consent Order.

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<sup>1</sup>A majority of the full authorized membership of the Board voted to accept this Consent Order.

### FINDINGS OF FACT

1. The Respondent has been licensed to practice medicine in the State of Maryland since 1978.

2. The Respondent currently practices family medicine in a medical practice known as Vinitzky and Mizrahi Associates, Inc. ("Vinitzky and Mizrahi"), 902 Wind River Lane, Suite 201, Gaithersburg, Maryland.

3. The Respondent has privileges at Shady Grove Adventist Hospital, Rockville, Maryland.

4. In February 1994, the Board received a complaint regarding care given to a patient at Vinitzky and Mizrahi by a "Dr. Moos." Based upon this complaint, the Board conducted an investigation which disclosed that people who were not licensed or certified in Maryland as physicians, radiation technologists, or physical therapist were taking x-rays and performing ultrasound at Vinitzky and Mizrahi. These individuals included:

#### El Mostafa El Guessab

A foreign medical school graduate, El Mostafa El Guessab, was employed by Vinitzky and Mizrahi and was referred to by office staff as "Dr. Moos." On or about August 17, 1993, "Dr. Moos" introduced himself to a patient as a "physician assistant" and took x-rays and performed ultrasound on the patient;

#### Jodie Ugaz

From about February 1993 until the present, Vinitzky and Mizrahi employed Jodie Ugaz, a physician assistant student, whose duties included performing ultrasound on patients and taking x-rays of patients;

Ivonne Todedo-Gates

From about November 1992 through the present, Vinitzky and Mizrahi employed Ivonne Todedo-Gates, a foreign medical school graduate, whose duties included performing ultrasound on patients and taking x-rays of patients; and

Fawzia Hessami

From about July 1994 through the present, Vinitzky and Mizrahi employed Fawzia Hessami, a foreign medical school graduate, whose duties included performing ultrasound on patients and taking x-rays of patients.

5. The above employees assisted the Respondent in his medical practice at Vinitzky and Mizrahi. These employees performed some tasks normally performed by radiation technologists, physical therapists, or licensed physicians. The Respondent knew that these employees were performing such tasks and authorized them to do so.

6. Immediately upon being notified by the Board that the four employees named above should not be performing ultrasound or taking x-rays, the Respondent had the employees cease all such activities.

7. The Board further finds that nothing contained in this Consent Order should be construed to mean that the Board believes that any adverse action should be taken against the Respondent or against Vinitzky and Mizrahi by any health maintenance organization or insurer.

CONCLUSION OF LAW

The Respondent's practice of medicine with the above persons constitutes the practice of medicine with unauthorized persons or aiding unauthorized persons in the practice of medicine, in violation of Md. Code Ann., Health Occ. §14-404 (a)(18).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 28 day of June, 1995, by the Board of Physician Quality Assurance, hereby:

ORDERED that the Respondent is hereby REPRIMANDED; and it is further

ORDERED that the Respondent shall pay to the Board a fine of \$10,000 at the rate of five hundred dollars (\$500.00) per month; and it is further

ORDERED that the Respondent shall, for three years, provide the Board on an annual basis with affidavits from each employee at Vinitzky and Mizrahi stating the employee's name, training, certification, and description of duties at Vinitzky and Mizrahi; and it is further

ORDERED that the Respondent shall, if requested by the Board, obtain the services of an independent outside auditing service to review patient billings. Vinitzky and Mizrahi would pay the cost of such auditing and would authorize the auditors to report their findings to the Board; and it is further

ORDERED that this Consent Order is a public document, pursuant to Md. Code Ann., State Gov't. § 10-601 et seq.

6/28/95  
Date

Israel H. Weiner  
Israel H. Weiner, M.D., Chairperson  
Board of Physician Quality  
Assurance

CONSENT

By signing this Consent, I hereby accept and agree to be bound by the foregoing Consent Order consisting of 6 pages.

1. I acknowledge that by signing this Consent Order, I am waiving my right to appeal the Findings of Fact, the Conclusion of Law, and the Order contained in this Consent Order. I also acknowledge that I am waiving my right to a hearing on the charges against me, as well as any appeal from the findings of fact and conclusions of law which would result from such hearing.

2. I have had an opportunity to review the charging document and this Consent Order with my attorney, Elliott A. Alman. Considering carefully the advice of my counsel, I choose to sign this Consent Order understanding its meaning and effect.

6/2/95  
Date

Alan R. Vinitzky  
Alan R. Vinitzky, M.D.  
Respondent

Elliott A. Alman  
Elliott A. Alman  
Attorney for the Respondent

STATE OF MARYLAND )  
COUNTY OF MONTGOMERY )

I HEREBY CERTIFY that on this 2<sup>nd</sup> day of ~~May~~<sup>June</sup>, 1995, before me, a Notary Public for the State and County aforesaid, personally appeared Maryam Mizrahi, M.D. and made oath in due form of law that the foregoing Consent was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

Rebecca L. Sucher  
Notary Public

My Commission Expires: April 1, 1996.