

IN THE MATTER OF \* BEFORE THE MARYLAND  
 ALAN R. VINITSKY, M.D. \* STATE BOARD  
 RESPONDENT \* OF PHYSICIANS  
 LICENSE NO.: D22180 \* CASE NO.: 2222-0154B

\* \* \* \* \*

**CONSENT ORDER**

Disciplinary Panel B (“Panel B” or the “Panel”) of the Maryland State Board of Physicians (the “Board”) charged **Alan R. Vinitzky, M.D.** (the “Respondent”), License No. D22180, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §14-401 *et seq.* (2021 Repl. Vol.).

Panel B charged the Respondent with violating the following provisions of the Act:

**§ 14-404. Denials, reprimands, probations, suspensions, and revocations – Grounds.**

(a) *In general.* Subject to the hearing provisions of § 14-405 of this subtitle, the Board, on the affirmative vote of a majority of the quorum, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

...

(22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical case performed in an outpatient facility, office, hospital, or any other location in this State; and/or

(40) Fails to keep adequate medical records as determined by appropriate peer review[.]

On April 24, 2024, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on the negotiations occurring as a result of this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

## **FINDINGS OF FACT**

Panel B makes the following Findings of Fact:

### **I. BACKGROUND**

1. At all times relevant to these charges, the Respondent was and is licensed to practice medicine in Maryland. The Respondent was originally licensed to practice medicine in Maryland on July 20, 1978, under license number D22180. His license is currently active and is scheduled to expire on September 30, 2025.

2. The Respondent is also licensed in New York.

3. The Respondent is board certified in Internal Medicine.

4. On November 7, 1980, the American Board of Pediatrics granted the Respondent a lifetime certification in pediatrics. The American Board of Pediatrics later terminated the Respondent's certification as a result of the Respondent's entry into a Consent Order with the Board on October 18, 2018.

5. Since 2001, the Respondent has maintained an office in Maryland for the solo practice of medicine and pediatrics.

### **II. PRIOR BOARD HISTORY**

6. The Respondent has a disciplinary history with the Board which is documented in the following Board Orders:

- a. In 1995, the Respondent entered into a Consent Order in Maryland for violating Health Occ. § 14-404(a)(18) Practicing medicine with an unauthorized person or aids an unauthorized person in the practice of medicine under case number 4-0715. As a result of this Consent Order the Respondent was reprimanded and ordered to pay a fine of \$10,000. The Respondent was also required to provide affidavits from each employee stating their name, training, certification, and description of their job duties at the Respondent's practice for a period of three years.
- b. In 2018, the Respondent entered into another Maryland Consent Order for violating Health Occ. § 14-404(a)(22) Failing to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State, under Case Number 7719-0021. Under this Consent Order, the Respondent was reprimanded, placed on probation for a period of one (1) year, and permanently prohibited from prescribing all

controlled dangerous substances and from issuing written certifications to patients for medical cannabis treatment.

### **III. THE COMPLAINT**

7. On or about April 6, 2022, the Board received a complaint (“Complaint”) from an individual (the "Complainant") who alleged that the Respondent was overprescribing supplements to the Complainant's minor child ("Patient 1").

8. The Board opened an investigation into the Complaint. In furtherance of the investigation, the Board notified the Respondent of its investigation, directed him to submit a written response to the Complaint, and issued a *subpoena duces tecum* for the medical records of ten (10) specific minor patients (“Patients 1-10”) including the patient referenced in the Complaint.<sup>1</sup> The Board also obtained a peer review of the Respondent’s practice and conducted an under-oath interview of the Complainant and the Respondent.

### **IV. PEER REVIEWS**

9. In furtherance of its investigation, the Board submitted the medical records for Patients 1-10 for a peer review. Two peer reviewers who are board-certified in Pediatrics independently reviewed the materials and submitted their reports to the Board.

10. In their reports, the two peer reviewers concurred that the Respondent failed to meet appropriate standards for the delivery of quality medical care in two (2) out of the ten (10) patients reviewed.

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<sup>1</sup> For confidentiality reasons, the names of the patients will not be identified by name in this document.

11. Specifically, the peer reviewers found that for the two (2) patients, the Respondent failed to meet appropriate standards for the delivery of quality medical care for reasons including but not limited to the following areas:

- a. The Respondent recommended and prescribed multiple drugs, herbals and supplements in combination with naturopathic medicine for prolonged use, without appropriate documentation and/or follow up. (Patient 3)
- b. The Respondent recommended Guaifenesin/Mucinex for a child under the age of four. (Patient 7)
- c. The Respondent failed to document and/or recommend Vitamin D for an exclusively breastfed infant. (Patient 7)

12. The two peer reviewers also concurred that the Respondent failed to keep adequate medical records for four (4) out of the ten (10) patients reviewed for reasons including, but not limited to, the following areas:

- a. The Respondent failed to maintain adequate documentation of observations upon physical examination, including, but not limited to, well visits, developmental assessments, conclusions, growth charts, vaccinations, anticipatory guidance, and developmental milestones. (Patients 3, 5, 7, and 8)
- b. The Respondent failed to document and/or provide referrals for alternative evaluation and/or treatment of patients symptoms

or conditions that could be causing or contributing to patients symptoms. (Patients 3 and 5)

- c. The Respondent's medical documentation is incomplete and disorganized, thus making it difficult to understand the Respondent's thought process/logic. (Patient 3, 5, 7, and 8)

### **CONCLUSIONS OF LAW**

Based upon the Findings of Fact, Panel B concludes that the Respondent failed to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient facility, office, hospital, or any other location in this State, in violation of Health Occ. § 14-404(a)(22); and failed to keep adequate medical records as determined by appropriate peer review, in violation of Health Occ. § 14-404(a)(40).

### **ORDER**

It is, thus, on the affirmative vote of a majority of the quorum of Panel B, hereby

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

**ORDERED** that the Respondent is placed on **PROBATION** for a minimum of **TWO YEARS**.<sup>2</sup> During probation, the Respondent shall comply with the following terms and conditions of probation:

1. Within **ONE YEAR**, the Respondent shall pay a civil fine of **FIVE THOUSAND DOLLARS (\$5,000)**. The Payment shall be by money order or bank

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<sup>2</sup> If the Respondent's license expires during the period of probation, the probation and any uncompleted conditions will be tolled.

certified check made payable to the Maryland Board of Physicians and mailed to P.O. Box 37217, Baltimore, Maryland 21297. The Board will not renew or reinstate the Respondent's license if the Respondent fails to pay the fine to the Board; and

2. Within **SIX (6) MONTHS**, the Respondent is required to take and successfully complete a course in medical documentation. The following terms apply:

- (a) it is the Respondent's responsibility to locate, enroll in and obtain the Panel's approval of the course before the course are begins;
- (b) the Panel will not accept a course taken over the internet;
- (c) the Respondent must provide documentation to the Panel that the Respondent has successfully completed the course;
- (d) the course may not be used to fulfill the continuing medical education credits required for license renewal;
- (e) the Respondent is responsible for the cost of the course; and

3. The Respondent shall be subject to supervision for **ONE (1) YEAR**<sup>3</sup> by a disciplinary panel-approved supervisor who is board-certified in pediatrics or family medicine as follows:

- (a) within **30 CALENDAR DAYS**, the Respondent shall provide the Panel with the name, pertinent professional background information of the proposed supervisor whom the Respondent is offering for approval, and written notice to the Panel from the proposed supervisor confirming his or her acceptance of the supervisory role of the Respondent and confirmation that there is no personal or professional relationship with the proposed supervisor;

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<sup>3</sup> If the Respondent is not practicing medicine, the supervision shall begin when the Respondent resumes the practice of medicine and the disciplinary panel has approved the proposed supervisor. The Respondent shall submit the name of a proposed supervisor within 30 days of resuming the practice of medicine and shall be subject to supervision by a disciplinary panel approved supervisor upon the return to the practice of medicine.

(b) the Respondent's proposed supervisor, to the best of the Respondent's knowledge, should not be an individual who is currently under investigation, and has not been disciplined by the Board within the past five years;

(c) if the Respondent fails to provide a proposed supervisor's name within 30 calendar days from the effective date of the order, the Respondent's license shall be automatically suspended from the 31<sup>st</sup> day until the Respondent provides the name and background of a supervisor;

(d) the Panel, in its discretion, may accept the proposed supervisor or request that the Respondent submit a name and professional background, and written notice of acceptance from a different proposed supervisor;

(e) the supervision begins after the Panel approves the proposed supervisor;

(f) the Panel will provide the supervisor with a copy of this Consent Order and any other documents the Panel deems relevant;

(g) the Respondent shall grant the supervisor access to patient records selected by the supervisor from a list of all patients, which shall, to the extent practicable, focus on the type of treatment at issue in the Respondent's charges;

(h) if the supervisor for any reason ceases to provide supervision, the Respondent shall immediately notify the Board and shall not practice medicine beyond the 30<sup>th</sup> day after the supervisor has ceased to provide supervision and until the Respondent has submitted the name and professional background, and written notice of confirmation, from a proposed replacement supervisor to the Panel;

(i) it shall be the Respondent's responsibility to ensure that the supervisor:

(1) reviews the records of 10 patients each month, such patient records to be chosen by the supervisor and not the Respondent;

(2) meets in-person with the Respondent at least once each month and discuss in-person with the Respondent the care the Respondent has provided for these specific patients;

(3) be available to the Respondent for consultations on any patient;

(4) maintains the confidentiality of all medical records and patient information;

(5) provides the Board with quarterly reports which detail the quality of the Respondent's practice, any deficiencies, concerns, or needed improvements, as well as any measures that have been taken to improve patient care; and

(6) immediately reports to the Board any indication that the Respondent may pose a substantial risk to patients;



(j) the Respondent shall follow all recommendations of the supervisor;

(k) if the Panel, upon consideration of the supervisory reports and the Respondent's response, if any, has a reasonable basis to believe that the Respondent is not meeting the standard of quality care or failing to keep adequate medical records in his practice, the disciplinary panel may find a violation of probation after a hearing; and it is further

**ORDERED** that, after the Respondent has complied with all terms and conditions of probation and the minimum period of probation imposed by the Consent Order has passed, the Respondent may submit a written petition for termination of probation. After consideration of the petition, the Respondent's probation may be administratively terminated through an order of the disciplinary panel if the Respondent has complied with all probationary terms and conditions and there are no pending complaints relating to the charges; and it is further

**ORDERED** that the Respondent shall not apply for early termination of probation; and it is further

**ORDERED** that a violation of probation constitutes a violation of the Consent Order; and it is further

**ORDERED** that this Consent Order goes into effect upon the signature of the Executive Director of the Board or her designee. The Executive Director or her designee signs the Consent Order on behalf of Panel B; and it is further

**ORDERED** that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

**ORDERED** that, if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If a disciplinary panel determines there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings followed by an exceptions process before a disciplinary panel; and if a disciplinary panel determines there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before a disciplinary panel; and it is further

**ORDERED** that, after the appropriate hearing, if the disciplinary panel determines that the Respondent has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or impose a further suspension of the Respondent's medical license with appropriate terms and conditions, or revoke the Respondent's license to practice medicine in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine on the Respondent; and it is further

**ORDERED** that this Consent Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

***Signature On File***

05/22/2024  
Date

Christine A. Farréllly, Executive Director  
Maryland State Board of Physicians

## CONSENT

I, Alan R. Vinitzky, M.D., acknowledge that I have consulted with counsel before signing this Consent Order.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the Panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405, and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the charges. I waive this right and elect to sign this Consent Order instead.

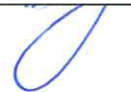
I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the Panel to initiate these proceedings and to issue and enforce this Consent Order. I voluntarily enter into, and agree to comply, with the terms and conditions set forth in this Consent Order as a resolution of the charges. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in this Consent Order. I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand its language and the meaning of its terms and conditions.

***Signature On File***

5/20/24  
Date

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Alan R. Vinitzky, M.D.  
Respondent



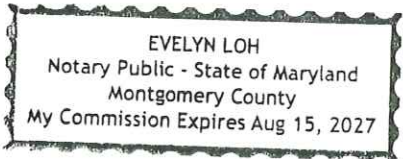
NOTARY

STATE OF MARYLAND

CITY/COUNTY OF MONTGOMERY

I HEREBY CERTIFY that, on this 20<sup>TH</sup> day of MAY, 2024, before me, a Notary Public of the foregoing State and City/County, did personally appear Alan R. Vinitzky, M.D. and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSTH my hand and seal.



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Notary Public

My commission expires: 08/15/2027