

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
HEALTH PROFESSIONAL LICENSING ADMINISTRATION
BOARD OF MEDICINE**

IN RE:

Paul V. Beals, M.D.

License No.: MD 013819

Respondent

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CONSENT ORDER

Jurisdiction

This matter comes before the District of Columbia Board of Medicine (the "Board") pursuant to D.C. Official Code § 3-1201.01 *ff.* (2009), otherwise known as the Health Occupations Revision Act (the "HORA"). The HORA, at D.C. Official Code § 3-1202.03 (2009), authorizes the Board to regulate the practice of Medicine in the District of Columbia.

Background

Respondent has been continuously licensed to practice medicine in the District of Columbia since January 14, 1994. On August 8, 2011, the Board received a patient complaint alleging that an unlicensed individual had been representing herself as, and practicing as, a physician assistant. The complaint further contended that this individual had been previously disciplined by the State of Maryland for similar conduct. Preliminary review of the matter indicated that the individual was working in association with Respondent. The Board ordered a full investigation of the allegations. The investigation disclosed that the individual had been working in a private medical office located in the District of Columbia under the supervision of Respondent. The individual is not licensed in the District as a medical practitioner of any sort.

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Based on a review of four medical records, including that of the patient-complainant, and a patient interview, the investigation determined that the unlicensed individual had recently performed patient reviews of systems, conducted physical examinations, developed medical assessments and plans of care, and ordered laboratory tests. The medical entries associated with these actions were electronically signed by Respondent.

Previously, in response to an Order to Answer dated August 11, 2011, Respondent, through his legal representative, denied permitting the unlicensed individual to practice as a physician assistant. The unlicensed individual, according to Respondent, only performed the duties of a medical assistant. Respondent attributed any contrary impression that might be gleaned from the medical entries to an unexplained flaw in the office's electronic medical records system which generated records that gave the appearance of the unlicensed individual having performed actions that in actuality had been performed by Respondent. However, the investigator concluded that given Respondent's schedule, he often was not present for patient visits leaving the unlicensed individual to take actions beyond the scope of that of a medical assistant.

A review of Respondent's history with the Board revealed that he was under a Consent Order issued July 27, 2005 in reciprocation of a State of Maryland Board of Physician's Quality Assurance Consent Order that had been issued on April 7, 2004. Among the findings of the Maryland Board was the determination that Respondent had knowingly referred patients to an unqualified individual for medical assistance. The Order of the District of Columbia Board had placed Respondent on probation for seven (7) years or for a period coextensive with the Order of the Maryland Board. The Maryland Order remains in effect, as does the District of Columbia Order.

To assist the Board in clarifying some of the issues raised by the investigation of the unlicensed individual, the Board invited Respondent to come before the Board and provide an explanation for his involvement with the unlicensed individual. On May 10, 2012, the Board conducted an extensive interview of Respondent on his history, practices and procedures. Thereafter, the Board unanimously determined that Respondent's performance warranted the imposition of a sanction. The Board of Medicine voted to offer a consent order to Respondent in this matter.

Conclusions of Law

The District of Columbia Board of Medicine is authorized, pursuant to D.C. Official Code § 3-1205.14(a)(3)(2001), to take action when a Respondent has been practicing in association with an unlicensed person.

D.C. Official Code § 3-1205.14(a)(12) (2001) states in pertinent part:

- (a) Each board, subject to the right of a hearing as provided by this subchapter, on an affirmative vote of a quorum of its appointed members may take one or more of the disciplinary actions...against any person permitted by this subchapter to practice a health occupation regulated by the board in the District who **willfully practices a health occupation with an unauthorized person or aids an unauthorized person in the practice of a health occupation.** (emphasis added)

Respondent's actions with regards to his **permitting and facilitating an unlicensed individual to perform duties well beyond the scope of her medical assistant designation** (emphasis added) would be grounds for a violation of D.C. Official Code §3-1205.14(a)(12).

Accordingly, Respondent's conduct and performance provided the DC Board with a basis in law and fact to warrant disciplinary action.

ORDER

Based on the aforementioned, it is hereby,

ORDERED that Respondent shall have his medical license **SUSPENDED** from the practice of medicine in the District of Columbia for a period of one (1) year from the date of execution of this document, and it is further

ORDERED that upon the conclusion of the period of suspension Respondent may apply for reinstatement of his medical license, and it is further

ORDERED that, should Respondent apply for reinstatement of his license, he shall submit a reentry plan that, at a minimum, includes supervision of his District of Columbia medical practice for a period of no less than six (6) months by a Board approved practice monitoring service; and it is further

ORDERED that Respondent shall submit his reentry plan in writing for approval by the Board accompanied by supporting documentation, including a copy of the contract between respondent and the practice monitoring service, and it is further

ORDERED that the practice monitoring service contract shall provide for monthly written reports submitted to the Board; PROVIDED, however, it shall be Respondent's responsibility to ensure that the reports are prepared and forwarded to the Board in a timely fashion, and it is further

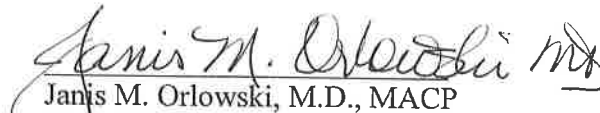
ORDERED that Respondent shall complete twelve (12) hours of continuing medical education during the period of suspension, and it is further

ORDERED that Respondent shall remit a fine of Five Thousand Dollars (\$5,000) for his failure to comply with the laws and regulations of the District of Columbia as they pertain to Respondent's practice of medicine in the District of Columbia, and it is further

ORDERED that all costs associated with compliance with the terms and conditions of this Consent Order shall be borne by Respondent, and it is further

ORDERED that if Respondent fails to satisfactorily fulfill the terms of the consent order the Board may issue a notice to take formal disciplinary action against Respondent's license.

12.18.12
Date



Janis M. Orlowski, M.D., MACP
Chairperson
District of Columbia
Board of Medicine

CONSENT OF RESPONDENT

By signing this Consent Order, I agree to accept and abide by its terms. I acknowledge its validity and acknowledge that I have agreed to this Order in lieu of a hearing at 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 provided by law. By signing this order, I waive all such rights. I am fully aware that without my consent, no legal action can be taken against me except pursuant to the District of Columbia Administrative Procedures Act D.C. Official Code § 2-501 et. seq. (2001). I also recognize that, by this Consent, I am waiving

my right to appeal this Order. I am also waiving my right to appeal any adverse ruling of the Board had this matter gone to a hearing. I have had an opportunity to review this document. I choose to sign this order willingly and without reservation and am fully aware of its meaning and effect.

11/26/12
Date


Paul V. Beals, M.D.
License No.: MD 13819

Sworn to and subscribed before me this 26th day of Nov., 2012.


Notary Public



This Consent Order shall be deemed a public document and shall be distributed as appropriate.