

IN THE MATTER OF * BEFORE THE MARYLAND
 PAUL V. BEALS, M.D. * STATE BOARD OF
 Respondent * PHYSICIANS
 License Number: D25922 * Case Number: 2013-0576

* * * * *

CONSENT ORDER

BACKGROUND

The Maryland Board of Physicians (the “Maryland Board”) received information that Paul V. Beals, M.D., (the “Respondent”) (D.O.B. 04/15/1943), License Number D25922, was disciplined by the District of Columbia Board of Medicine (the “DC Board”). In a Consent Order dated December 28, 2012, the DC Board suspended the Respondent’s license for a period of one year, inter alia, based upon the Respondent’s practicing in association with an unlicensed person.

Based on the above referenced DC Board sanction, the Maryland Board has grounds to charge the Respondent with violating the following provisions of the Maryland Medical Practice Act (the “Act”), under H. O. § 14-404(a):

- (a) 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:
 - (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veteran’s Administration for an act that would be grounds for disciplinary action under this section,

The Maryland Board has determined that the acts for which the Respondent was disciplined in the District of Columbia would be grounds for disciplinary action under H.O. § 14-404(a). The grounds for disciplinary action under H.O. § 14-404(a) are as follows:

- (3) Is guilty of:
 - (ii) Unprofessional conduct in the practice of medicine;
- (18) Practices medicine with an unauthorized person or aids an unauthorized person in the practice of medicine.

Based on the action taken by the DC Board, the Respondent agrees to enter into this Consent Order with the Maryland Board of Physicians, consisting of Procedural Background, Findings of Fact, Conclusions of Law, and Order of reciprocal action.

I. FINDINGS OF FACT

The Board finds the following:

1. At all times relevant hereto, the Respondent was a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed in Maryland on or about December 18, 1980.
2. By Consent Order dated December 18, 2012, the DC Board concluded that the Respondent had been practicing in association with an unlicensed person for which the Respondent's license was suspended for a period of one year, subject to terms and conditions.

A copy of the DC Board Order is attached hereto.

II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Maryland Board concludes as a matter of law that the disciplinary action taken by the DC Board against the Respondent

was for an act or acts that would be grounds for disciplinary action under Health Occ. § 14-404(a)(3)(ii) and (18) had those offenses been committed in this state.

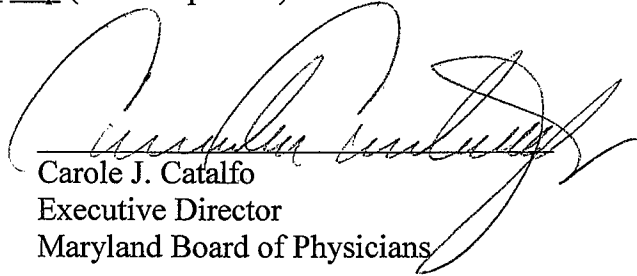
III. ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the Respondent's license to practice medicine in the State of Maryland be and is hereby **SUSPENDED** until such time as his license is reinstated by the District of Columbia Board of Medicine; and be it further

ORDERED that this **CONSENT ORDER** is a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. § 10-611 et seq. (2009 Repl. vol.).

May 22, 2013
Date


Carole J. Catalfo
Executive Director
Maryland Board of Physicians

CONSENT

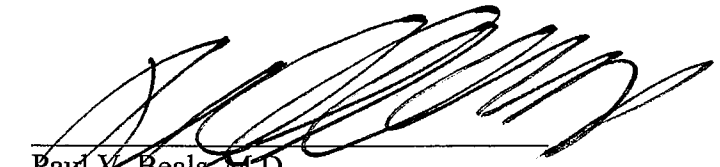
I, Paul V. Beals, M.D., acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I admit to the Findings of Fact and Conclusions of Law, and I agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into 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 acknowledge the

legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Consent Order, and understand its meaning and effect.

3/25/13
Date

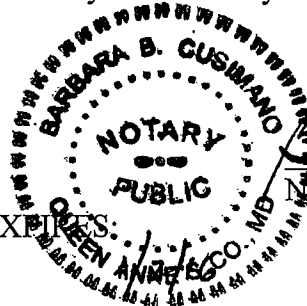

Paul V. Beals, M.D.
Respondent

STATE OF Maryland

CITY/COUNTY OF Queen Anne's

I HEREBY CERTIFY that on this 25 day of March, 2013, before me, the subscriber, a Notary Public for the State and City/County aforesaid, personally appeared Paul V. Beals, M.D., and made oath in due form of law that the execution of the foregoing Consent Agreement was his/her voluntary act and deed.

AS WITNESSETH my hand and my notarial seal



Barbara B. Gusmano
Notary Public

MY COMMISSION EXPIRES:

**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.

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

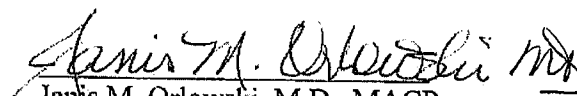
ORDERED that Respondent shall complete twelve (12) hours of continuing medical education during the period of suspension, and it is further

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

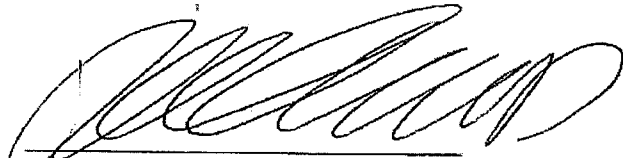

Janis M. Orlowski, M.D., MACP
Chairperson
District of Columbia
Board of Medicine

CONSENT OF RESPONDENT

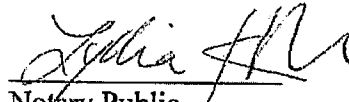
By signing this Consent Order, I agree to accept and abide by its terms. I acknowledge its validity and acknowledge that I have agreed to this Order in lieu of a hearing at which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all 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

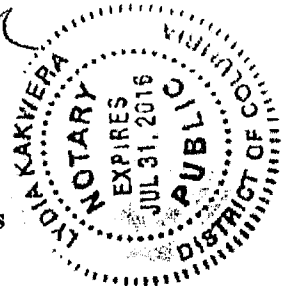
my right to appeal this Order. I am also waiving my right to appeal any adverse ruling of the Board had this matter gone to a hearing. I have had an opportunity to review this document. I choose to sign this order willingly and without reservation and am fully aware of its meaning and effect.

11/26/12
Date


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

Sworn to and subscribed before me this 20th day of NOV., 2012.


Notary Public



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