

IN THE MATTER OF * BEFORE THE BOARD OF PHYSICIAN
GERALD H. FINK, M.D. * QUALITY ASSURANCE
D02125 * CASE #85-0345

* * * * *

ORDER TERMINATING PROBATION AND
REINSTATING LICENSE

BACKGROUND

By Order (attached hereto) dated August 4, 1987 (the "1987 Order"), the Commission on Medical Discipline, predecessor agency to the Board of Physician Quality Assurance (the "Board") found Gerald H. Fink, M.D. (the "Respondent") guilty of committing a prohibitive act as set forth in Health Occupations Article, Annotated Code of Maryland ("HO") §14-504. Specifically, the Board found Respondent guilty of immoral conduct in the practice of medicine. The Board suspended the medical license of Respondent, immediately staying the suspension, conditioned upon the Respondent complying with conditions of probation (the "Conditions of Probation"). The Order further provided that after two (2) years from the effective date of the Order, if the Respondent demonstrated to the Board's satisfaction that Respondent had complied with the terms and conditions of his probation, the Board would entertain a petition for termination of Respondent's probationary status and reinstatement of his medical license. By letter dated August 24, 1989, Respondent petitioned the Board for reinstatement of his license to practice medicine in Maryland.

At its meeting on December 13, 1989, the Board reviewed Respondent's petition for reinstatement. Based upon its review of the petition, the Board determined that Respondent had fulfilled the Conditions of Probation contained in the 1987 Order.

FINDINGS OF FACT

Based on the information known and available to it, the Board finds that:

1. Respondent selected a psychiatrist ("supervisor") from the list submitted to Respondent by the Peer Review Committee of the Maryland Psychiatric Society ("Peer Review") and notified Peer Review of the selection.
2. Respondent was responsible for all expenses incurred by the supervisor, including any charges made by the supervisor for his time.
3. The supervisor reviewed Respondent's entire practice, the 1987 Order, and all underlying information forwarded to him by the Board or by Peer Review within sixty (60) days from the effective date of the 1987 Order. At a minimum, weekly supervisory sessions were arranged with the supervisor.
4. The supervisor notified Peer Review in writing that the initial meeting had been held and that the supervisor understood all the terms of the 1987 Order and had reviewed the underlying documents.

5. The supervisor determined which cases to closely monitor in order to assess Respondent's level of competence and judgment and determined how much time was needed to assess Respondent's competence to practice psychiatry.

6. During the first year of suspension, the supervisor made monthly written reports to Peer Review assessing Respondent's practice.

7. Respondent limited his practice to seeing twenty-five (25) patients per week and informed Respondent's supervisor of any patients discharged and any new patients whom Respondent agreed to treat.

8. The supervisor recommended to Peer Review after ten (10) months of active supervision that supervisory sessions could be reduced to bi-weekly and that Respondent's caseload could be increased up to forty (40) hours per week.

9. Peer Review made an initial determination that the supervisory sessions could be reduced, that the number of patients seen by Respondent could be increased and that the supervisor's reports could be bimonthly. Peer Review filed its recommendation with the Board on February 8, 1989 but no action was taken by the Board on this recommendation.

10. The Respondent continued in therapy with Respondent's therapist and informed the Respondent's therapist of all terms and conditions of the 1987 Order.

11. The Respondent arranged for Respondent's therapist to submit written quarterly reports to Peer Review indicating that Respondent was making satisfactory progress in dealing with the problems that lead to Respondent's involvement and lack of professional judgment with Patient A.

12. Respondent continued in therapy until June 4, 1988 when the therapist certified to Peer Review in writing that the Respondent was discharged.

13. Respondent arranged for a final report to be submitted to Peer Review indicating that Respondent had satisfactorily made progress in treatment and that the therapist had recommended that Respondent be discharged.

14. Respondent did not terminate therapy prior to discharge by the Respondent's therapist.

15. The supervisor submitted a summary report dated June 4, 1989 to Peer Review one (1) year and ten (10) months after the effective date of the 1987 Order indicting that the therapist was of the opinion that Respondent is competent to practice psychiatry. Peer Review reviewed all the supervisor's reports following this notification.

16. Peer Review recommended to the Board by letter dated November 7, 1989 that the suspension be lifted.

17. Respondent resides at the same address as when the 1987 Order was written.

18. There is no reason to believe that Respondent engaged in conduct that would lead to charges by the Board against Respondent.

19. There is no reason to believe that Respondent did not practice medicine in accordance with the laws governing the practice of medicine in Maryland.

CONCLUSIONS OF LAW

The Board concludes, as a matter of law, that Respondent has satisfactorily complied with all conditions as set forth in the Order of August 4, 1987.

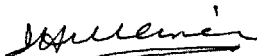
ORDER

Upon the foregoing Findings of Fact and Conclusions of Law, it is this 8 day of January, 1990 by a Seven majority vote of the full authorized membership of the Board

ORDERED that effective as of the date of this Order, the Conditions of Probation imposed upon Respondent's practice of medicine by the Board's 1987 Order are hereby TERMINATED and of no further force and effect; and be it further

ORDERED that Respondent's license to practice medicine in the State of Maryland be REINSTATED without any condition or restriction whatsoever; AND IT IS FURTHER

ORDERED that this is a Final Order and as such is considered a public document pursuant to the Maryland Public Information Article, State Government Article, Annotated Code of Maryland, §§10-611 et seq., specifically §10-617(h)(2)(vi).



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