

IN THE MATTER OF
ROBYN M. STEIN, M.D.

Respondent

License Number: D54365

*** BEFORE THE**
*** MARYLAND STATE**
*** BOARD OF PHYSICIANS**
*** Case Number: 2219-0192A**

* * * * *

CONSENT ORDER

On February 20, 2020, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged Robyn M. Stein, M.D. (the “Respondent”) with violating the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.) The Respondent was charged with violating the following provisions of the Act:

Health Occ § 14-404:

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

...

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

...

(3) Is guilty of:

(ii) Unprofessional conduct in the practice of medicine;

...

(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 Veterans’ Administration for an act that would be grounds for disciplinary action under this section;

...

(36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine[.]

With respect to Health Occ. § 14-404(a)(21), the Respondent's acts would be grounds for disciplinary action under Health Occ. § 14-404(a) include:

(3) Is guilty of: (ii) Unprofessional conduct in the practice of medicine;

(27) Sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purposes;

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

On May 13, 2020, Panel A was convened as a Disciplinary Committee for Case Resolution ("DCCR") in this matter. Based on 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 and Order.

FINDINGS OF FACT

Panel A finds the following:

Background

1. At all times relevant, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice on February 3, 1999, under license number D54365. The Respondent's license is presently active and expires on September 30, 2021.
2. The Respondent is also licensed to practice medicine in the State of Virginia.

3. The Respondent is a solo-practitioner operating out of an office in the State of Virginia where she provides psychiatric services.
4. On or about September 29, 2017, the Respondent completed an application for renewal of her license to practice medicine in the State of Maryland which was approved by the Board.
5. On or about April 26, 2019, the Board received notification from a mental health watchdog agency¹, that the Respondent had been reprimanded by the Virginia Board of Medicine (the “Virginia Board”) for her prescribing of controlled substances.
6. Based on the notification, the Board initiated an investigation of the Respondent.

II. Board Investigation

7. The Board’s investigation determined that on or about October 5, 2016, the Virginia Board interviewed the Respondent pursuant its investigation into her prescribing practices.
8. On or about January 10, 2019, the Virginia Board issued disciplinary charges against the Respondent. The Virginia Board also sent the Respondent notice that a Special Conference Committee of the Virginia Board would convene an informal conference to hear the matter on March 7, 2019, along with a Statement of Allegations.

¹ To ensure confidentiality and privacy, the names of individuals and entities involved in this case, other than the Respondent, are not disclosed in this document.

9. The Statement of Allegations notified the Respondent that: 1) between late 2014 and mid-2016, she prescribed approximately 2,244 dosage units of controlled dangerous substances (“CDS”) to an elderly family member (“Individual 1”) over a twenty-month period, outside of an emergency situation or isolated setting in which no other practitioner was available, and of which Individual 1’s treating physicians were unaware; 2) by her own admission the Respondent prescribed 60 dosage units of CDS to Individual 2 despite having no bona fide practitioner/patient relationship with Individual 2; and 3) the Respondent was unable to provide treatment records to the Virginia Board’s investigator pertaining to her treatment of Individual 1, but instead provided reconstructed notes stating that her original progress notes may have been lost to a water leak in her office.
10. The informal conference was held on March 7, 2019.
11. By Order dated March 14, 2019, the Virginia Board reprimanded the Respondent. In support of its Order, the Virginia Board found that on multiple occasions between late 2014 and mid-2016, the Respondent prescribed lorazepam² to Individual 1, an elderly family member who was under the medical care of multiple physicians. Such prescribing was outside of an emergency situation or isolated setting in which no other practitioner was available. The Virginia Board further found that Individual 1’s treating

² Lorazepam is a benzodiazepine commonly used to treat anxiety and seizure disorders. It is classified as a Schedule IV controlled substance by the United States Drug Enforcement Agency.

endocrinologist, cardiologist, and former primary care provider were not aware that Individual 1 had been taking lorazepam, and lorazepam was not listed as a “home medication” during Individual 1’s four hospital admissions in 2016. The Virginia Board also found that one of the lorazepam prescriptions written by the Respondent, for 84 dosage units, was filled at a retail pharmacy on the same day that Individual 1 passed away at the hospital.

12. The Virginia Board found that in May 2016, the Respondent prescribed 60 dosage units of 10 mg oxycodone to Individual 2 for complaints of knee pain, although the Respondent did not have a bona fide practitioner/patient relationship with Individual 2.
13. The Virginia Board also found that during the course of their investigation, the Respondent was unable to produce treatment records, notes and timelines for Individual 1 and Individual 2. The Respondent was also unable to provide original treatment records for Patients A and B, stating that the original records had been damaged during a water leak in her office, and her notes were reconstructed based on her memory and retained text messages she had exchanged with the patients.
14. The Virginia Board concluded as a matter of law that the Respondent violated the following provisions of the Virginia Board’s disciplinary statutes and regulations:

Virginia Code § 54.1-2915. Unprofessional conduct; grounds for refusal or disciplinary action.

A. The Board may refuse to issue a certificate or license to any applicant; reprimand any person; place any person on probation for such time as it may designate; impose a monetary penalty or terms as it may designate on any person; suspend any license for a stated period of time or indefinitely; or revoke any license for any of the following acts of unprofessional conduct:

...

(3) Intentional or negligent conduct in the practice of any branch of the healing arts that causes or is likely to cause injury to a patient or patients;

...

(13) Conducting his practice in such a manner as to be a danger to the health and welfare of his patients or to the public;

...

(16) Performing any act likely to deceive, defraud, or harm the public;

...

(17) Violating any provision of statute or regulation, state or federal, relating to the manufacture, distribution, dispensing, or administration of drugs;

...

(18) Violating or cooperating with others in violating any of the provisions of Chapters 1 (§ 54.1-100 et seq.), 24 (§ 54.1-2400 et seq.) and this chapter or regulations of the Board[.]

Virginia Code § 54.1-3303. Prescriptions to be issued and drugs to be dispensed for medical or therapeutic purposes only.

A. A prescription for a controlled substance may be issued only by a practitioner of medicine, osteopathy, podiatry, dentistry or veterinary medicine who is authorized to prescribe controlled substances, or by a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or TPA-certified optometrist pursuant to Article 5 (§54.1-3222 et seq.) of Chapter 32[.]

Virginia Regulations Governing the Practice of Medicine

Part II. Standards of Professional Conduct

18 VAC 85-20-25. Treating and Prescribing for self or family.

- (A) Treating or prescribing shall be based on a bona fide practitioner-patient relationship, and prescribing shall meet the criteria set forth in § 54.1-3303 of the Code of Virginia;
 - (B) A practitioner shall not prescribe a controlled substance to himself or to a family member, other than Schedule VI as defined in § 54.1-3455 of the Code of Virginia, unless the prescribing occurs in an emergency situation or in isolated settings where there is no other qualified practitioner available to the patient, or it is for a single episode of an acute illness through one prescribed course of medication;
 - (C) When treating or prescribing for self or family, the practitioner shall maintain a patient record documenting compliance with statutory criteria for a bona fide practitioner-patient relationship.
15. In the March 14, 2019 Order, the Virginia Board reprimanded the Respondent and placed terms and conditions on her Virginia license which included: 1) that the Respondent complete board-approved continuing education courses in physician/patient boundaries as well as record-keeping; and 2) that the Respondent acquire a Virginia-licensed physician to act as a peer-monitor, who will submit quarterly reports to the Virginia Board for a period of not less than 18 months of active practice.
16. On or about August 12, 2019, Board staff spoke with a staff member at the Virginia Board of Medicine, who confirmed that the Respondent had responded to an investigator and been interviewed regarding this matter in October 2016, and therefore the Respondent “was aware that there was a complaint filed and an investigation underway by October 5, 2016.”

Maryland Renewal Application

17. On or about September 29, 2017, the Respondent completed an application for renewal of her license to practice medicine in the State of Maryland. On her

application, the Respondent answered “No” to all character and fitness questions, which included the following:

Question C (Since July 1, 2016)

Has any licensing or disciplinary board in any jurisdiction (including Maryland), a comparable body in the armed services or the Veteran’s Administration, filed any complaints or charges against you or investigated you for any reason?

18. At the conclusion of the application, the Respondent certified that she personally reviewed all responses to the items in the application and that the information she provided was true and accurate to the best of her knowledge.
19. The Board reviewed the Respondent’s responses on her 2017 renewal application and determined that she failed to disclose to the Board in her 2017 renewal application that the Virginia Board had investigated her and/or filed a complaint/charges against her in 2016.

CONCLUSIONS OF LAW

Based on the Findings of Fact, Disciplinary Panel A of the Board concludes as a matter of law that the Respondent: fraudulently or deceptively obtained or attempted to obtain a license, in violation of Health Occ. § 14-404(a)(1); is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii); was disciplined by a licensing or disciplinary authority of any state for an act that would be grounds for disciplinary action under Health Occ. § 14-404, in violation of Health Occ. § 14-404(a)(21); and willfully made a false representation when seeking or making application for licensure, in violation of Health Occ. § 14-404(a)(36). The underlying

grounds for the violation of Health Occ. § 14-404(a)(21) are Health Occ. § 14-404(a)(3)(ii), is guilty of unprofessional conduct of medicine; Health Occ. § 14-404(a)(27), sells, prescribes, gives away, or administers drugs for illegal or illegitimate purposes; and Health Occ. § 14-404(a)(40), fails to keep adequate medical records as determined by appropriate peer review.

ORDER

It is, thus, on the affirmative vote of a majority of the quorum of Board Disciplinary Panel A, hereby

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

ORDERED that the Respondent shall comply with the terms and conditions of the Order by the Virginia Board of Medicine, issued on March 14, 2019; and it is further

ORDERED that, within **six months**, the Respondent shall pay a civil fine of **\$500.00**. The payment shall be by money order or bank 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 timely pay the fine to the Board; and it is further

ORDERED that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board or her designee. The Executive Director or her designee signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order; 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 the 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 the 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 suspend 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).

07/13/2020
Date

Signature on File

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

CONSENT

I, Robyn M. Stein, M.D., acknowledge that I have consulted with counsel before signing this document.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary 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 pending charges. I waive this right and have elected 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 disciplinary 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 the 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 the Consent Order. I waive all rights to appeal this Consent Order.

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

July 3 2020
Date

Signature on File

Robyn M. Stein, M.D. _____

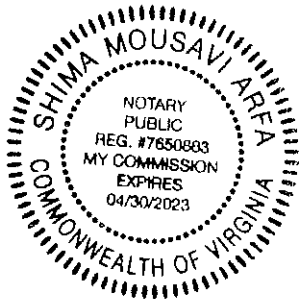
NOTARY

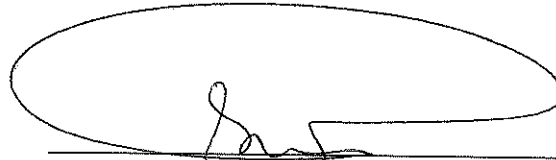
STATE OF: Virginia

CITY/COUNTY OF: Fairfax, Vienna

I HEREBY CERTIFY that on this 3rd day of July, 2020, before me, a Notary Public of the State and City/County aforesaid, personally appeared Robyn M. Stein, M.D. and made oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.





Notary Public

My commission expires: 04/30/2023