

IN THE MATTER OF * BEFORE THE
CHARLOTTE COATES-WILKES, M.D. * STATE BOARD OF PHYSICIAN
Respondent * QUALITY ASSURANCE
License Number: D02332 * Case Number: 93-0852

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

The State Board of Physician Quality Assurance (the "Board"), on December 15, 1993, voted to charge Charlotte Coates-Wilkes, M.D. (the "Respondent") (D.O.B. 6/27/39), License Number D02332, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("H.O") §14-404(a)(2), (3) and (11) (1991).

Specifically, the Board charged that the Respondent:

- (2) Fraudulently or deceptively uses a license;
- (3) Is guilty of immoral or unprofessional conduct in the practice of medicine; and
- (11) Willfully makes or files a false report or record in the practice of medicine.

The Respondent was notified of these charges through service on her legal counsel on September 29, 1994. A hearing was scheduled for this matter before the Office of Administrative Hearings on March 29, 1995.

On December 7, 1994 and February 1, 1995, conferences were held with regard to this matter before the Board Case Resolution Conference (the "CRC"). As a result of negotiations entered into before the CRC, the parties agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, and Order.

The Board, at its meeting on February 22, 1995, considered the CRC's recommendation and voted to accept this Consent Order.

FINDINGS OF FACT

1. At all times relevant to these charges, the Respondent was and is licensed to practice medicine in the State of Maryland, and specializes in the field of psychiatry.

2. Beginning in 1991, Blue Cross and Blue Shield of Maryland, Inc. ("BC/BS") undertook an investigation of the billing practices of a licensed clinical social worker (hereinafter referred to as "Mr. X"). In the course of that investigation, BC/BS determined that Mr. X provided therapy to several individuals who were insured by BC/BS under the Federal Employees Program of BC/BS (the "FEP"). At that time, the FEP requested that a physician complete a "Physician's Report," in which the physician was requested to supply certain information to the FEP regarding the patient being seen by the social worker for psychotherapeutic service.

3. The Board's investigation reveals five (5) patients enrolled in the FEP during the period April 15, 1985 through December 31, 1991 for whom the Respondent signed a total of nine (9) Physician's Report. Each Physician's Report included a certification by the Respondent that psychotherapeutic services performed by Mr. X were performed at her direction and under her supervision.

4. Other portions of the Physician's Report contained written entries which listed the Respondent as the patient's

attending physician. Additionally, each Physician's Report requested the following information:

Dates on which you saw patient during the period covered by this report: _____

5. On the above-described Physician's Reports which the Respondent signed, responses were made to this question which indicated that the Respondent saw the patients on specific occasions during the period covered by the report. Each of the five (5) patients to whom the Physician's Reports pertained had never seen the Respondent for psychiatric evaluation or services.

6. Although each of the Physicians Reports contained the Respondent's signature as the supervising physician, neither the Respondent nor her staff completed the responses to the information requested in these report, including references to date(s) upon which the Respondent had seen the patients.

7. Signing a Physician's Report which represents that the physician had seen a patient when in fact no such evaluation occurred is unprofessional conduct in the practice of medicine. The Respondent has represented to the Board that when she signed these Physician's Reports, she failed to carefully review the responses stated on the reports, or to correct any misrepresentations or inaccuracies contained therein.

8. The Board did not charge the Respondent with a violation H.O. §14-404(a)(22) (i.e., whether the Respondent failed to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical care). Accordingly, the Board, in

issuing charges under Board Case Number 93-0852, does not contend that the Respondent delivered medical care or therapy to patients which failed to meet appropriate standards.

9. The Board, in its resolution of this matter, does not contend that the Respondent profited financially or had any monetary gain by signing the above-described Physician's Reports.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent is guilty of unprofessional conduct in the practice of medicine, in violation of H.O. §14-404 (a) (3). The Board hereby dismisses charges under H.O. §14-404 (a) (2) and (11) of the Act.

ORDER

Based upon the foregoing Findings of Fact and Conclusion of Law, it is this 22 day of February, 1995, by an affirmative vote of a majority of the full authorized membership of the Board considering this case, hereby

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

ORDERED that this Consent Order is considered a public document pursuant to Md. Code Ann., State Gov't §10-611 et seq. (1993).

2/22/95
Date

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

CONSENT

I, Charlotte Coates-Wilkes, M.D., acknowledge that I am represented by legal counsel, and I have had the opportunity to consult with counsel before signing this document. By this consent, I hereby admit the Findings of Fact and Conclusions of Law, and submit to the foregoing Consent Order, consisting of six (6) pages.

I acknowledge the validity 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 own behalf, and to all other substantive and procedural protections 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 an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

2/1/95
Date

Charlotte Coates-Wilkes, M.D.
Charlotte Coates-Wilkes, M.D.
Respondent

STATE OF Maryland

COUNTY/CITY OF Carroll

I HEREBY CERTIFY this 1st day of February, 1995, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared Charlotte Coates-Wilkes, M.D. and made oath in due form of law that the foregoing Consent Order, consisting of six (6) pages, was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Carol A. Palmer
Notary Public

My Commission Expires:

8/1/98