

IN THE MATTER OF
ORLANDO DAVIS, M.D.

Respondent

License No.: D33967

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case No.: 2222-0044

* * * * *

CONSENT ORDER

On September 20, 2022, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged **Orlando Davis, M.D.** (the “Respondent”), License Number D33967, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2021 Repl. Vol.). Panel B charged the Respondent under the following provisions of the Act:

Health Occ. § 14-404. Denials, reprimands, probations, suspensions, and revocations – Grounds.

- (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:

....

- (22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State; [and]

....

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

On November 16, 2022, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring as a

result of the DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

Panel B finds:

1. At all relevant times, the Respondent has been licensed to practice medicine in Maryland. The Respondent was first licensed in Maryland on or about July 22, 1986, under License Number D33967. His license is active through September 30, 2024, subject to renewal.
2. The Respondent was formerly board-certified in psychiatry and neurology, psychiatry.
3. On or about September 27, 2021, the Board received a complaint (the "Complaint") from an individual who reported to be the spouse of one of the Respondent's patients (the "Complainant").¹ The Complainant included their spouse's name in the Complaint. The Complainant alleged that his or her spouse and "several others have been seeing [the Respondent] for suboxone medication, only to resell the prescribed suboxones." The Complainant further alleged that "it is easy to get prescriptions from [the Respondent]," and that the suboxone and "pain killers" he prescribes are "destroying lives."
4. The Board initiated an investigation into the complaint.

¹ To maintain confidentiality, the names of all patients, witnesses, facilities, and employees will not be used in this document but will be provided to the Respondent on request.

5. As part of its investigation, the Board identified ten patients who received prescriptions for controlled dangerous substances (“CDS”) from the Respondent between January 1, 2020 and September 28, 2021 (“Patients 1-10”), including the Complainant’s spouse.

6. On or about October 19, 2021, the Board sent a letter to the Respondent in which it notified him about the Complaint and requested that he provide a written response. The Board enclosed a copy of the Complaint with the letter, as well as a *subpoena duces tecum*, which directed the Respondent to produce to the Board within 10 business days “a complete copy of any and all medical records” for Patients 1-10 that were in his “possession or . . . constructive possession and control, whether generated by [the Respondent] or any other health care entity[.]”

7. On or about November 23, 2021, the Respondent provided a written response to the Complaint and medical records for Patients 1-10.

A. Peer Review

8. On or about January 26, 2022, the Board referred ten patient records obtained from the Respondent and related materials to a peer review entity for review. Two peer reviewers separately reviewed the ten patient records. One of the peer reviewers is board-certified in preventive medicine, addiction medicine, and the other peer reviewer is board-certified in psychiatry and neurology, addiction psychiatry.

9. On or about May 2, 2022, the peer reviewers submitted their reports to the Board. The peer reviewers concurred that the Respondent did not meet the standards for the delivery of quality medical care for each of the ten patients. The peer reviewers cited

the following reasons, among others, for their conclusion that the Respondent did not meet the standards for the delivery of quality medical care:

- a. The Respondent failed to implement consistent compliance monitoring practices (Patients 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10);
- b. The Respondent continued to prescribe and refill CDS medications in the presence of noncompliant behavior (e.g., discordant urine screens, patient admitted to illicitly buying CDS) (Patients 1, 2, 3, 4, 5, 6, 7, 8 and 10);
- c. The Respondent prescribed CDS medications and/or changed prescribed dosages without appropriate or sufficient diagnostic or clinical findings (Patients 2, 4, 5, 6, 8, 9 and 10);
- d. The Respondent prescribed a combination of CDS medications, such as opioids and/or benzodiazepines and/or sedatives, without clear counseling about the risks of taking a combination of these medications (Patients 1, 4, 6, 7 and 9);
- e. The Respondent did not require that patients sign a substance abuse contract despite his continuing to prescribe CDS medications to these patients (Patients 1, 2, 5 and 6);
- f. The Respondent failed to consider and/or routinely attempt to refer patients for alternative, non-CDS treatments for symptoms (Patients 4, 5, 7, and 8);

10. The peer reviewers concurred that the Respondent failed to maintain adequate medical records for 10 out of 10 patients because the Respondent maintained patient records with vague, inconsistent, and/or missing clinical notes (Patients 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10).

B. The Respondent's Response

11. The Board provided the peer reviewers' reports to the Respondent and gave him an opportunity to review and respond to the reports. On or about May 19, 2022, the Board received the Respondent's written response.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Respondent failed to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in this State, in violation of Health Occ. § 14-404(a)(22) and failed to keep adequate medical records as determined by appropriate peer review, in violation of Health Occ. § 14-404(a)(40).

ORDER

It is thus by Disciplinary Panel B of the Board, hereby:

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

ORDERED that the Respondent is permanently prohibited from prescribing and dispensing all Controlled Dangerous Substances (CDS) in the State of Maryland; and it is further

ORDERED that the Respondent shall provide documentation to the Board to demonstrate that he has transferred his patients being prescribed CDS to other providers; and it is further

ORDERED that on every January 31st thereafter if the Respondent holds a Maryland medical license, the Respondent shall provide the Board with an affidavit verifying that the Respondent has not prescribed or dispensed any CDS in the past year; and it is further

ORDERED that if the Respondent fails to provide the required annual verification of compliance with this condition:

(1) there is a presumption that the Respondent has violated the permanent condition;

and

(2) the alleged violation will be adjudicated pursuant to the procedures of a Show Cause Hearing; and it is further

ORDERED that the Respondent is placed on **PROBATION** for a minimum of **ONE (1) YEAR.**² During probation, the Respondent shall comply with the following terms and conditions of probation:

Within **SIX (6) MONTHS**, the Respondent is required to take and successfully complete a course in medical recordkeeping. The following terms apply:

(a) it is the Respondent's responsibility to locate, enroll in and obtain the disciplinary panel's approval of the course before the course is begun;

(b) the Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the course;

(c) the course may not be used to fulfill the continuing medical education credits required for license renewal;

(d) the Respondent is responsible for the cost of the course; and it is further

ORDERED that the Respondent shall not apply for early termination of probation; and it is further

ORDERED that, after the Respondent has complied with all terms and conditions of probation and the minimum period of probation imposed by the Consent Order has passed, the Respondent may submit a written petition for termination of probation. After

² If the Respondent's license expires during the period of probation, the probation and any conditions will be tolled.

consideration of the petition, the Respondent's probation may be administratively terminated through an order of the disciplinary panel if the Respondent has complied with all probationary terms and conditions and there are no pending complaints relating to the charges; and it is further

ORDERED that a violation of probation constitutes a violation of the 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 the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; 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 this Consent Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

09/26/2023
Date

Signature On File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Orlando Davis, 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.

Signature On File

9/22/23
Date

Orlando Davis, M.D.
Respondent

NOTARY

STATE OF Maryland
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 22 day of September 2022, before me, a Notary Public of the foregoing State and City/County, personally appeared Orlando Davis, M.D., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

My Commission expires:

