

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: ROBYN MARISSA STEIN, M.D.
License Number: 0101-048468
Case Number: 174284

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Medicine (“Board”) held an informal conference on March 7, 2019, in Henrico County, Virginia, to inquire into evidence that Robyn Marissa Stein, M.D., may have violated certain laws and regulations governing the practice of medicine and surgery in the Commonwealth of Virginia.

Robyn Marissa Stein, M.D., appeared at this proceeding and was represented by Michael L. Goodman, Esquire, and Nora Ciano, Esquire.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Robyn Marissa Stein, M.D., was issued License Number 0101-048468 to practice medicine and surgery on August 25, 1992, which is scheduled to expire on January 31, 2020. At all times relevant to the findings contained herein, said license was current and active.

2. Dr. Stein violated Virginia Code §§ 54.1-2915(A)(13), (16), (17), and (18) and 54.1-3303(A), and 18 VAC 85-20-25(A), (B), and (C) of the Regulations Governing the Practice of Medicine in that, on multiple occasions between late 2014 and mid-2016, she prescribed lorazepam (C-IV) to Individual 1, an elderly family member who was under the care of multiple physicians. Such prescribing, which totaled approximately 2,244 dosage units over a 20-month period, was outside of an emergency situation or isolated setting in which no other practitioner was available. When interviewed

by the Board's investigator, Individual 1's treating 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. One of the lorazepam prescriptions written by Dr. Stein, for 84 dosage units, was filled at a retail pharmacy on the same day that Individual 1 passed away at the hospital around 5 a.m.

3. Dr. Stein admitted to the Committee that she prescribed medication to Individual 1. Dr. Stein stated that Individual 1 had been having nightly panic attacks and increased anxiety due to medical problems, and that she was resistant to seeing physicians and it was a struggle to get her to see any of her physicians. Dr. Stein claimed she believed there was an exception to the rules about prescribing to family members for this particular situation. Dr. Stein said she believed she had the ability to be objective and made a judgment call in treating Individual 1 as she would any other patient. Regarding the lorazepam that she picked up from the pharmacy on the date of Individual 1's death, Dr. Stein explained that she had called in the prescription before Individual 1 died, and that she picked it up for "sentimental" reasons, but claimed she turned it into the police some time later. The Committee did not find Dr. Stein's explanation about this prescription to be credible.

4. Dr. Stein reiterated to the Committee what she had told the Board's investigator during her interview, that Individual 1 did not take the full dose of lorazepam and the prescriptions were written PRN. However, the Committee noted that Virginia Prescription Monitoring Program records reflect that the lorazepam was filled consistently every three months at the full dose for more than a year. When the Committee questioned Dr. Stein about inconsistencies in her explanations about the prescribing to Individual 1, Dr. Stein stated that she had misspoken to the investigator about the quantity and dosing of the lorazepam, and she had been trying to emphasize that she was careful in her prescribing and that Individual 1 had taken her medication appropriately. The Committee was concerned that Dr. Stein could not readily explain why she doubled the dose of lorazepam from 3mg/day to 6mg/day while Individual 1 was hospitalized, after her treating providers had

recommended hospice care. Dr. Stein stated, “I didn’t know how much I would need; I was very upset.”

5. When asked by the Committee to explain why records from multiple hospital admissions during the final months of Individual 1’s life failed to include lorazepam on the list of home medications, Dr. Stein claimed she had informed Individual 1’s doctors about the lorazepam, but that the hospital records were incomplete and contained many inaccuracies.

6. Dr. Stein stated to the Committee that she viewed prescribing lorazepam to Individual 1 as a medical issue, and that she would not have provided psychotherapy to Individual 1. She claimed that prescribing to family members was not as strictly forbidden at the time of her psychiatric residency as it is today, but that the rules have tightened over the years. The Committee was concerned about Dr. Stein’s lack of knowledge of longstanding rules regarding treating and prescribing to family members.

7. Dr. Stein explained to the Committee that her father had received poor medical care that she believed led to his death in the hospital approximately 20 years prior to Individual 1 becoming ill, so she had heightened concerns about the medical system and worried it would also fail Individual 1. The Committee was concerned about Dr. Stein’s lack of understanding as to how providing medical care to Individual 1 over an extended time period violated proper physician/patient boundaries.

8. Dr. Stein violated Virginia Code §§ 54.1-2915(A)(13), (16), and (17) and 54.1-3303(A) in that, by her own admission made to the Board’s investigator, in May 2016 she prescribed 60 dosage units of 10mg oxycodone to Individual 2 for complaints of knee pain, although Dr. Stein did not have a bona fide practitioner/patient relationship with Individual 2.

9. Dr. Stein claimed she misspoke to the investigator by failing to describe Individual 2 as one of her patients -- rather than merely describing her as the mother of Patients A and B -- and that she had meant to say she was not seeing Individual 2 on an “ongoing basis” at the time of the prescription, but in fact she had known her for a long time as a psychiatric patient. Dr. Stein told the

Committee that she had seen Individual 2 for family therapy previously, and had been in touch with her regarding Patients A and B, but she was not actively providing psychiatric treatment to Individual 2 when she wrote the oxycodone prescription. When asked by the Committee how she came to write the prescription, Dr. Stein explained that Individual 2 had come to visit Individual 1 while Dr. Stein was at the hospital with Individual 1, and while there they began talking about her knee and the pain. Dr. Stein claimed that prior to writing the prescription she examined Individual 2's knee and called Individual 2's primary care provider to ensure they were aware of the knee issue and to check on any other medication Individual 2 was taking; however, she did not speak with Individual 2's doctor prior to writing the prescription. The Committee noted that Dr. Stein contradicted herself in that at one point she stated that she knew Individual 2 was not abusing oxycodone because she had not taken it previously, but at another point Dr. Stein stated that she determined the dose of the oxycodone prescription based on what Individual 2 had been prescribed by her own doctor in the past. The Committee did not find Dr. Stein's explanations regarding the oxycodone prescription and her interactions with Individual 2 to be credible. Further, the Committee was concerned about Dr. Stein's insistence that it had not been inappropriate for a psychiatrist to prescribe oxycodone under such circumstances because she had experience with family practice and pain management during medical school rotations.

10. Dr. Stein violated Virginia Code § 54.1-2915(A)(3) and (18) and 18 VAC 85-20-26(C) of the Regulations Governing the Practice of Medicine in that, when requested by the Board's investigator in November 2016 to provide treatment records for Individual 1 (the family member to whom she prescribed lorazepam) and Patients A and B, Dr. Stein was unable to do so. Dr. Stein did provide reconstructed notes for Patients A and B, but stated regarding her original progress notes that she had "no idea what has or hasn't survived" a water leak in her office in which "All the contents were water logged and packed up to make room for repairs or packed to dry and ended up dispersed in several different locations including another state."

11. The Committee was concerned that although Dr. Stein provided the investigator with detailed “reconstructed” treatment notes for Patients A and B (which Dr. Stein stated that she recreated based on her memory and retained text messages she had exchanged with the teenaged Patients A and B), the notes were incomplete in that they only covered the time period in which she had prescribed Schedule II and IV medications to these patients. Additionally, Dr. Stein did not provide a treatment summary or notes regarding her claimed prior treatment of Individual 2. When asked by the Committee to discuss the timeline of her treatment of Patients A and B and Individual 2, and how she came to know the family, Dr. Stein was unable to clearly explain the history of their treatment with her. The Committee did not find Dr. Stein’s explanations regarding the reconstruction of the treatment notes for Patients A and B to be credible.

12. Dr. Stein stated that she kept current with medical advancements through reading and continuing education courses, but said that she is not a member of any professional organizations for physicians. Dr. Stein explained that after completing her residency, she held a few locum tenens positions but primarily saw patients as a solo psychiatrist from an office in her home, and had always worked an “irregular schedule,” rarely treating more than one or two patients a year. Dr. Stein said that she has not treated patients since Individual 1 passed away in 2016, but noted that she often accompanies friends to medical appointments and speaks with her friends about their medical issues. The Committee was concerned that Dr. Stein lacked insight regarding the limited nature of her recent clinical experience, and that she lacked connections to the broader medical community.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS as follows:

1. Robyn Marissa Steyn, M.D., is REPRIMANDED.
2. The license of Robyn Marissa Steyn, M.D., is subject to the following TERMS and CONDITIONS:

a. Within thirty (30) days from entry of this Order, Dr. Stein shall provide the Board with a written statement certifying that she has read and will comply with: (i) the laws governing the practice of medicine and other healing arts (Title 54.1, Chapter 29 of the Virginia Code); (ii) the Drug Laws for Practitioners; and (iii) the Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, and Chiropractic (18 VAC 85-20-10 *et seq.*).

b. Within six months of entry of this Order, Dr. Stein shall provide written proof satisfactory to the Board of successful completion of 15 hours of Board-approved continuing education in physician/patient boundaries. Such course(s) shall be approved in advance of registration by the Executive Director of the Board. Requests for approval must be received within 15 business days prior to the course date. All continuing education hours shall be completed through face-to-face, interactive sessions (i.e., no home study, journal, or Internet courses). Continuing education obtained through compliance with this term shall not be used toward licensure renewal.

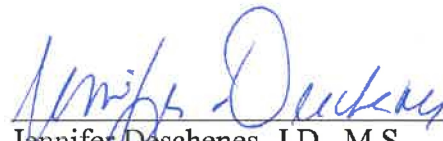
c. Within six months of entry of this Order, Dr. Stein shall provide written proof satisfactory to the Board of successful completion of 15 hours of Board-approved continuing education in medical record-keeping. Such course(s) shall be approved in advance of registration by the Executive Director of the Board. Requests for approval must be received within 15 business days prior to the course date. All continuing education hours shall be completed through face-to-face, interactive sessions (i.e., no home study, journal, or Internet courses). Continuing education obtained through compliance with this term shall not be used toward licensure renewal.

d. Dr. Stein shall not practice medicine until such time as she submits to the Board, and the Board approves, the name and curriculum vitae of a Virginia-licensed physician who has agreed to serve as a peer monitor for her practice by reviewing patient medical records and discussing treatment plans. Upon approval by the Board of the proposed peer monitor, Dr. Stein may return to practice, but at that time she shall ensure that the peer monitor submits quarterly reports to the Board for a period of no less than 18 months of active practice by Dr. Stein.

4. Upon receipt of evidence that Dr. Stein has complied with the foregoing terms of this Order, the Executive Director is authorized to close this matter, or refer it to a special conference committee for review.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD



Jennifer Deschenes, J.D., M.S.
Deputy Executive Director, Discipline
Virginia Board of Medicine

ENTERED: 3/14/2019

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Dr. Stein may, not later than 5:00 p.m., on **April 17, 2019**, notify William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated. This Order shall become final on **April 17, 2019**, unless a request for a formal administrative hearing is received as described above.

DRAFT UNAPPROVED
VIRGINIA BOARD OF MEDICINE
SPECIAL CONFERENCE COMMITTEE MINUTES MARCH 7, 2019

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 201
Henrico, VA

CALL TO ORDER: A Special Conference Committee of the Board was called to order at 9:01 a.m.

MEMBERS PRESENT: Brenda Stokes, M.D., Chair
Alvin Edwards, Ph.D.
Kenneth Walker, M.D.

STAFF PRESENT: Jennifer L. Deschenes, Deputy Executive Director, Discipline
Jennie F. Wood, Case Manager, Discipline
Tracy Robinson, Adjudication Specialist

MATTER: **Robyn Marissa Stein, M.D.** **License No.: 0101-048468**
Case No.: 174284

DISCUSSION: Dr. Stein appeared before the Committee in person in accordance with a Notice of the Board dated January 10, 2019. Dr. Stein was represented by Michael L. Goodman, Esquire and Nora Ciansio, Esquire.

The Committee fully discussed the allegations in the Notice with Dr. Stein.

CLOSED SESSION: Upon a motion by Dr. Edwards, and duly seconded by Dr. Walker, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A (27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Stein. Additionally, he moved that Ms. Deschenes and Ms. Wood attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

RECONVENE: Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session and announced its decision.

DECISION:

Upon a motion by Dr. Walker, and duly seconded by Dr. Edwards, the Committee made certain findings of fact and conclusions of law and voted to issue Dr. Stein a reprimand and subject her license to terms and conditions.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Committee adjourned at 11:29 a.m.

As provided by law this decision shall become a Final Order thirty (30) days after service of such Order on Dr. Stein, unless a written request to the Board for a formal hearing on the allegations made against her is received from Dr. Stein, within such time. If service of the Order is made by mail three (3) additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Special Conference Committee shall be vacated.

Brenda Stokes, M.D., Chair

William L. Harp, M.D., Executive Director

Date

Date



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

January 10, 2019

Robyn Marissa Stein, M.D.
1305 Towlston Road
Vienna, VA 22182

UPS OVERNIGHT MAIL

RE: Case Number 174284

Dear Dr. Stein:

Attached is a Notice of Informal Conference and Statement of Allegations.

For information regarding this type of proceeding, including Frequently Asked Questions regarding Disciplinary Proceedings, directions to the Department of Health Professions Conference Center, instructions for requesting subpoenas, the Board's Sanctioning Reference Points, the text of the Administrative Process Act and other statutes and regulations cited herein, and other related information, please see www.dhp.virginia.gov/medicine/medicine_Hearings.htm. If you do not have Internet access, you may request a hard copy of any of this information by calling Jennie F. Wood, Discipline Case Manager at (804) 367-4571.

If you have any questions, you may contact Tracy E. Robinson, Adjudication Specialist, at (804) 367-4694 or tracy.robinson@dhp.virginia.gov. Please notify the Board office of your intent to attend this proceeding.

Sincerely,

Jennifer Deschenes, J.D., M.S.
Deputy Executive Director, Discipline
Virginia Board of Medicine

cc: Tracy E. Robinson, Adjudication Specialist, Administrative Proceedings Division
Lorraine McGehee, Deputy Director, Administrative Proceedings Division
Cheryl Hodgson, Senior Investigator, Division of Enforcement
Michael L. Goodman, Esquire

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: ROBYN MARISSA STEIN, M.D.
License Number: 0101-048468
Issue Date: August 25, 1992
Expiration Date: January 31, 2020
Case Number: 174284

**NOTICE OF INFORMAL CONFERENCE
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an Informal Conference has been scheduled before the Board of Medicine ("Board") regarding your license to practice medicine and surgery in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before a Special Conference Committee ("Committee") of the Board.
DATE AND TIME:	March 7, 2019 9:00 AM
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Committee is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions; or
- Refer the matter to the Board of Medicine for a formal administrative hearing.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the informal conference, the Committee may proceed to hear this matter in your absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

You have the right to the information on which the Committee will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

INFORMAL CONFERENCE MATERIALS:

Enclosed is a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by UPS overnight mail. Please bring these documents with you to the informal conference.**

FILING DEADLINES:

Deadline for filing materials: **February 20, 2019**. Submit (8) copies of all documents you want the Board to consider to Jennie F. Wood, Discipline Case Manager, Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

REQUEST FOR A CONTINUANCE:

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **January 24, 2019**, will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **January 24, 2019**.

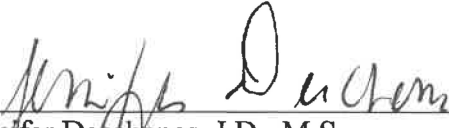
STATEMENT OF ALLEGATIONS

The Board alleges that:

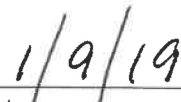
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See Confidential Attachment for the names of the patients and individual referenced above.



Jennifer Deschenes, J.D., M.S.
Deputy Executive Director, Discipline
Virginia Board of Medicine



Date