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| IN THE MATTER OF | * | BEFORE THE MARYLAND |
| ROBERT P. CATHOR, JR., P.A. | * | STATE BOARD OF |
| Applicant for Reinstatement After Revocation | * | PHYSICIANS |
| License No.: C03518 | * | Case No.: 8817-0009 |
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ORDER OF REINSTATEMENT

I. INTRODUCTION

On November 13, 2014, the Maryland State Board of Physicians (the “Board”) revoked the Maryland physician assistant license of Robert P. Cathor, P.A. On May 22, 2017, the Board received Mr. Cathor’s application for the reinstatement of his license. On August 23, 2017, Board Disciplinary Panel B (the “Panel”) met with Mr. Cathor to consider his application.

II. PROCEDURAL AND FACTUAL HISTORY

Mr. Cathor is a physician assistant licensed by the Board since April, 2007. In March, 2013, Mr. Cathor entered into a Consent Order with the Board to resolve charges that, *inter alia*, he was addicted to, or habitually abused, any narcotic or controlled dangerous substance (“CDS”) as defined in §5-101 of the Criminal Law Article, and prescribed or administered drugs for illegal or illegitimate medical purposes. Md. Code Ann., Health Occ. § 15-314(8) and (27), respectively. Pursuant to the Consent Order, Mr. Cathor was suspended for 90 days, placed on probation for a minimum of five years and required to enroll in the Maryland Professional Rehabilitation Program (“MPRP”), subject to his participation in MPRP’s rehabilitation plans and agreements, and continuing monitoring by MPRP. The Board imposed additional probationary conditions, including that he abstain completely from ingesting alcohol,

unprescribed CDS, narcotics, illegal drugs and other mood-altering substances. In an Order Terminating Suspension and Imposing Probation dated July 8, 2013, the Board terminated the suspension and imposed a five-year probation according to the terms set forth in the preceding Consent Order.

The Board subsequently learned that Mr. Cathor pled guilty to and was convicted in the United States Circuit Court for Washington County in July, 2014, of obtaining oxycodone - a CDS - by fraud, deceit, misrepresentation, or subterfuge, in violation of Md. Code Ann., Crim. L. § 5-601(a)(2), which, as the Board determined, was a crime involving moral turpitude. On November 13, 2014, the Board revoked Mr. Cathor's license to practice as a physician assistant, as mandated by Md. Code Ann., Health Occ. § 15-314(b)(2). On May 22, 2017, the Board received Mr. Cathor's application for reinstatement.

IV. CONSIDERATION OF APPLICATION

The reinstatement of a physician assistant's license after revocation is discretionary. *See* Md. Code Ann., Health Occ. § 14-409. Panel B must consider whether post-disciplinary reinstatement is in the interest of the health and welfare of the general public and consistent with the best interest of the profession. COMAR 10.32.02.06B(7).

Since his revocation, Mr. Cathor has worked in an administrative role as an onsite supervisor of the medical department of the United States Coast Guards National Maritime Center. Mr. Cathor has also taught night classes in anatomy and physiology as an adjunct professor at a community college. Throughout the application process, Mr. Cathor has expressed insight and reflection into his offenses by accepting full responsibility for his actions and conveying remorse for his conduct. In addition, Mr. Cathor has been fully engaged in his ongoing treatment, has demonstrated genuine investment in and commitment to his recovery and

has appropriately addressed the issues that led to the mandatory revocation of his license in November, 2014. Mr. Cathor has also completed the requisite credit hours for continuous medical education and provided verification of his current and active NCCPA¹ certification.

Panel B concludes that Mr. Cathor has no impairing conditions that would adversely impact his ability to practice safely and competently as a physician assistant. Reinstatement is within the interests of the health and welfare of the general public and is consistent with the best interest of the profession. The Panel, therefore, grants Mr. Cathor's application for reinstatement subject to probation and certain probationary conditions.

ORDER

It is thus, by Disciplinary Panel B, hereby

ORDERED that the license of Mr. Cathor to practice as a physician assistant in Maryland is **REINSTATED**; and it is further

ORDERED that Mr. Cathor is placed on **PROBATION** for a minimum period of **ONE YEAR**. During the probationary period, Mr. Cathor shall fully and satisfactorily comply with the following probationary terms and conditions:

- (1) Mr. Cathor shall not prescribe or dispense any CDS;
- (2) The Panel will issue administrative subpoenas to the Maryland Prescription Drug Monitoring Program on a quarterly basis for prescriptions written by Mr. Cathor. The administrative subpoenas will request a review of Mr. Cathor's prescriptions from the beginning of each quarter;
- (3) Mr. Cathor shall remain enrolled in MPRP and shall continue his participation as recommended by MPRP through the originally anticipated end date in July, 2018.

Mr. Cathor shall continue Participant Rehabilitation Agreement(s) and Participant

¹ NCCPA stands for the National Commission on Certification of Physician Assistants.

Rehabilitation Plan(s) as determined by MPRP. Mr. Cathor shall fully and timely cooperate and comply with all of MPRP's referrals, rules and requirements, including, but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered into with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations and toxicology screenings as directed by MPRP;

- (4) Mr. Cathor shall sign and update the written release/consent forms requested by the Board and MPRP. Mr. Cathor shall sign the release/consent forms to authorize MPRP to make verbal and written disclosures to the Board, including disclosure of any and all MPRP records and files possessed by MPRP. Mr. Cathor shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of Mr. Cathor's current therapists and treatment providers) verbal and written information concerning Mr. Cathor and to ensure that MPRP is authorized to receive the medical records of Mr. Cathor, including, but not limited to, mental health and drug or alcohol treatment records;
- (5) For the entire duration of the probationary period, Mr. Cathor shall completely abstain from using alcohol, unprescribed CDS, narcotics, illegal drugs and other mood-altering substances. Mr. Cathor may take CDS only if prescribed by a licensed health care provider for a legitimate medical purpose and only as prescribed. Prior to accepting any CDS prescription from a licensed health care provider, Mr. Cathor shall provide the prescribing licensed health care provider with a copy of this Order of Reinstatement. Mr. Cathor shall immediately notify the Board of any CDS prescription issued to him and of the justification for the prescription;

(6) A violation of any term or condition of MPRP's Rehabilitation Agreement or the Rehabilitation Plan constitutes a violation of the probation imposed under this Order;

IT IS FURTHER ORDERED that if Mr. Cathor allegedly fails to comply with any term or condition of probation or this Order of Reinstatement, Mr. Cathor shall be given notice and an opportunity for a hearing. If 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. If there is no genuine dispute as to a material fact, Mr. Cathor shall be given a show cause hearing before the Board or Panel B; and it is further

ORDERED that, after the appropriate hearing, if the Board or Panel B determines that Mr. Cathor has failed to comply with any term or condition of this Order of Reinstatement, the Board or Panel B may reprimand Mr. Cathor, place Mr. Cathor on probation with appropriate terms and conditions, or suspend or revoke Mr. Cathor's license to practice as a physician assistant in Maryland. The Board or Panel B may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon Mr. Cathor; and it is further

ORDERED that Mr. Cathor is responsible for all costs incurred in fulfilling the terms and conditions of this Order of Reinstatement; and it is further

ORDERED that there is no early termination of probation; and it is further

ORDERED that, after **ONE YEAR**, upon a satisfactory review by MPRP, Mr. Cathor may submit a written petition to the Board or Panel B requesting termination of probation. After consideration of the petition, the probation may be terminated through an order of the Board or Panel B. Mr. Cathor may be required to appear before the Board or Panel B to discuss his petition for termination. The Board or Panel B will grant the petition to terminate the probation if

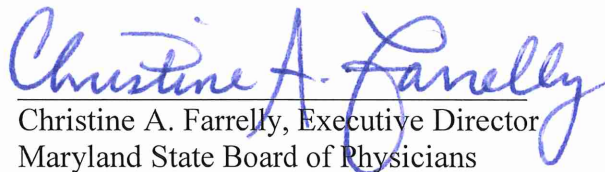
Mr. Cathor has complied with all of the probationary terms and conditions and there are no pending complaints; and it is further

ORDERED that Mr. Cathor shall comply with the Maryland Physician Assistants Act, Md. Code Ann., Health Occ. II § 15-101 - §15-502, and all laws and regulations governing the practice of medicine as a physician assistant in Maryland; and it is further

ORDERED that unless stated otherwise in the order, any time period prescribed in this order begins when the order goes into effect. The order goes into effect upon the signature of the Board's Executive Director, who signs on behalf of Panel B; and it is further

ORDERED that this Order of Reinstatement is a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 & Supp. 2015).

08/28/2017
Date


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