

William B. Russell, M.D.

October 17, 2017

Damean W. E. Freas, D.O., Chair, Disciplinary Panel B
Maryland State Board of Physicians
4201 Patterson Avenue
Baltimore, Maryland 21215

Re: Surrender of License to Practice Medicine
License Number: D13586
Case Number: 2017-0295

Dear Dr. Freas and Members of Disciplinary Panel B:

Please be advised that I have voluntarily decided to **PERMANENTLY SURRENDER** my license to practice medicine in the State of Maryland, License Number D13586, effective immediately. I understand that upon surrender of my license, I may not give medical advice or treatment to any individual with or without compensation and cannot prescribe medications or otherwise engage in the practice of medicine in the State of Maryland as it is defined in the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. § § 14-101 *et seq.* (2014 Rep. Vol.) and other applicable laws. In other words, as of the effective date of this Letter of Surrender, I understand that the surrender of my license means that I am in the same position as an unlicensed individual in the State of Maryland.

I understand that this Letter of Surrender is a **PUBLIC DOCUMENT** and that upon the acceptance of Disciplinary Panel B of the Maryland State Board of Physicians, becomes a **FINAL ORDER** of the Board.

I acknowledge that pending at the time of this voluntary surrender are disciplinary charges by Disciplinary Panel B pursuant to Md. Health Occ. Code § 14-403(a)(ii) (unprofessional conduct in the practice of medicine); § 14-404(a)(28) (failure to comply with the provisions of § 12-102 of this [Health Occupations] article; and § 14-404(a)(36) (willfully makes a false representation when seeking or making application for licensure or any other application related to the practice or medicine. The Board's investigation revealed that I dispensed prescription drugs after my permit to dispense prescription drugs expired. Before charges were filed, both I and my former employer admitted to the Board that an error had contributed to the violation. I understand that for purposes related to medical licensure; those charges will be treated as proven. The charges are attached and incorporated as **Attachment A**.

I wish to make it clear that I have voluntarily, knowingly, and freely chosen to submit this Letter of Surrender to avoid prosecution of the aforementioned allegations set forth in the charging document, and because of my planned retirement from the practice of medicine. I do not wish to contest these allegations. I understand that by executing this Letter of Surrender, I am waiving my right to contest the charges in a formal evidentiary hearing at 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, including the right to appeal to circuit court.

I affirm that upon acceptance of this Letter of Surrender by Disciplinary Panel B, I will not practice

or seek to practice medicine in the State of Maryland or elsewhere. I further affirm that I will not maintain a medical office nor will I maintain any privileges at any hospital, outpatient surgical facility, nursing home or any other health care facility in the State of Maryland.

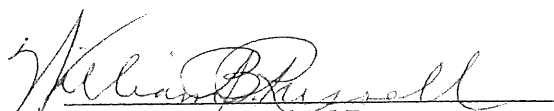
I understand that the Board will advise the federation of State Medical Boards, the National Practitioner Data Bank, and the Healthcare Integrity and Protection Data Bank of this Letter of Surrender, and in response to any inquiry, that I have surrendered my license to avoid further disciplinary action under the Act. I also understand that in the event I would apply for licensure in any form in any other state or jurisdiction that this Letter of Surrender may be released or published by the Board or Panel B to the same extent as a Final Order that would result from disciplinary action, pursuant to Md. Code An n., Gen. Prov. §§ 4-101 *et seq.* (2014), and that this Letter or Surrender constitutes a disciplinary action by Panel B.

I affirm that as of the date of this Letter of Surrender, I will present to the Board my original Maryland medical license, number D13586, any renewal wallet cards and wall certificate. I also affirm that I will provide access to and copies of patient medical records in compliance with Title 4. subtitle 3 of the Health General article.

I further recognize and agree that by tendering this permanent Letter of Surrender that my license will remain permanently surrendered. In other words, I agree that I have no right to reapply for a license to practice medicine in the State of Maryland. I further agree that the Board or a disciplinary panel is not obligated to consider any application for licensure that I might file at a future date.

I acknowledge that I may not rescind this Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have been advised of my right to be represented by an attorney of my choice throughout proceedings before Panel B, including the right to counsel with an attorney prior to signing this Letter of Surrender, and that I have consulted with an attorney before signing this Letter of Surrender. I understand both the nature of Panel B's actions and this Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning, terms and effect of this Letter of Surrender. I make this decision knowingly and voluntarily.

Sincerely,


William B. Russell, M.D.

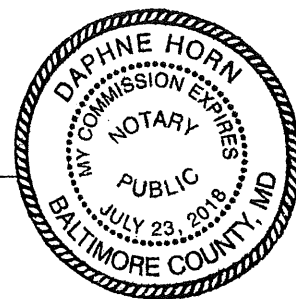
NOTARY

STATE OF Maryland
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 16 day of October, 2017, before me, a Notary Public of the City/County aforesaid, personally appeared William B., M.D., and declared and affirmed under the penalties of perjury that the signing of this Letter of Surrender was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

[Signature]
Notary Public



My commission expires: 07/23/2018

ACCEPTANCE

On behalf of Disciplinary Panel B, on this 26th day of October, 2017, I, Christine A. Farrelly, accept William B. Russell's **PERMANENT PUBLIC SURRENDER** of his license to practice medicine in the State of Maryland.

[Signature]
Christine A. Farrelly, Executive Director
Maryland Board of Physicians

IN THE MATTER OF

WILLIAM B. RUSSELL, M.D.

Respondent

License Number: D13586

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case Number: 2017-0295B

* * * * *

CHARGES UNDER THE MARYLAND MEDICAL PRACTICE ACT

Disciplinary Panel B of the Maryland State Board of Physicians (the "Board"), hereby charges **William B. Russell, M.D.** (the "Respondent"), License Number: D13586, under the Maryland Medical Practice Act (the "Act"), codified at Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-101 *et seq.* The Respondent is charged under the following provisions of Health Occ. § 14-404(a):

- (3) Is guilty of: (ii) Unprofessional conduct in the practice of medicine;
- (28) Fails to comply with the provisions of § 12-102 of this article; [and]
- (36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine[.]

The relevant provisions under Health Occ. § 12-102 provide:

(c) *Preparing of prescriptions by licensed dentist, veterinarian, physician, etc.; exception:*

...

(2) This title does not prohibit:

...

(ii) A licensed dentist, physician, or podiatrist from personally preparing and dispensing the dentist's, physician's, or podiatrist's prescriptions when:

1. The dentist, physician, or podiatrist:
 - A. Has applied to the board of licensure in this State which licensed the dentist, physician, or podiatrist;
 - ...
 - C. Has received a written permit from that board to dispense prescription drugs or devices except that a written permit is not required in order to dispense starter dosages or samples with charge[.]

ALLEGATIONS OF FACT¹

Disciplinary Panel B bases its charges on the following facts that Disciplinary Panel B has cause to believe are true:

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 medicine in Maryland on or about January 15, 1954, under License Number D13586. The Respondent's license is active and current through September 30, 2017.

2. On or about July 11, 2006, the Board issued the Respondent a dispensing permit under permit number 1254. The Respondent's dispensing permit expired on June 29, 2016. The Respondent did not submit a renewal application for his dispensing permit at that time.

3. On or about October 25, 2016, the Respondent submitted an application to the Board to renew his dispensing permit ("renewal application"), which the Board issued, effective November 1, 2016.

¹ The allegations set forth in this document are intended to provide the Respondent with notice of the alleged charges. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with these charges.

4. On his renewal application, the Respondent verified that he completed the continuing education ("CE") credits relating to the preparing and dispensing of prescription drugs.

5. The Board initiated an investigation of the Respondent after reviewing his renewal application, noting that his dispensing permit had expired in June of 2016. In a letter to the Respondent dated November 4, 2016, Board staff requested a written response regarding his late renewal.

6. In a letter to the Board dated November 23, 2016, the Respondent acknowledged that he failed to renew his dispensing permit when it expired, and that he dispensed medication during that time.

7. The Board's investigation determined that the Respondent dispensed prescription medications without a valid permit from June 29, 2016 through October of 2016.

8. During the Board's investigation, the Respondent, in a letter to the Board dated December 6, 2016, informed the Board of the following:

As you are aware, my drug dispensing permit (Permit # 1254) expired. I was in the process of completing the on-line CME testing to qualify for a new permit, and had successfully completed most of the requirements. Unfortunately, without my knowledge or approval, one of my assistants took it upon herself to complete the on-line CME testing in my name.

9. The Respondent wrote that he would no longer dispense medications until "he hears differently."

10. By letter dated December 6, 2016, the Respondent's employer, notified the Board of the same. The employer wrote, in part:

The Respondent] was in the process of completing the on-line testing, and had passed some - but not all- of the required tests.

Unbeknownst to anyone else at the [the employer] (including [the Respondent]), one of [the Respondent's] assistants took it upon herself to complete the on-line tests for [the Respondent]. This was discovered as part of our internal process of verifying dispensing authority. The assistant was questioned and admitted to finishing the testing instead of [the Respondent], and stated that [the Respondent] was unaware of her "assistance." As a result of [the assistant's] actions, we have terminated her employment with us. [The Respondent] was questioned and confirmed that he was totally unaware of her actions.

11. The Respondent's conduct, as set forth above, constitutes a violation of one or more of the following provisions of the Act: Health Occ. §§ 14-404(3)(ii) Unprofessional conduct in the practice of medicine; and/or (28) Fails to comply with the provisions of § 12-102 of this article; and/or (36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine.

NOTICE OF POSSIBLE SANCTIONS

If, after a hearing, a disciplinary panel of the Board finds that there are grounds for action under Health Occ. § 14-404(a)(3)(ii), (28) and/or (36), it may impose disciplinary sanctions against the Respondent's license in accordance with the Board's regulations under Md. Code Regs. 10.32.02.09 and 10.32.02.10, including revocation, suspension, or reprimand and may place the Respondent on probation, and/or may impose a monetary fine.

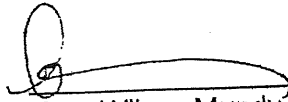
**NOTICE OF DISCIPLINARY COMMITTEE FOR CASE RESOLUTION CONFERENCE,
PREHEARING CONFERENCE AND HEARING**

A Disciplinary Conference for Case Resolution ("DCCR") in this matter has been scheduled for Wednesday June 28, 2017, at 9:00 a.m. at the offices of the Board, 4201 Patterson Avenue, Baltimore, Maryland, 21215. The Respondent must confirm in writing his intention to attend the DCCR. The Respondent should send written confirmation of his intention to participate in the DCCR to: Christine A. Farrelly, Executive Director, Maryland State Board of Physicians, 4201 Patterson Avenue, 4th Floor, Baltimore, Maryland 21215. The nature and purpose of the DCCR is described in the attached letter to the Respondent.

If the case cannot be resolved at the DCCR, a pre-hearing conference and a hearing in this matter will be scheduled at the Office of Administrative Hearings, 11101 Gilroy Road, Hunt Valley, Maryland 21031. The hearing will be conducted in accordance with Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2014 Repl. Vol. & 2016 Supp.).

BRIAN E. FROSH
ATTORNEY GENERAL OF MARYLAND

4/10/2017
Date


Kara Wilcox Mundy
Assistant Attorney General
Office of the Attorney General
Health Occupations Prosecution and Litigation
Division
Suite 201, 300 West Preston Street
Baltimore, Maryland 21201
(410) 767-3448