

IN THE MATTER OF  
FRANK L. KRIGER, M.D.

Respondent

License Number: D50350

\* BEFORE THE  
\* MARYLAND STATE  
\* BOARD OF PHYSICIANS

Case Number: 2017-0198A

\* \* \* \* \*

**CONSENT ORDER**

On March 2, 2017, Disciplinary Panel A (the "Panel") of the Maryland State Board of Physicians (the "Panel") charged Frank L. Kriger M.D., (the "Respondent"), License Number D50350, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") §§ 14-101 *et seq.* (2014 Repl. Vol. & 2015 Supp.).

The pertinent provisions of the Act under H.O. § 14-404(a) provide as follows:

**§ 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:

...  
(3) Is guilty of:

...  
(ii) Unprofessional conduct in the practice of medicine;

...  
(13) On proper request, and in accordance with the provisions of Title 4, Subtitle 3 of the Health-General Article, fails to provide details of a patient's medical record to the patient, another physician, or hospital[.]

On June 14, 2017, a conference with regard to this matter was held before a panel of the Board's Disciplinary Committee for Case Resolution ("DCCR"). 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**

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was originally licensed to practice medicine in Maryland on April 9, 1996. His license is scheduled to expire on September 30, 2018. The Respondent holds inactive licenses in New York, Pennsylvania, Virginia and the District of Columbia.
2. The Respondent maintains an office for the practice of nephrology and internal medicine in Leonardtown, Maryland. The Respondent is not board-certified.
3. On or about September 22, 2016, the Board received a complaint from a former patient of the Respondent ("Patient A") in which it was alleged that the Respondent had failed to provide a copy of Patient A's medical record to Patient A or Patient A's primary care provider ("PCP A") despite several requests.<sup>1</sup>
4. Thereafter, Panel A initiated an investigation, the results of which are summarized below.
5. By letter dated September 28, 2016, and sent to the Respondent by first class mail, Board staff notified the Respondent of the complaint and requested the Respondent to provide a written response to the Board within ten (10) business days after the Respondent's receipt of the letter. The Board's letter to the Respondent was not returned as undeliverable.
6. By electronic mail dated October 28, 2016, Board staff notified the Respondent that the Respondent had not responded to the Board's September 28, 2016

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<sup>1</sup> According to the Respondent, Patient A's last appointment with him was on June 9, 2016.

letter. The Respondent was notified to submit a written response to the Board on or before November 2, 2016. The letter further advised the Respondent that his failure to submit a written response “may result in the issuance of a subpoena requiring your attendance at the Board.”

7. On November 9, 2017, Board staff transmitted the complaint to the Respondent after the Respondent advised that he had not received the complaint.
8. The Respondent failed to respond to the complaint.
9. On November 29, 2016, Panel A issued to the Respondent a Subpoena *Ad Testificandum* that directed the Respondent to appear at the Board for an interview with Board staff on December 19, 2016 at 1:00 p.m.
10. The Respondent presented to the Board on December 19, 2016. On that date, Board staff also received the Respondent’s written response to the complaint.
11. During the Respondent’s under-oath interview, he stated that Patient A had requested that a copy of his records be sent to PCP A sometime in early September 2016. The Respondent could not recall the date of Patient A’s request. The Respondent stated that he had sent PCP A the records as requested by Patient A, but had not confirmed PCP A’s receipt of the records.
12. The Respondent further stated that he had received from the Board Patient A’s complaint shortly after he had sent the records to PCP A.
13. The Respondent stated that he had not submitted his written response to the Board until December 19, 2016, because he “didn’t pay close enough attention to the fact that I needed to respond directly to [the Board] as opposed to getting the chart information to the patient.”

14. During the interview, the Respondent stated that he would deliver the records personally to PCP A.
15. On December 21, 2016, the Respondent transmitted to the Board a receipt signed by PCP A that PCP A had received from the Respondent a copy of Patient A's medical record on December 20, 2016.

### **CONCLUSIONS OF LAW**

Based on the foregoing findings of fact, the Board concludes as a matter of law that the Respondent is failed to provide details of a patient's medical record to the patient or another physician, on proper request, and in accordance with the provisions of Title 4, Subtitle 3 of the Health-General Article, in violation of Health Occ. II § 14-404(a)(13). The Board dismisses the charge that the Respondent is guilty of unprofessional conduct in the practice of medicine.

### **ORDER**

It is, on the affirmative vote of a majority of the quorum of Board, hereby

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

**ORDERED** that the Respondent shall comply with the Maryland Medical Practice Act, Md. Code Ann., Health Occ. II § 14-101 – 14-702, and all laws and regulations governing the practice of medicine in Maryland; and it is further

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

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

08/16/2017  
Date

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

**CONSENT**

I, Frank L. Kriger, M.D., acknowledge that I had the opportunity to be represented by counsel before entering this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into 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 the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of a disciplinary panel of the Board that I might have filed after any such hearing.

I sign this Consent Order voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of the Consent Order.

8/3/17

\_\_\_\_\_  
Date



\_\_\_\_\_  
Frank L. Kriger, M.D.  
Respondent

**NOTARY**

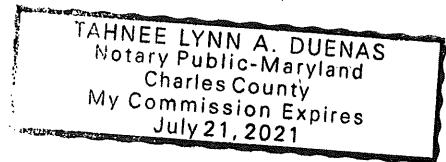
**STATE OF MARYLAND**  
**CITY/COUNTY OF Charles**

**I HEREBY CERTIFY** that on this 3rd day of August 2017, before me, a Notary Public of the foregoing State and City/County, personally appeared Frank L. Kriger, 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.

  
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Notary Public



My commission expires: July 21, 2021