

IN THE MATTER OF * BEFORE THE MARYLAND
 MARCY OPPENHEIMER, M.D. * STATE BOARD OF
 Respondent * PHYSICIANS
 License Number: D75220 * Case Number: 2217-0083A

CONSENT ORDER

On June 21, 2017, Disciplinary Panel A of the Maryland State Board of Physicians (the "Board") charged Marcy Oppenheimer, M.D. (the "Respondent") under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") § 14-101 *et seq.* The Respondent was charged under the following provision of Health Occ. § 14-601:

Health Occ. § 14-601:

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice medicine in this State unless licensed by the Board.

Health Occ. § 14-606(a) provides in pertinent part:

...

(4) Except as provided in paragraph (5) of this subsection,¹ a person who violates § 14-601 ...of this subtitle is:

...

(ii) Subject to a civil fine of not more than \$50,000 to be levied by the Board.

¹ Paragraph (5) does not apply to the Respondent.

On September 13, 2017, Disciplinary A was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring as a result of this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

I. FINDINGS OF FACT

Disciplinary Panel A finds:

1. The Respondent, a physician board-certified in family medicine, was initially licensed in Maryland in December 2012. The Respondent allowed her license to expire on or about September 30, 2015.
2. On or about November 3, 2016, the Respondent applied to the Board for reinstatement of her Maryland license and the Board reinstated her license effective November 17, 2016.
3. The Respondent was not licensed in Maryland from October 1, 2015, through November 16, 2016.
4. At all times relevant to these charges, the Respondent resided in the District of Columbia, and her office was and is in the District of Columbia. She holds, and at all times relevant to these charges held, hospital privileges at Hospital A,² a teaching hospital located in the District of Columbia.
5. The Respondent’s professional responsibilities at Hospital A include supervising residents. The Respondent’s responsibilities to Hospital A’s residency program include

² In order to maintain confidentiality, facility names will not be used in this document.

service as a preceptor at a residency site that is located across the State line from the District of Columbia, in Colmar Manor, Maryland.

6. The Respondent's teaching responsibilities at the residency site consist of supervising a once-monthly diabetes group, and providing advice to the residents and signing off on their medical charting. In a written statement to the Board, the Respondent estimated that between October 2015 and November 2016, while at the residency site, she had participated in 10 diabetes group visits and 15 half-day precepting sessions with the residents.

7. During the period October 2015 through November 2016, the Respondent practiced medicine without a valid Maryland medical license.

8. The Respondent's actions as outlined in pertinent part above constitute evidence of the unauthorized practice of medicine in violation of Health Occ. II § 14-601.

II. CONCLUSION OF LAW

Based on the Findings of Fact, the Board concludes as a matter of law that the Respondent engaged in the practice of medicine without a license in violation of Md. Code Ann., Health Occ. II § 14-601.

III. ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by the Board, hereby

ORDERED that within **SIX (6) MONTHS** of the date of this Consent Order, the Respondent shall pay a civil fine in the amount of \$1,000.00 by money order or bank certified check made payable to the Maryland Board of Physicians, P.O. Box 37217,

Baltimore, Maryland, 21297, for deposit into the General Fund of Maryland, and it is further

ORDERED that if the Respondent allegedly fails to comply with any term or condition of probation or this Consent Order, the Respondent 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, the Respondent shall be given a show cause hearing before the Board or Panel A; and it is further

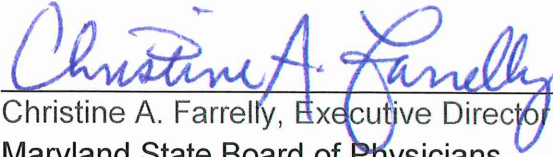
ORDERED that, after the appropriate hearing, if the Board or Disciplinary Panel determines that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Board or Disciplinary Panel may reprimand the Respondent, place the Respondent on probation with appropriate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

ORDERED that this Consent Order shall be a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 through 4-601 (2014 & 2015 Supp.).

10/17/2017

Date


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


CONSENT

I, Marcy Oppenheimer, M.D., acknowledge that I have been advised of my right to be represented by the attorney of my choice throughout proceedings before the Board, including the right to counsel with an attorney prior to signing this Consent Order. I have knowingly, willfully and intelligently waived my right to be represented by an attorney before signing 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 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 the Board that I might have followed after any such hearing.

I sign this Consent Order, having been advised of my right to be represented by the attorney of my choice before signing and having waived that right, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

10/2/2017
Date



Marcy Oppenheimer, M.D.

STATE/ DISTRICT OF DC
CITY/COUNTY OF: District of Columbia

I HEREBY CERTIFY that on this 2nd day of October, 2017, before me, a Notary Public of the State/District and County aforesaid, personally appeared Marcy Oppenheimer, M.D., and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.



Notary Public

My commission expires: 10-31-2018

