

IN THE MATTER OF	*	BEFORE THE
DEOGRACIAS FAUSTINO, M.D.	*	MARYLAND STATE BOARD
Respondent	*	OF PHYSICIANS
License Number: D0012901	*	Case Number: 2224-0185

* * * * *

ORDER OF DEFAULT

On August 5, 2024, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) issued charges against Deogracias V. Faustino, M.D. (the “Respondent”). Panel A charged the Respondent with violating provisions of Md. Code Ann., Health Occ. § 14-404 and of Md. Code Ann., Health-Gen. § 4-403. The Respondent was charged with violating the following provisions of Health Occ. § 14-404:

(a) 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;

....

(33) Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel; and

....

- (43) Violates any provision of this title, any rule or regulation adopted by the Board, or any State or federal law pertaining to the practice of medicine[.]

Pursuant to Health Occ. § 14-404(a)(13) and (43), Panel A charged the Respondent with violating the following provisions of § 4-403 of the Health-General Article:

- (b) Except for a minor patient, unless a patient is notified, a health care provider may not destroy a medical record or laboratory or X-ray report about a patient for 5 years after the record or report is made.

.....

- (d) The notice under subsections (b) and (c) of this section shall:

- (1) Be made by first-class mail to the last known address of the patient;
- (2) Include the date on which the record of the patient shall be destroyed; and
- (3) Include a statement that the record or synopsis of the record, if wanted, must be retrieved as a designated location within 30 days of the proposed date of destruction.

- (e) After the death, retirement, surrender of the license, or discontinuance of the practice or business of a health care provider, the health care provider, the administrator of the estate, or a designee who agrees to provide for the maintenance of the medical records of the practice or business and who states, in writing to the appropriate health occupations board within a reasonable time, that the records will be maintained in compliance with this section, shall:

- (1) Forward the notice required in this section before the destruction or transfer of medical records; or
- (2) Publish a notice in a daily newspaper that is circulated locally for 2 consecutive weeks:
 - (i) Stating the date that the medical records will be destroyed or transferred; and
 - (ii) Designating a location, date, and time where the medical records may be retrieved, if wanted[.]

Panel A scheduled a meeting with the Respondent for October 9, 2024, at 9:00 a.m., at the Board, to explore the possibility of a resolution to the charges. *See* COMAR 10.32.02.03E(9). The Respondent did not appear for that meeting. On October 21, 2024, the matter was delegated to the Office of Administrative Hearings (“OAH”) for a hearing and a proposed decision.

On December 4, 2024, OAH sent a notice of remote scheduling conference to the Respondent at his address of record, notifying the Respondent that a scheduling conference was scheduled for January 10, 2025, *via* Webex, a video-conferencing platform. The notice of remote scheduling conference was not returned to OAH.

On January 10, 2025, an Administrative Law Judge (ALJ) of OAH held the remote scheduling conference. *See* COMAR 28.02.01.20B(1)(b). The Respondent failed to appear at the scheduling conference after proper notice, and the ALJ held the scheduling conference in the Respondent’s absence. An administrative prosecutor from the Office of the Attorney General appeared and represented the State. The ALJ issued a scheduling order on January 10, 2025. On February 3, 2025, pursuant to the scheduling order, the State filed its prehearing conference statement. The Respondent did not file a prehearing conference statement.

On January 10, 2025, OAH sent a Notice of Remote Prehearing Conference (Notice) to the Respondent at his address of record. The Notice indicated that a remote prehearing conference was scheduled for Monday, February 10, 2025, at 9:30 a.m., *via* Webex. The Notice included the Webex meeting number and a telephone number if the Respondent was unable to connect by video. The Notice stated, “Failure to appear or to give timely notice

of your inability to appear for the prehearing conference may result in a decision against you.” The United States Postal Service did not return the Notice to OAH as undeliverable or for any other reason.

On February 10, 2025, the ALJ convened the remote prehearing conference *via* Webex as scheduled. COMAR 28.02.01.20B(1)(b). The Administrative Prosecutor appeared, representing the State. Neither the Respondent nor anyone authorized to represent the Respondent appeared at the remote prehearing conference. The ALJ waited thirty minutes, until 10:00 a.m., but the Respondent and/or his representative still failed to appear. The State moved for an order of default against the Respondent, and the State sought the revocation of the Respondent’s license to practice medicine in Maryland.

Under OAH’s Rules of Procedure, “[i]f, after receiving proper notice ... a party fails to attend or participate, either personally or through a representative, in a prehearing conference, hearing, or other stage of a proceeding, the ALJ may proceed in that party’s absence or may, in accordance with the hearing authority delegated by the agency, issue a final or proposed default order against the defaulting party.” COMAR 28.02.01.23A.

Similarly, § 14-405 of the Health Occupations Article provides, in pertinent part:

(d) If after due notice the individual against whom the action is contemplated fails or refuses to appear, nevertheless the hearing officer may hear and refer the matter to the Board or a disciplinary panel for disposition.

(e) After performing any necessary hearing under this section, the hearing officer shall refer proposed factual findings to the Board or a disciplinary panel for the Board’s or disciplinary panel’s disposition.

On February 11, 2025, the ALJ issued a Proposed Default Order. The ALJ cited OAH's Rules of Procedure in conjunction with § 14-405(d), which provides that the ALJ "*may hear*" the matter if a party fails to appear, and with § 14-405(e), which uses the language "*any necessary hearing.*" The ALJ found that these provisions authorize defaults, requiring no evidentiary hearing on the merits. *See also* COMAR 28.02.01.23A.

The ALJ found that the Respondent had proper notice of the February 10, 2025 Remote Prehearing Conference and failed to attend or participate in the Remote Prehearing Conference. The ALJ thus proposed that the Respondent be found in default and further proposed that the Allegations of Fact section of the charges be adopted as fact. The ALJ further proposed that the Respondent be found to have violated Health Occ. § 14-404(a)(3)(ii), (13), (33), and (43) and Health-Gen. § 4-403(b), (d)(1), (d)(2), (d)(3), (e)(1), (e)(2)(i), and (e)(2)(ii). Moreover, the ALJ proposed that the Respondent's license to practice medicine in Maryland be revoked. The proposed default order notified the parties that they may file exceptions but must do so within 15 working days of the date of the proposed default order. The proposed default order was mailed and emailed to the parties at their respective addresses of record.

Neither party filed exceptions to the ALJ's Proposed Default Order.

FINDINGS OF FACT

Because Disciplinary Panel B ("Panel B") of the Board concludes that the Respondent defaulted, the following findings of fact are adopted from the allegations of fact set forth in the charges and are deemed proven by the preponderance of the evidence:

I. Background Information

1. The Respondent was licensed to practice medicine in the State of Maryland. The Respondent was originally licensed to practice medicine in Maryland on August 18, 1971, under license number D0012901. His license was active through September 30, 2024.

2. The Respondent does not hold any board-certifications or hospital privileges.

3. At all times relevant, the Respondent maintained his own practice at a facility (the “Facility”) in Maryland.

II. The Complaint

4. On or about April 4, 2024, the Office of the Attorney General, Consumer Protection Division received an inquiry from a patient (“Patient 1”) of the Respondent asking, “what do I need to do to have my medical records forwarded to a new provider?” Patient 1 became aware of the Respondent’s office closure through an online community group. Patient 1 stated that the Respondent either “quit or retired without notice . . . to his patients.” Patient 1 also noted that the Respondent’s office number is “disconnected without any additional information and [the Respondent’s] office looks empty.”

III. Board Investigation

5. By email, dated April 8, 2024, the Board attempted to contact the Respondent *via* his last known email address. The Respondent failed to respond, and the email was not returned.

6. On or about April 9, 2024, the Board attempted to contact the Respondent *via* his last known telephone number listed on his 2022 renewal application and the number was not in service.

7. On or about April 12, 2024, the Board attempted to contact the Respondent at the telephone number associated with his last known practice location. On April 15, 2024, the Board received a return telephone call, and the caller stated that the Respondent may have retired and moved to the Philippines. The caller also provided contact information for the Respondent's daughter.

8. By letter dated April 16, 2024, the Board notified the Respondent that it received a complaint, provided a copy of the complaint, and directed the Respondent to address these allegations in a written response within ten (10) business days.

9. By email, dated May 7, 2024, the Board attempted to contact the Respondent at the last known email address and advised that a written response must be received on or before May 10, 2024.

10. On May 13, 2024, the Board again emailed the Respondent and attached a *Subpoena Duces Tecum* to appear at the Board on May 30, 2024, at 11:00 a.m. The Respondent did not appear.

11. By text, dated June 3, 2024, the Board attempted to contact the Respondent's daughter *via* text message. The Board did not receive a responsive text.

12. On June 7, 2024, the Board received a second complaint from another patient ("Patient 2") stating that the Respondent "closed his office without notifying his patients."

Patient 2 had completed a medical records release form in April 2024 and received no response.

13. The Board's investigation determined that the Respondent did not provide records upon request by his patients, did not cooperate with a Board investigation, and that he failed to properly notify patients, etc. of his departure from his office and/or the practice of medicine.

CONCLUSIONS OF LAW

Panel B finds the Respondent in default based upon his failure to appear for, or participate in, the February 10, 2025 Remote Prehearing Conference held by OAH in this matter. *See* State Gov't § 10-210(4). Panel B also concludes that the Respondent violated Health Occ. § 14-404(a)(3)(ii), (13), (33), and (43), and Health-Gen. § 4-403(b), (d)(1), (d)(2), (d)(3), (e)(1), (e)(2)(i), and (e)(2)(ii).

SANCTION

Panel B agrees with the ALJ that the revocation of the Respondent's medical license is appropriate.

ORDER

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

ORDERED that the license of Respondent Deogracias V. Faustino, M.D., License Number D0012901, to practice medicine in Maryland is **REVOKED**; and it is further

ORDERED that this order is a public document.

05/14/2025
Date

Signature on file

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

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Health Occ. § 14-408, the Respondent has the right to seek judicial review of this Order of Default. Any petition for judicial review shall be filed within thirty (30) days from the date of the mailing of this Order of Default. The cover letter accompanying this order indicates the date the order is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Respondent files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

Maryland State Board of Physicians
Christine A. Farrelly, Executive Director
4201 Patterson Avenue, 4th Floor
Baltimore, Maryland 21215

Notice of any petition should also be sent to the Board's counsel at the following address:

David Wagner
Assistant Attorney General
Maryland Department of Health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201