

IN THE MATTER OF

BEFORE THE

KHIN M. TUN, M.D.

MARYLAND STATE

Respondent

BOARD OF PHYSICIANS

License Number: D17992

Case Number: 2224-0059B

*** * * * ***

CONSENT ORDER

On October 22, 2024, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged Khin M. Tun, M.D. (the “Respondent”), License Number D17992, with violating the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2021 Repl. Vol. & 2023 Supp.).

Specifically, Panel B charged the Respondent with violating the following provisions of the Act under Health Occ. § 14-404:

- (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:
 - (22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State; [and]
 - ...
 - (40) Fails to keep adequate medical records as determined by appropriate peer review[.]

On December 18, 2024, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Panel B determined that it would enter into this

Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel B finds the following:

Background

1. At all times relevant to these charges, 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 May 15, 1975, under License Number D17992. The Respondent's medical license is currently active through September 30, 2025, subject to renewal.

2. The Respondent is board-certified in Internal Medicine.

3. The Respondent maintains a solo practice in Baltimore County, Maryland.

The Complaint

4. On or about October 2, 2023, the Board received a complaint (the "Complaint") alleging that the Respondent inappropriately prescribed a controlled substance to a patient with a known opioid addiction and a recent overdose documented in the Chesapeake Regional Informational System for our Patients ("CRISP"). SP.

5. The Complaint was submitted to the Board by the patient's primary care physician.

Board Investigation

6. The Board opened an investigation of the Respondent upon receiving the Complaint. In furtherance of the investigation, the Board notified the Respondent of its investigation, directed him to submit a written response to the Complaint, and issued a

subpoena duces tecum to the Respondent for ten (10) patient records and supporting materials (“Patients 1-10”).¹ The Board also ordered a practice review, and conducted an under-oath interview of the Respondent.

7. On or about December 13, 2023, the Board received a written response from the Respondent which included the medical records of Patients 1-10. The Respondent denied the allegations.

8. In furtherance of its investigation, the Board submitted the medical records for Patients 1-10 for a peer review. Two peer reviewers who are board-certified in Internal Medicine independently reviewed the materials and submitted their reports to the Board.

9. In their reports, the two peer reviewers concurred that the Respondent failed to meet appropriate standards for the delivery of quality medical care in ten (10) out of the ten (10) patients reviewed.

10. Specifically, the reviewers found that for the ten (10) patients, the Respondent failed to meet appropriate standards for the delivery of quality medical care for reasons including, but not limited to, the following areas:

- (a) The Respondent continued to prescribe and refill medications without proper documentation and follow up, and failed to properly document and/or evaluate the patients’ continued need for medications (Patients 1, 2, 3, 4, 5, 6, 8 and 10);

¹ For confidentiality reasons, the names of patients will not be disclosed in this Consent Order.

- (b) The Respondent failed to properly document and/or recommend attempts at weaning or tapering high dose opioid medications (Patients 1, 2, 3, 4 and 9);
- (c) The Respondent failed to document, recommend, and/or provide referrals for non-pharmacological and/or non-opioid treatment, or other alternatives for treatment of patients' symptoms or conditions (Patients 1-10);
- (d) The Respondent continued to prescribe and refill medications without proper documentation and follow up, and failed to properly document and/or evaluate the patients' continued need for medications (Patients 1, 2, 3, 4, 5, 6, 8 and 10);
- (e) The Respondent failed to ensure that each patient was involved in a comprehensive pain management plan and otherwise failed to evaluate the potential for abuse and diversion with each patient and failed to document and/or discuss the risk factors for opioid related harms (Patients 1, 2, 3, 4, 5, 6, 7, 9 and 10);
- (f) The Respondent failed to avoid prescribing opioid pain medication and benzodiazepines concurrently whenever possible (Patients 1, 2, 3, 4, 5, 6, 7, 9 and 10).

11. The two peer reviewers also concurred that the Respondent failed to keep adequate medical records for five (5) out of the ten (10) patients reviewed for reasons including, but not limited to, the following areas:

- (a) The Respondent failed to properly maintain and/or document observations upon physical examinations including, but not limited to, vital signs, patient issues, testing, diagnosis and/or discussion of treatment plans and/or options (Patients 5, 6, 7, 9 and 10);
- (b) The medical records provided by the Respondent were incomplete (Patients 6, 7 and 9).

12. On January 29, 2024, Board staff conducted an under-oath interview of the Respondent. During the interview, the Respondent stated that “lately” he has not utilized urine drug screens for patients prescribed opioids or other controlled substances because he trusts his patients. The Respondent also admitted that he did not utilize written drug contracts with any of his patients.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, Disciplinary Panel B concludes as a matter of law that the Respondent failed to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or other location in this State, in violation of Health Occ. § 14-404(a)(22); and failed to keep adequate medical records as determined by appropriate peer review, in violation of Health Occ. § 14-404(a)(40).

ORDER

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

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

ORDERED that the Respondent is **permanently prohibited** from prescribing and dispensing all **opioids**; and it is further

ORDERED that on every January 31st thereafter if the Respondent holds a Maryland medical license, the Respondent shall provide the Board with an affidavit verifying that the Respondent: (1) has not prescribed or dispensed any opioids in the past year; and it is further

ORDERED that if the Respondent fails to provide the required annual verification of compliance with these conditions:

(1) There is a presumption that the Respondent has violated these permanent conditions; and

(2) The alleged violation will be adjudicated pursuant to the procedures of a Show Cause Hearing; and it is further

ORDERED that the Respondent agrees that the Controlled Dangerous Substances (“CDS”) Registration issued by the Office of Controlled Substances Administration will be restricted as limited by this Order; and it is further

ORDERED that the disciplinary panel may issue administrative subpoenas to the Maryland Prescription Drug Monitoring Program on a quarterly basis for the Respondent’s Controlled Dangerous Substances (“CDS”) prescriptions. The administrative subpoenas will request the Respondent’s CDS prescriptions from the beginning of each quarter; and it is further

ORDERED that the Respondent is placed on probation for a minimum period of **ONE (1) YEAR.**² During the probationary period, the Respondent shall comply with the following probationary terms and conditions:

1. Within **SIX (6) MONTHS** of the effective date of this Consent Order, the Respondent is required to take and successfully complete courses in **(1) prescribing CDS;** and **(2) medical record keeping.** The following terms apply:

- (a) it is the Respondent's responsibility to locate, enroll in and obtain the disciplinary panel's approval of the courses before the courses have begun;
- (b) the Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the courses;
- (c) the courses may not be used to fulfill the continuing medical education credits required for license renewal;
- (d) the Respondent is responsible for the cost of the courses.

2. The Respondent shall not prescribe or dispense any Controlled Dangerous Substances ("CDS") until he has provided documentation, acceptable to Panel B, that he has successfully completed the required courses; and it further

ORDERED that the Respondent shall not apply for early termination of probation; and it is further

ORDERED that this Consent Order shall not be amended or modified, and future requests for amendments or modifications will not be considered; and it is further

ORDERED that a violation of probation constitutes a violation of the Consent

² If the Respondent's license expires during the period of probation, the probation and any conditions of probation, will be tolled.

Order; and it is further

ORDERED that after the Respondent has complied with all terms and conditions of probation, and the minimum period of probation imposed by the Consent Order has passed, the Respondent may submit to the Board a written petition for termination of probation. The Respondent may be required to appear before the disciplinary panel to discuss his petition for termination. After consideration of the petition, the disciplinary panel may grant the petition to terminate the probation, through an order of the disciplinary panel, if the Respondent has complied with all probationary terms and conditions and there are no pending complaints relating to the charges; and it is further

ORDERED that, if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If the disciplinary panel determines 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 followed by an exceptions process before a disciplinary panel; and if the disciplinary panel determines there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before a disciplinary panel; and it is further

ORDERED that after the appropriate hearing, if the disciplinary panel determines that the Respondent has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend with appropriate terms and conditions, or revoke the Respondent's license to practice medicine

in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine on the Respondent; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board or her designee. The Executive Director or her designee signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order; and it is further

ORDERED that this Consent Order is a public document. See Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

01/27/2025
Date

Signature On File

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

CONSENT

I, Khin M. Tun, M.D., assert that I am aware of my right to consult with and be represented by counsel in considering this Consent Order and in any proceedings that would otherwise result from the charges currently pending. I have chosen to proceed without counsel and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

By the Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. 14-405, and Md. Code Ann., State Gov't 10-201 *et seq.* concerning the pending charges. I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered

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 behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

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

1/21st/2025
Date

Signature On File

Khin M. Tun, M.D.

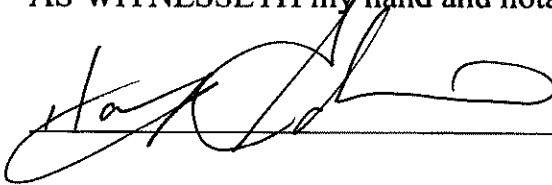
NOTARY

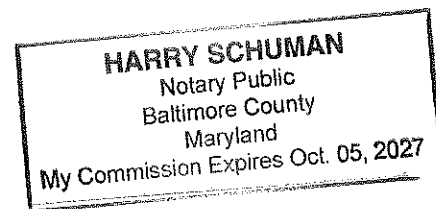
STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 21st day of January 2025
2024, before
me, a Notary Public of the foregoing State and City/County, personally appeared Khin M.
Tun, 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.





Notary Public

My Commission expires: 10/05/2027