

**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH**

In re: Marjorie A. Smith, M.D.

Petition No. 2016-664

CONSENT ORDER

WHEREAS, Marjorie A. Smith of San Francisco, California (hereinafter "respondent") has been issued license number 053415 to practice as a physician and surgeon by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 370 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent admits that:

1. On or around May 27, 2016, respondent's California license to practice medicine was disciplined by the Medical Board of California, Department of Consumer Affairs, pursuant to a Stipulated Settlement and Disciplinary Order in Case No. 8002014003706 ("California Order"). The California Order reprimanded respondent's California license and required that respondent complete coursework in medical recordkeeping and ethics as a result of allegations that respondent, in part, failed to appropriately describe and/or itemize charges for medical services provided for a patient between 2011 and 2013 and failed to maintain adequate contemporaneous medical records for the patient.
2. The above described facts constitute grounds for disciplinary action pursuant to the General Statutes of Connecticut, §§19a-17(f) and/or 20-13c(4).

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest this matter and agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and 20-13c of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-13c of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

Respondent waives her right to a hearing on the merits of this matter.

2. Respondent's license number 053415 to practice as a physician and surgeon in the State of Connecticut is hereby reprimanded.
3. Respondent shall comply with all state and federal statutes and regulations applicable to her licensure.
4. Respondent shall pay all costs necessary to comply with this Consent Order.
5. This Consent Order is effective on the date this Consent Order is accepted and ordered by the Board.
6. Respondent understands this Consent Order shall be deemed as a public document and evidence of the above-alleged violations shall not be contested in any proceeding before the Board in which her compliance with this Consent Order or with §20-13c of the General Statutes of Connecticut, as amended, is at issue. Further, respondent understands that any discipline imposed by this Consent Order shall be reported to the National Practitioner Data Bank and that all disciplinary actions will appear on her physician profile pursuant to Connecticut General Statutes 20-13j.
7. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Respondent agrees that this Consent Order shall not be subject to modification as a result of any claim that the terms contained herein may result in action by third parties, including, but not limited to, healthcare facilities and/or credentialing or licensure boards. Respondent assumes all responsibility for assessing such actions prior to the execution of this document. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that she may have under the laws of the State of Connecticut or of the United States.

8. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
9. Respondent permits a representative of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands and agrees that the Board has complete and final discretion as to whether this executed Consent Order is approved or accepted. Respondent hereby waives any claim of error that could be raised that is related to or arises during the course of the Board's discussions regarding whether to approve or reject this Consent Order and/or a Board member's participation during this process, through the Board member's review or comments, including but not limited to bias or reliance on evidence outside the administrative record if this matter proceeds to a hearing on a statement of charges resulting in a proposed decision by the Board and/or a panel of the Board and a final decision by the Board.
10. Respondent has the right to consult with an attorney prior to signing this document.
11. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau. The purpose of this Consent Order is to resolve the pending administrative license disciplinary petition only, and is not intended to affect any civil or criminal liability or defense.
12. This Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.

I, Marjorie A. Smith, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Marjorie A. Smith
Marjorie A. Smith, M.D.

Subscribed and sworn to before me this 9TH day of JANUARY 2017.

SEE ATTACHED FOR
NOTARIZATION BY
CONNIE J. SMITH
COMMISSION EXPIRES
FEB 5, 2020

CONNIE J. SMITH
Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 18TH day of February 2017, it is hereby accepted.

Christian D. Andresen
Christian Andresen, Section Chief
Practitioner Licensing and Investigations Section
Healthcare Quality and Safety Branch

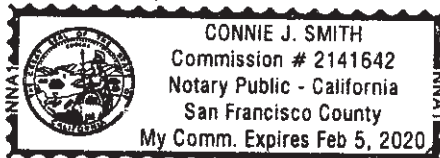
The above Consent Order having been presented to the duly appointed agent of the Connecticut Medical Examining Board on the 21ST day of March 2017, it is hereby ordered and accepted.

Kevin T. [Signature]
Connecticut Medical Examining Board

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of SAN FRANCISCO

Subscribed and sworn to (or affirmed) before me on this 9TH
day of JANUARY, 2017, by MARJORIE
ALEXANDER SMITH
proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.



(Seal)

Signature

A handwritten signature in cursive script, appearing to read 'Connie J. Smith', written over a horizontal line.