GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
HEALTH PROFESSIONAL LICENSING ADMINISTRATION
BOARD OF MEDICINE

IN RE:

ROBERT F. STEPHENS, M.D.

License No.: MD12299

Respondent

CONSENT ORDER

This matter comes before the District of Columbia Board of Medicine (the "D.C. Board") pursuant to the Health Occupations Revision Act (HORA). D.C. Official Code § 3-1201.01, et seq. (2009). The HORA authorizes the Board to regulate the practice of Medicine in the District of Columbia. The Board has broad jurisdiction to regulate the practice of medicine and to impose a variety of disciplinary sanctions upon a finding of a violation of the HORA. D.C. Official Code, § 3-1201.03; Mannan v. District of Columbia Board of Medicine, 558 A.2d 329, 333 (D.C.1989).


BACKGROUND

Robert F. Stephens, M.D., Respondent herein, has been licensed to practice medicine in the District of Columbia since 1980. Respondent also holds a medical license in Maryland.
On January 15, 2014, the Maryland Board of Physicians (the "Maryland Board") sanctioned Respondent for attesting to having met the Maryland Board’s continuing medical education (CME) credit requirements in his 2013 license renewal application when, in fact, he had not. The Maryland Board required that Respondent obtain the nineteen and one-quarter (19.25) left outstanding, and to pay a fine of one thousand nine hundred twenty-five dollars ($1,925.00).

The D.C. Board was notified of the Maryland Board’s action and subsequently requested that Respondent submit documentation proving Respondent’s satisfaction of the District of Columbia’s fifty (50) CME credit hour requirement for the 2012 license renewal period. In response to the D.C. Board’s request, Respondent submitted proof of having completed only thirty-three (33) CME credit hours. Respondent, therefore, fell short of the requisite fifty (50) CME credit hours by seventeen (17) credit hours.

**CONCLUSIONS OF LAW**

The Board is authorized to sanction Respondent under the HORA for his actions, which are related to the practice of medicine. The HORA provides, in pertinent part:

> Each board, subject to the right of a hearing as provided by this subchapter, on an affirmative vote of a quorum of its appointed members may take one or more of the disciplinary actions provided in subsection (c) of this section against any applicant for a license, registration, or certification, an applicant to establish or operate a school of nursing or nursing program, or a person permitted by this subchapter to practice a health occupation regulated by the board in the District who:

> (24) violates any provision of [the HORA] or rules and regulations issues pursuant to the HORA[.]

D.C. Official Code § 3-1205.14(a)(24). The HORA further provides:

> The Mayor may establish by rule continuing education requirements as a condition for renewal of licenses[.]

D.C. Official Code § 3-1205.10(b). Furthermore, physicians actively practicing medicine in the District of Columbia must "submit proof of having completed fifty (50) American Medical Association Physician Recognition Award (AMA/PRA) Category I hours of Board of Medicine
approved continuing education credit during a two-year period preceding the date the license expires.” 17 DCMR § 4614.2.

Respondent has violated the foregoing requirements necessary to maintain his license to practice medicine. Section 4614.2 requires that Respondent be able to provide documentation proving completion of the Board’s fifty (50) credit hour bi-annual CME requirement. Respondent submitted proof of completing only thirty-three (33) credit hours. Therefore, Respondent’s failure to submit proof of the requisite fifty (50) CME credit hours is in violation of D.C. Official Code §3-1205.14(a)(24). Accordingly, Respondent’s conduct provides the Board with a basis in fact and law to warrant disciplinary action in accordance with D.C. Official Code §3-1205.14(c).

The D.C. Board has a duty to protect the public. In furtherance of this duty, the D.C. Board finds that Respondent’s failure to complete the Board’s CME requirement warrants disciplinary action against his license to practice medicine. Accordingly, the Board has determined to issue the instant Consent Order to Respondent in lieu of formally charging the Respondent with a violation of the District of Columbia laws or regulations.

ORDER

Based upon the foregoing, it is by the District of Columbia Board of Medicine hereby,

ORDERED, that, within ninety (90) days of signing this Order, Respondent shall submit to the Board proof of having completed seventeen (17) CME credit hours, which shall comply with the requirements of 17 DCMR § 17-4607, which shall have been obtained not earlier than January 1, 2013, and of which no portion shall be counted towards Respondent’s fulfillment of continuing medical education credits for license renewal period ending December 31, 2014 or any subsequent license renewal period. CME credit hours shall be submitted to Lisa Robinson, Licensing Specialist, Board of Medicine, 899 North Capitol Street, NE, 2nd Floor, Washington, D.C. 20002; and it is further
ORDERED, that, within ninety (90) days of signing this agreement, Respondent shall pay a fine in the amount of One Thousand Seven Hundred Dollars ($1,700.00), made payable to “D.C. Treasurer,” and delivered to Lisa Robinson, Licensing Specialist, Board of Medicine, 899 North Capitol Street, NE, 2nd Floor, Washington, D.C. 20002; and it is further

ORDERED, that Respondent shall be subject to a mandatory CME audit for the 2014 license renewal period; and it is further

ORDERED, that Respondent shall abide by all applicable laws and regulations to maintain his license in good standing; and it is further

ORDERED, that in the event Respondent fails to satisfactorily fulfill the terms of this agreement, the Board may issue a notice to take formal disciplinary action against Respondent’s license; and it is further

ORDERED, that this is a public document.

DISTRICT OF COLUMBIA BOARD OF MEDICINE

6-11-14

Date

By: Janis M. Orlowski, M.D., M.A.C.P.
Chairperson

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CONSENT OF RESPONDENT

- My signature on the foregoing Consent Order signifies my acceptance of the terms and conditions of the Consent Order and my agreement to be bound by its provisions. (initial)

- I acknowledge the validity of this Consent Order, as if made after a 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 due process protections provided by the laws of the District of Columbia and the United States of America. (initial)

- I also recognize that I am waiving my right to appeal any adverse ruling of the Board had this matter gone to a hearing. (initial)

- I expressly acknowledge that by signing this Consent Order, I am voluntarily waiving my right to require the Board to charge me through a notice of intent to take disciplinary action with a violation of this agreement and to require the government to prove such violation by a preponderance of the evidence before suspending my license based upon the failure to satisfactorily fulfill the terms of the Consent Order. (initial)

- I also expressly acknowledge by signing this Consent Order, I am waiving my right to confront witnesses, give testimony, to call witnesses on my behalf, and to other substantive and procedural due process protections provided by the laws of the District of Columbia and the United States of America. (initial)

- I further expressly acknowledge that by signing this Consent Order, I am waiving my right to appeal this Consent Order, as well as waiving any and all rights, whatsoever, I would have to challenge or appeal that Board’s decision to suspend my license based on the failure to satisfactorily fulfill the terms of the Consent Order. (initial)
• I acknowledge that in the event that the Board suspends my license based on the failure to satisfactorily fulfill the terms of the Consent Order, my sole remedy and recourse will be to respond within the time period set forth in this Consent Order with proof of my compliance and that if I fail to do so, my sole remedy and recourse will be to comply with the terms of this Consent Order to the satisfaction of the Board. 

MJS (initial)

• I have had an opportunity to review this document and to consult with my own legal counsel. I choose willingly to sign this Consent Order, and I understand its meaning and effect. 

MJS (initial)

5-29-14

Date

Robert F. Stephens, M.D. License No.: MD12299

Sworn to and subscribed before me this 28th day of May, 2014.

Marlene L. Maroulis
Notary Public

This Consent Order shall be deemed a public document and shall be distributed as appropriate.