

**IN THE MATTER OF** \* **BEFORE THE**  
**YAW OTCHERE-BOATENG, M.D.** \* **MARYLAND STATE**  
**Respondent** \* **BOARD OF PHYSICIANS**  
**License Number: D90092** \* **Case Number: 2223-0120**

\* \* \* \* \*

**ORDER OF DEFAULT**

On October 20, 2023, Disciplinary Panel B of the Maryland State Board of Physicians (“Board”) charged Yaw Otchere-Boateng, M.D. (“Dr. Otchere-Boateng” or “the Respondent”) with having been disciplined by a licensing or disciplinary authority for an act that would be grounds for disciplinary action under the Maryland Medical Practice Act, *see* Md. Code Ann., Health Occ. § 14-404(a)(21), and for failing to cooperate with a lawful investigation conducted by the Board or disciplinary panel, *see* Health Occ. § 14-404(a)(33). With respect to Health Occ. § 14-404(a)(21), Dr. Otchere-Boateng was disciplined in West Virginia and Virginia for conduct that would be considered unprofessional conduct in the practice of medicine, *see* Health Occ. § 14-404(a)(3)(ii). On December 21, 2023, the case was referred to the Office of Administrative Hearings (“OAH”) for an evidentiary hearing.

On January 4, 2024, OAH sent a Notice of Remote Scheduling Conference to the parties that informed Dr. Otchere-Boateng that a Scheduling Conference would be held on February 26, 2024, at 10:00 a.m., by video-conference. The scheduling conference notice was sent to Dr. Otchere-Boateng at his address of record by regular and certified mail. The certified mail copy was not returned with a signature as delivered. The copy sent via

regular mail was not returned as undeliverable. Dr. Otchere-Boateng did not notify OAH or the Board of any change of mailing address. Dr. Otchere-Boateng did not make any requests to OAH to postpone the February 26, 2024 remote Scheduling Conference. The administrative prosecutor personally attempted to contact Dr. Otchere-Boateng by telephone, email, and first-class mail, informing him of the proceedings. Dr. Otchere-Boateng failed to respond to any of the outreach.

On February 26, 2024, the Administrative Law Judge (“ALJ”) commenced the Scheduling Conference by video-conference, after an approximately 15 minute “grace period” after the scheduled start time. The administrative prosecutor appeared on behalf of the State. Dr. Otchere-Boateng did not appear, nor did anyone appear, on his behalf. During the Scheduling Conference, a remote Prehearing Conference was scheduled for March 14, 2024, at 10:00 a.m., via video-conference.

On February 26, 2024, the ALJ issued a Scheduling Order informing the parties that a Remote Prehearing Conference would be held on March 14, 2024, at 10:00 a.m., via video-conference. The Scheduling Order was sent by regular mail to the parties at their addresses of record. On February 28, 2024, OAH sent a Notice of Remote Prehearing Conference to the parties that notified the parties that a Prehearing Conference would be held on March 14, 2024, at 10:00 a.m., by video-conference. The Notice of Prehearing Conference informed Dr. Otchere-Boateng that the failure to appear at the Prehearing Conference could result in a decision against him. The Notice was mailed by regular first-class mail to Dr. Otchere-Boateng’s address of record. The mailed copy was not returned

as undeliverable. Dr Otchere-Boateng did not request a postponement of the Prehearing Conference and did not submit a prehearing statement in advance of the Prehearing Conference, as instructed.

On March 14, 2024, the ALJ held the Prehearing Conference by video-conference. The administrative prosecutors appeared on behalf of the State. Dr. Otchere-Boateng did not appear. After waiting fifteen minutes after the scheduled start time for Dr. Otchere-Boateng to appear, the ALJ commenced the Prehearing Conference. The ALJ noted that Dr. Otchere-Boateng did not appear at the Scheduling Conference and that the notice of the Prehearing Conference was sent to Dr. Otchere-Boateng by regular mail. The ALJ noted that the Notice was not returned by the U.S. Postal Service as undeliverable. The ALJ concluded that Dr. Otchere-Boateng received proper notice of the Prehearing Conference because the notice of the prehearing conference was sent to the mailing address of record. The State made a motion for a default against Dr. Otchere-Boateng.

Under OAH's rules of procedure, "[i]f, after receiving proper notice as provided in Regulation .05C of this chapter, 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.

On March 18, 2024, the ALJ issued a Proposed Default Order. The ALJ found that Dr. Otchere-Boateng had proper notice of the March 18, 2024 remote Prehearing

Conference and that he failed to appear or participate. The ALJ proposed that the Panel find Dr. Otchere-Boateng in default, adopt as findings of fact the statements set forth in the allegations of fact section of the charges, and conclude as a matter of law that Dr. Otchere-Boateng violated the Medical Practice Act. The ALJ did not propose a sanction.

The ALJ mailed, by regular first-class mail, copies of the Proposed Default Order to Dr. Otchere-Boateng, the administrative prosecutor, and the Board at each respective address of record. The Proposed Default Order notified the parties that they may file written exceptions to the proposed order but must do so within 15 days of the date of the Proposed Default Order. The Proposed Default Order stated that any exceptions and requests for a hearing must be sent to the Board with a copy provided to the opposing party. On March 25, 2024, the Board also mailed and emailed notice of the exceptions process to Dr. Otchere-Boateng at his addresses of record.

On April 5, 2024, the State filed written exceptions noting that a sanction was not proposed by the ALJ and requested that the Panel revoke Dr. Otchere-Boateng's license. On May 8, 2024, Board Disciplinary Panel A held an exceptions hearing. The exceptions hearing was scheduled for 10:30 a.m., and Panel A waited until 10:48 a.m. Dr. Otchere-Boateng did not appear. The Administrative Prosecutor appeared, submitted on her written exceptions, and did not make further oral arguments.

### **FINDINGS OF FACT**

Because Panel A concludes that Dr. Otchere-Boateng has defaulted and has not filed exceptions to the ALJ's Proposed Default Order, the following findings of fact are adopted

from the allegations of fact in the charging document and are deemed proven by the preponderance of the evidence:

## **I. Licensing & Practice Information**

1. The Respondent was licensed to practice medicine in Maryland. The Respondent was originally licensed to practice medicine in Maryland on July 30, 2020. The Respondent's license was set to expire on September 30, 2023.<sup>1</sup>

2. The Respondent has active licenses to practice medicine in Georgia, North Carolina, Tennessee and Virginia.

3. The Respondent has expired licenses to practice medicine in Alabama, Kentucky, Louisiana, Mississippi, South Carolina and West Virginia.

4. The Respondent is board-certified in internal medicine. He does not currently have any hospital privileges in Maryland.

## **II. Consent Order before the West Virginia Board of Medicine**

5. The Respondent became licensed to practice medicine in West Virginia on or about July 13, 2020.

6. On or about May 3, 2022, the Respondent entered into a Consent Order under Complaint No. 21-64-W before the West Virginia Board of Medicine (the "West Virginia

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<sup>1</sup> Dr. Otchere-Boateng's license was set to expire on September 30, 2023. Dr. Otchere-Boateng's license did not expire because of his non-renewal, however. A license may not "lapse by operation of law while the individual is under investigation or while charges are pending." Health Occ. § 14-403(a); *see also Salerian v. Board of Physicians*, 176 Md. App. 231, 247 (2007). Because the charges against Dr. Otchere-Boateng were still "pending" as that term is used in the statute in September 2023, his license did not lapse or expire and remained active for disciplinary purposes throughout the Board's charging and administrative proceedings.

Board”) for violations of the West Virginia Medical Practice Act due to his unprofessional conduct while working as a physician at a hospital in West Virginia (the “Hospital”).<sup>2</sup>

7. The Respondent’s unprofessional conduct at the Hospital included the following: On or about March 31, 2021, he asked a nurse (“Employee 1”) “to check his blood sugar, during which [he] informed her that he was hungry, and then asked her ‘Can I eat you up?’”

8. Employee 1 reported the Respondent’s conduct to the Hospital’s administration and the Respondent was “immediately suspended . . . on April 1, 2021.”

9. The Hospital terminated the Respondent’s privileges on or about May 10, 2021.

10. The West Virginia Board ordered the Respondent to enroll in and successfully complete a course in professional boundaries and ethics.

### **III. Order before the Virginia Board of Medicine**

11. The Respondent became licensed to practice medicine in Virginia on December 12, 2007.

12. On or about March 23, 2023, the Virginia Board of Medicine (the “Virginia Board”) issued an Order under Case Number 221733 in which it found that the Respondent violated Virginia law when he engaged in unprofessional conduct toward Employee 1, for which he was suspended by the Hospital and received discipline in West Virginia as outlined in the Consent Order before the West Virginia Board.

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<sup>2</sup> To ensure confidentiality and privacy, the names of individuals, patients, employees and/or institutions involved in this case are not disclosed in this Default Order.

13. Further, the Virginia Board found that the Respondent violated Virginia law when he “engaged in a pattern of disruptive, unprofessional and/or inappropriate behavior and interactions that interfered with or could reasonably be expected to adversely impact patient care” while practicing at the Hospital from February through April 2021.

14. The Virginia Board found that on or about February 18, 2021, the Respondent entered a patient’s room, closed the door and began rubbing the back of an occupational therapist (“Employee 2”) while asking her what she did on Valentine’s Day. Employee 2 “felt ‘trapped’” by the Respondent and texted another employee to come and be with her. On or about February 19, 2021, the Respondent entered the same patient’s room where Employee 2 was working. He said, “hey girlfriend,” to Employee 2, asked what she was doing on the upcoming weekend and suggested that she “come to Kingsport<sup>3</sup> for a date.”

15. The Virginia Board found that while the Respondent was removing his personal items from his office at the Hospital on or about April 1, 2021, after being informed of his suspension, he entered Employee 1’s office, “made comments about not being able to ‘eat her,’ and laughed.” The Regional Director of Operations for Human Resources witnessed this interaction.

16. The Virginia Board found that on April 5, 2021, a certified occupational therapy assistant (“Employee 3”) reported that prior to his suspension, the Respondent entered the dysphagia therapy room, sat at a table and called Employee 3 to come to his

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<sup>3</sup> The Virginia Board noted that the Respondent’s address of record is in Kingsport, Tennessee. Similarly, the Respondent’s address of record with this Board is in Kingsport, Tennessee.

table. The Respondent “placed [Employee 3’s] hand on the back of his neck, told her to feel the knots, and requested that she give him a neck massage.” Employee 3 removed her hand and told the Respondent that she was not a massage therapist. Another employee witnessed this interaction.

17. The Virginia Board ordered that the Respondent be reprimanded.

18. In its Order, the Virginia Board stated that the Respondent received adequate notice of the proceedings against him, including notice of the March 23, 2023 informal conference; however, the Respondent did not appear.

#### **IV. Board Investigation**

19. By letter dated May 22, 2023, the Board informed the Respondent that it received information that the Virginia Board reprimanded him, and that the acts for which he was disciplined by the Virginia Board are grounds for disciplinary action in Maryland. The Board informed the Respondent that it decided to impose a reciprocal sanction against his license based on the Virginia Board’s action and enclosed a Consent Order of the Maryland Board imposing a reciprocal sanction against him.<sup>4</sup> The Board further informed the Respondent that he had 10 business days from the date of the letter to sign and return the Consent Orders, or to notify the Board that he elects not to sign the Consent Orders. The Board stated, “Under Maryland law, a health care provider is required to cooperate with an investigation of the Board. This letter constitutes notice that the Board is

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<sup>4</sup> The Consent Order of the Maryland Board imposed the reciprocal sanction of a reprimand.



conducting an investigation and requiring your cooperation by accepting or rejecting the enclosed Consent Order within the time provided.”

20. The Respondent did not respond to the Board within the time provided.

21. By email dated June 21, 2023, Board staff sent the letter dated May 22, 2023 to the Respondent again and requested that he submit his response to the Board by June 28, 2023. Board staff received an automatic response from the email server that delivery of the email failed because “[t]he recipient’s mailbox is full and can’t accept messages now.”

22. On June 21, 2023, Board staff called the Respondent to ask for an email address in order to send him the Board’s follow-up inquiry regarding its May 22, 2023 letter. The Respondent refused to provide Board staff with an email address or any other way of receiving correspondence.

### **CONCLUSIONS OF LAW**

Panel A finds Dr. Otchere-Boateng in default based upon his failure to appear or participate at the Remote Prehearing Conference on March 14, 2024 at OAH. *See* State Gov’t § 10-210(4). Based upon the foregoing findings of fact, Panel A concludes that Dr. Otchere-Boateng is guilty of having been disciplined by a licensing or disciplinary authority for an act that would be grounds for disciplinary action under the Maryland Medical Practice Act, in violation of Health Occ. § 14-404(a)(21); and for failing to cooperate with a lawful investigation conducted by the Board or disciplinary panel, in violation of Health Occ. § 14-404(a)(33). With respect to Health Occ. § 14-404(a)(21), Dr. Otchere-Boateng was disciplined in West Virginia and Virginia for conduct that would

be considered unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii).

### **SANCTION**

The ALJ did not recommend a sanction. The State recommended a revocation based on the facts in the charging documents that Dr. Otchere-Boateng engaged in harassing behavior that constituted unprofessional conduct and based on his complete failure to cooperate with the Board's investigation. Based on the findings of fact and the State's written exceptions argument, Panel A concludes that the revocation of Dr. Otchere-Boateng's license to practice medicine in Maryland is warranted.

### **ORDER**

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

**ORDERED** that the license of Yaw Otchere-Boateng, M.D. to practice medicine in Maryland is **REVOKED**; and it is further

**ORDERED** that this Order of Default goes into effect upon the signature of the Board's Executive Director or her designee. The Board's Executive Director or her designee signs this Order of Default on behalf of Panel A; and it is further

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

06/12/2024  
Date

***Signature On File***

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

### **NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW**

Pursuant to Md. Code Ann., Health Occ. § 14-408, Dr. Otchere-Boateng 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 mailing of this Order of Default. The date of the cover letter accompanying this Order is the date the decision was 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 Dr. Otchere-Boateng 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  
Baltimore, Maryland 21215**

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

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