

IN THE MATTER OF

*

BEFORE THE

KESSIENA AYA-OLABISI, D.O.

*

MARYLAND STATE

Respondent

*

BOARD OF PHYSICIANS

License No.: H91886 (Expired)

*

Case Number: 2222-0155

* * * * *

FINAL DECISION AND ORDER

On May 18, 2023, Disciplinary Panel A of the Maryland State Board of Physicians (“Board”) charged Kessiena Aya-Olabisi, D.O., with fraudulently or deceptively obtaining a license, in violation of Health Occ. § 14-404(a)(1); unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii); willfully making or filing a false report or record in the practice of medicine, in violation of Health Occ. § 14-404(a)(11); and willfully making a false representation when seeking or making application for licensure, in violation of Health Occ. § 14-404(a)(36). The charges were delegated to the Office of Administrative Hearings (OAH”) for an evidentiary hearing. An evidentiary hearing was held at OAH, on February 15 and 16, 2024. Two witnesses testified on behalf of the State, and Dr. Aya-Olabisi testified on her own behalf. The ALJ also admitted into evidence 25 exhibits on behalf of the State and 9 exhibits on behalf of Dr. Aya-Olabisi.

In a Proposed Decision, issued on May 13, 2024, the ALJ recommended that the charges issued by Panel A be upheld. As a sanction, the ALJ recommended a six-month suspension of Dr. Aya-Olabisi’s license to practice medicine in Maryland.

Dr. Aya-Olabisi filed written exceptions to the ALJ’s Proposed Decision, and the State filed a response to Dr. Aya-Olabisi’s exceptions. The State also filed exceptions to the ALJ’s Proposed Decision, asking Board Disciplinary Panel B (the “Panel” or Panel B”) to revoke Dr. Aya-Olabisi’s license instead of imposing the ALJ’s recommended six-month suspension, and Dr.

Aya-Olabisi filed a response. Both parties appeared before Panel B for an exceptions hearing, on August 28, 2024. After considering the entire record, including the evidentiary record made before the ALJ, and the written exceptions and oral arguments by both parties, Panel B now issues this Final Decision and Order.

FINDINGS OF FACT

Panel B adopts the stipulations of fact 1-3 and the ALJ's proposed findings of fact, numbers 1-51. *See* ALJ proposed decision, attached as **Exhibit 1**. These facts were proven by a preponderance of the evidence and are incorporated by reference into the body of this document as if set forth in full. The Panel also adopts the ALJ's discussion set forth on pages 10-19, which is incorporated into the body of this document as if set forth in full.

On March 24, 2021, Dr. Aya-Olabisi submitted an application for initial medical licensure to the Board. Question 13 of the application asks the applicant to "[l]ist in chronological order ALL postgraduate training undertaken in the U.S., its territories, or Canada regardless of whether you were or were not compensated." Question 13 also contained a note which stated, "Postgraduate training program cycles usually run 12 consecutive months. If the dates of your postgraduate training fall short of the complete cycle, or extend beyond the usual cycle, please attach a complete explanation of why your training was 'off cycle.'" In response to the question, Dr. Aya-Olabisi did not list on her application the University of Colorado fellowship program that she participated in from August 2020 to March 2021. On June 14, 2021, the Board issued a license to Dr. Aya-Olabisi based on the information contained in her application and her attestations that the information contained in the application was true and accurate to the best of her knowledge. In February 2022, the Board opened an investigation after it received information from the

University of Colorado, which indicated that Dr. Aya-Olabisi had participated in a fellowship at their institution.

CONSIDERATION OF EXCEPTIONS

Findings of Fact

Dr. Aya-Olabisi takes exception to several of the ALJ's proposed findings of fact. She argues that the Proposed Decision's factual findings that she was enrolled in a one-year fellowship must be rejected because the fellowship was rescinded by the program director. Dr. Aya-Olabisi argues that because the fellowship was rescinded it was as if it never happened. Dr. Aya-Olabisi, however, admits that she was enrolled in the Colorado Spine Fellowship program from August 2020 to March 2021. Dr. Aya-Olabisi states in her exceptions that the program director confirmed that the fellowship had been rescinded. Panel B does not find this statement in her exceptions accurate. The program director testified, "the fellowship was never rescinded and we never erased any existence of Dr. Aya." Panel B accepts the testimony of the program director.

Dr. Aya-Olabisi also argues that the factual finding that the University of Colorado suspended her for 30 days must be rejected because she received confirmation that the suspension had been cancelled. Panel B does not accept this exception. On November 24, 2020, Dr. Aya-Olabisi was suspended from all clinical responsibilities for 30 days. On December 15, 2020, it was determined that the suspension would end. The ALJ's proposed findings accurately reflect the documentation in the record. On February 11, 2021, Dr. Aya-Olabisi was placed on a second 30-day suspension due to her failure to meet the terms of her probation and due to deficiencies related to her patient care, professionalism, and interpersonal communication. Dr. Aya-Olabisi did not report either suspension on her licensure application. On February 18, 2021, the University of Colorado terminated Dr. Aya-Olabisi's fellowship training agreement for the remainder of the

academic year. Dr. Aya-Olabisi appealed the termination decision and, during the appeal process, Dr. Aya-Olabisi agreed to withdraw from the fellowship and the University of Colorado agreed to draft a neutral settlement letter to document the fellowship. The ALJ found that the very purpose of the settlement letter is to document the fellowship's existence and explain its premature conclusion. The Panel agrees. If the fellowship had never existed, as Dr. Aya-Olabisi contends, then there would be no need for the settlement letter, which she agreed to, that documented the dates of the fellowship and the reason for the early withdrawal from the program.

All of Dr. Aya-Olabisi's exceptions to the ALJ's proposed factual findings are based upon her testimony alone, which the ALJ found was not credible, reasonable, or persuasive. The Panel accepts the ALJ's credibility determination concerning Dr. Aya-Olabisi's testimony. The Panel finds that all the ALJ's proposed factual findings were proven by the evidentiary record. Dr. Aya-Olabisi's exceptions to the findings of fact are denied.

Conclusions of Law

Dr. Aya-Olabisi argues that the proposed decision erroneously concluded that she violated Health Occ. § 14-404(a)(1), (3)(ii), (11), and (36). Dr. Aya-Olabisi contends that she maintained honesty and transparency throughout the licensure application process. The evidence from the OAH hearing proves that she did not. Regardless of whether there were any disciplinary actions taken against Dr. Aya-Olabisi during her time at the University of Colorado Fellowship, the Board's application asks her to list all postgraduate training regardless of whether she completed the program and to explain why any length of training was different from the usual 12-month cycle. The ALJ found that Dr. Aya-Olabisi intentionally deceived the Board in order to obtain her license to practice medicine in Maryland by filing a license application containing false information. The

Panel agrees with the ALJ. The Panel further agrees with the ALJ that the State has met its burden of proof as to all of the charges. Dr. Aya-Olabisi's exception to the conclusions of law is denied.

Testimony from out-of-State Witnesses

Finally, Dr. Aya-Olabisi argues that her inability to subpoena Dr. R,¹ the head of the Graduate Medical Education Office at the University of Colorado, and compel her testimony inhibited her ability to address both factual and legal issues in the case and violated her right to due process and a fair hearing. Dr. Aya-Olabisi contends that it was Dr. R who filed the complaint against her, submitted documents to the Board as attachments to her complaint, and communicated with Board staff regarding the alleged disciplinary actions taken against her. Dr. Aya-Olabisi does not indicate what information Dr. R would have provided that would be different from the testimony already elicited from Dr. K, the Chief of Spine Surgery and Spine Fellowship Director at the University of Colorado. Dr. K oversaw Dr. Aya-Olabisi during the time she was enrolled in the fellowship and was involved in the disciplinary actions against Dr. Aya-Olabisi by the fellowship program. Dr. R and Dr. K both signed the letters of suspension and the neutral settlement letter that was issued to Dr. Aya-Olabisi when she left the fellowship. Dr. K testified at the hearing and was subject to cross-examination.

Dr. Aya-Olabisi notes that the State identified Dr. R as a potential witness but ultimately did not call her to testify. Dr. Aya-Olabisi, however, could have also subpoenaed the witness to testify but did not. *See Rosov v. Maryland State Bd. of Dental Examiners*, 163 Md. App. 98, 117 (2005) ("Rosov was not deprived of the opportunity to cross-examine Bartrem by the State or the ALJ, but by his own failure to subpoena the witness."). Dr. Aya-Olabisi contends that the subpoena powers of the State of Maryland stop at the state line, but as the State correctly points

¹ The Panel will refer to the names of the witnesses by their initials to protect the identity of the individuals involved.

out, it is possible that Dr. R would have honored the out-of-state subpoena if one was presented to her, just as Dr. K honored the out-of-state subpoena that was issued by the State. Dr. Aya-Olabisi did not request that a subpoena for Dr. R be issued at OAH or raise the issue of being able to enforce an out-of-state subpoena and, therefore, she has waived her right to challenge the issue before the Panel. *Rosov*, 163 Md. App. at 112 (“If a party fails to object, he will not later be heard to complain that the evidence should not have been admitted.”) (internal quotation marks omitted).

Dr. Aya-Olabisi’s exception is denied.

CONCLUSIONS OF LAW

Based on the findings of fact, ALJ’s discussion, and discussion of Dr. Aya-Olabisi’s exceptions, as set forth above, Disciplinary Panel B concludes that Dr. Aya-Olabisi fraudulently or deceptively obtained a license, in violation of Health Occ. § 14-404(a)(1); is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii); willfully made or filed a false report or record in the practice of medicine, in violation of Health Occ. § 14-404(a)(11); and willfully made a false representation when seeking or making application for licensure, in violation of Health Occ. § 14-404(a)(36).

SANCTION

The ALJ recommended that Dr. Aya-Olabisi be sanctioned with a six-month suspension of her license. The State filed exceptions to the ALJ’s recommended sanction and requested that the Board instead revoke her license in light of Dr. Aya-Olabisi’s persistent dishonest, deceitful, and unprofessional conduct. Dr. Aya-Olabisi argues in her exceptions and in response to the State’s exceptions that the charges against her should be dismissed and no sanction should be imposed.

Because of the serious nature of her violations, Dr. Aya-Olabisi’s exception suggesting dismissal and recommendation of no sanction is denied. The Panel adopts the ALJ’s proposed sanction with the addition of the requirement that Dr. Aya-Olabisi take an ethics course within six-

months. The Panel believes that Dr. Aya-Olabisi has rehabilitative potential and that, with the appropriate training in ethics, she can learn from her conduct in this matter. The State's exception is denied.

ORDER

It is, by an affirmative vote of a majority of the quorum of Disciplinary Panel B, hereby:

ORDERED that the license of Kessiena Aya-Olabisi, D.O. to practice medicine in Maryland is **SUSPENDED** for a minimum of **SIX MONTHS**.² During the suspension, Dr. Aya-Olabisi shall comply with the following terms and conditions of suspension:

Within **SIX (6) MONTHS**, Dr. Aya-Olabisi is required to take and successfully complete a course in Professional Ethics. The following terms apply:

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

ORDERED that Dr. Aya-Olabisi shall not apply for early termination of suspension; and it is further

ORDERED that, after Dr. Aya-Olabisi has complied with all terms and conditions of suspension, Dr. Aya-Olabisi may submit a written petition for termination of suspension. After determination that Dr. Aya-Olabisi has complied with the relevant terms of this Order and there are

² Dr. Aya-Olabisi's license expired on September 30, 2022. The suspension and the terms and conditions of suspension will be tolled until the time when Dr. Aya-Olabisi's license is reinstated to an active status.

no pending complaints relating to the charges, the disciplinary panel may administratively terminate Dr. Aya-Olabisi's suspension through an order of the disciplinary panel; and it is further

ORDERED that, if Dr. Aya-Olabisi allegedly fails to comply with any term or condition imposed by this Order, Dr. Aya-Olabisi 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, Dr. Aya-Olabisi 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 Dr. Aya-Olabisi has failed to comply with any term or condition imposed by this Order, the disciplinary panel may reprimand Dr. Aya-Olabisi, place Dr. Aya-Olabisi on probation with appropriate terms and conditions, or further suspend Dr. Aya-Olabisi's license with appropriate terms and conditions, or revoke Dr. Aya-Olabisi'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 Dr. Aya-Olabisi; and it is further

ORDERED that a violation of the suspension constitutes a violation of this Order; and it is further

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

ORDERED that Dr. Aya-Olabisi is responsible for all costs incurred in fulfilling the terms and conditions of this Order; and it is further

ORDERED that the effective date of this Final Decision and Order is the date the Final Decision and Order is signed by the Board's Executive Director, who signs the Final Decision and Order on behalf of Panel B; and it is further

ORDERED that this Final Decision and Order is a **PUBLIC** document pursuant to Health Occ. § 1-607, § 14-411.1(b)(2), and Gen. Prov. § 4-333(b)(6).

Signature On File

12/09/2024
Date

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. Aya-Olabisi has the right to seek judicial review of this Final Decision and Order. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Final Decision and Order. The cover letter accompanying this final decision and order indicates the date the decision 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 Dr. Aya-Olabisi 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 emailed to Stacey.darin@maryland.gov and sent to the Board's counsel at the following address: Stacey Darin, Assistant Attorney General, Maryland Department of Health, 300 West Preston Street, Suite 302, Baltimore, Maryland 21201.

Administrative Law Judge's Decision with Redactions

MARYLAND STATE BOARD OF
PHYSICIANS

v.

KESSIENA AYA-OLABISI, D.O.,
RESPONDENT

LICENSE No.: H91886 (expired)

* BEFORE EDWARD J. KELLEY,
* AN ADMINISTRATIVE LAW JUDGE
* OF THE MARYLAND OFFICE
* OF ADMINISTRATIVE HEARINGS
* OAH No.: MDH-MBP1-71-23-22099
* BOARD CASE No.: 2222-0155 A

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PROPOSED DECISION

STATEMENT OF THE CASE
ISSUES
SUMMARY OF THE EVIDENCE
STIPULATIONS OF FACT
PROPOSED FINDINGS OF FACT
DISCUSSION
PROPOSED CONCLUSIONS OF LAW
PROPOSED DISPOSITION

STATEMENT OF THE CASE

On May 18, 2023, the Maryland State Board of Physicians (Board) issued charges against Kessiena Aya-Olabisi, D.O.¹ (Respondent), for alleged violations of the State law governing the practice of medicine. Md. Code Ann., Health Occ. §§ 14-101 through 14-509, and 14-601 through 14-607 (2021 & Supp. 2023).² Specifically, the Board charged the Respondent with violating Section 14-404(a)(1) (fraudulently or deceptively obtaining or attempting to obtain a license for the applicant or for another), Section 14-404(a)(3)(ii) (unprofessional conduct in the practice of medicine), Section 14-404(a)(11) (willfully making or filing a false report or record

¹ D.O. stands for Doctor of Osteopathic Medicine.

² Unless otherwise noted, all references to the Health Occupations Article cite the 2021 Volume and 2023 Supplement of the Maryland Annotated Code.

in the practice of medicine), and Section 14-404(a)(36) (willfully making a false representation when seeking or making application for licensure or any other application related to the practice of medicine). Health Occ. §§ 14-404(a)(1), (3), (11), (36) (Supp. 2023); Code of Maryland Regulations (COMAR) 10.32.02.03E(3)(d). The disciplinary panel to which the complaint was assigned forwarded the charges to the Office of the Attorney General for prosecution, and another disciplinary panel delegated the matter to the Office of Administrative Hearings (OAH) for issuance of proposed findings of fact, proposed conclusions of law, and a proposed disposition. COMAR 10.32.02.03E(5); COMAR 10.32.02.04B(1).

On October 20, 2023, I held a remote scheduling conference, and on December 12, 2023, I conducted a remote prehearing conference. On February 15-16, 2024, I held a hearing at the OAH in Hunt Valley, Maryland. Health Occ. § 14-405(a); COMAR 10.32.02.04. Blair Thompson, Assistant Attorney General and Administrative Prosecutor, represented the State of Maryland (State). Cory Silkman, Esquire, represented the Respondent, who was present.

Procedure is governed by the contested case provisions of the Administrative Procedure Act, the Rules for Hearings Before the Board of Physicians, and the Rules of Procedure of the Office of Administrative Hearings. Md. Code Ann., State Gov't §§ 10-201 through 10-226 (2021); COMAR 10.32.02; COMAR 28.02.01.

ISSUES

1. Did the Respondent violate Section 14-404(a)(1) by fraudulently or deceptively obtaining or attempting to obtain a license for the applicant or for another?
2. Did the Respondent violate Section 14-404(a)(3)(ii) by engaging in unprofessional conduct in the practice of medicine?
3. Did the Respondent violate Section 14-404(a)(11) by willfully making or filing a false report or record in the practice of medicine?

4. Did the Respondent violate Section 14-404(a)(36) by willfully making a false representation when seeking or making application for licensure or any other application related to the practice of medicine?

5. If the Respondent violated the law as alleged, what is the appropriate sanction?

SUMMARY OF THE EVIDENCE

Exhibits

I have attached a complete Exhibit List as an Appendix.

Testimony

The following witnesses testified on behalf of the Board: Alexandra Fota, Board Compliance Analyst, and [REDACTED] K [REDACTED] M.D., Chief of Spine and Director of Orthopedic Spine Fellowship, University of Colorado School of Medicine (University of Colorado).

The Respondent testified and did not present any other witnesses.

STIPULATIONS OF FACT³

The parties submitted the following stipulations of fact:

1. The Respondent was issued an initial license to practice medicine in Maryland on June 14, 2021, under license number H91886.
2. The Respondent's Maryland medical license is currently expired.
3. The Respondent's Maryland medical license expired on September 30, 2022.

³ The wording of these Stipulations of Fact comes directly from the stipulations submitted by the parties at the outset of the hearing. See COMAR 28.02.01.21H.

PROPOSED FINDINGS OF FACT

Having considered all of the evidence presented, I find the following facts by a preponderance of the evidence:

1. The Respondent graduated from Touro College of Osteopathic Medicine in May 2015.
2. The Respondent completed a five-year postgraduate residency program in orthopedic surgery at the University of Texas Medical Branch in Galveston, Texas (University of Texas), from June 2015 through June 2020.
3. During the Respondent's third year of residency at the University of Texas, she was placed on probation for six months because she was not rounding, seeing consults, or seeing post-operative patients in a timely manner. The Respondent's performance improved during the probationary period, and she graduated from the program on time and in good standing.
4. On August 1, 2020, the Respondent began a one-year orthopedic spine fellowship at the University of Colorado.
5. The fellowship offered one year of specialized training in operative and non-operative spine diagnosis and treatment. The fellowship included an educational and a practice component. All participants in the fellowship provided direct patient care.
6. The intended completion date of the fellowship was July 31, 2021.
7. In November 2020, the University of Colorado's Critical Competency Committee (CCC), which is a group of nine surgeons, met to discuss complaints regarding the Respondent's patient care, professionalism, and interpersonal communications.
8. On November 24, 2020, the University of Colorado suspended the Respondent from the clinical component of the fellowship for thirty days based on performance deficiencies related to patient care, professionalism, and interpersonal communication.

9. Although only suspended from clinical activities, the Respondent stopped performing any of the responsibilities of the fellowship after being suspended.

10. On December 15, 2020, the University of Colorado ended the Respondent's suspension. The Respondent's fellowship status changed from "good standing" to "probationary standing" based on deficient performance in patient care and procedural skills, medical knowledge, and professionalism. (State's Exhibit 7, S394).

11. The Respondent resumed the fellowship in January 2021.

12. The Respondent's continuation in the fellowship depended on her compliance with a comprehensive improvement plan.

13. On January 12, 2021, the University of Colorado reviewed the Respondent's performance and kept her on probationary standing with continued focus on the improvement plan. The University of Colorado informed the Respondent of this determination on January 21, 2021.

14. On February 4, 2021, the University of Colorado received a report regarding a patient safety event involving care provided by the Respondent at the Colorado Veteran's Administration Hospital, and the CCC reviewed the report.

15. On February 11, 2021, the University of Colorado suspended the Respondent from the fellowship for thirty days due to her failure to meet the terms of the improvement plan, as well as performance deficiencies related to the provision of patient care, professionalism, and interpersonal communications.

16. On February 18, 2021, the University of Colorado informed the Respondent of its intent to terminate her fellowship based on deficient performance and noncompliance with the terms of her probation.

17. The Respondent appealed the proposed termination of her fellowship and asserted malfeasance by the University of Colorado during the course of her fellowship. The Respondent informed the University of Colorado that she was considering taking legal action against it based on what occurred during the fellowship.

18. In February 2021, the Respondent accepted an appointment to a spine surgery fellowship training program at the Johns Hopkins University School of Medicine (Johns Hopkins) in Baltimore, Maryland, from August 1, 2021, through July 31, 2022.

19. During the appeal process related to the proposed fellowship termination, the parties reached an agreement to resolve their dispute. The Respondent agreed to withdraw from the fellowship. The parties mutually agreed to draft a letter (settlement letter) documenting the fellowship.

20. The settlement letter, dated March 31, 2021, stated: "Dr. Kessiena Aya-Olabisi was admitted to the University of Colorado's Orthopedic Spine Fellowship program beginning on August 31, 2020 with an emphasis in general spine surgery for degenerative spinal disease. Dr[.] Aya-Olabisi withdrew from the program on March 31, 2021 for personal reasons."⁴ (State's Ex. 2, S047).

21. The settlement letter was signed by Dr. K [REDACTED] and Dr. [REDACTED] R [REDACTED] of the University of Colorado.

22. On March 24, 2021, the Respondent submitted an application for initial medical licensure to the Board.

23. Question 13 on page four of the application required the Respondent to "[l]ist in chronological order ALL postgraduate training undertaken in the U.S., its territories, or Canada

⁴ The letter incorrectly states that the fellowship started on August 31, 2020. The fellowship started on August 1, 2020.

regardless of whether you did or did not complete the program, and regardless of whether you were or were not compensated.” (State’s Ex. 1, S007).

24. Question 13 contained a “Note,” which stated: “Postgraduate training program cycles usually run 12 consecutive months. If the dates of your postgraduate training fall short of the complete cycle, or extend beyond the usual cycle, please attach a complete explanation of why your training was ‘off-cycle.’” (State’s Ex. 1, S007).

25. In her response to Question 13, the Respondent listed her postgraduate training at the University of Texas, but she did not list the fellowship at the University of Colorado.

26. Question 13C on page four of the application asked the Respondent to state “Yes” or “No” to the following question: “During your years of postgraduate training, was any action taken against you by any training program, hospital, medical board, licensing authority, or court. Such actions include but are not limited to investigations, limitations of privileges or special conditions, requirements imposed for academic competence, disciplinary action, etc. If ‘Yes,’ please provide an explanation.” The Respondent answered this question, “No.” (State’s Ex. 1, S007).

27. The Respondent certified that she reviewed her application responses and that her responses were “true and accurate” to the best of her knowledge. (State’s Ex. 1, S012).

28. In processing and verifying the Respondent’s application, the Board received information from the University of Texas that the Respondent had been placed on probation during her third year of residency.

29. On May 27, 2021, the Board emailed the Respondent and asked her to review page four of the application and requested her to provide updates as needed.

30. On May 28, 2021, the Respondent responded by email to the Board's inquiry. The Respondent updated her application by submitting a revised page four. In her revised page four, the Respondent changed her answer to Question 13C from "No" to "Yes." (State's Ex. 1, S040).

31. The Respondent provided the following explanation as required by her revised affirmative response to Question 13C: "During my 3rd year of Residency I was placed on probation, with the goal of increasing my case volume[.] Over the subsequent 2.5 years, I was able to progress in my clinical skills, increase my number of surgical cases, and successfully complete all my subsequent rotations without any issues. I not only obtained the clinical and surgical skills needed to graduate on time, but successfully passed my ABOS board exam on the first attempt[.]" (State's Ex. 1, S039).

32. The Respondent did not include the University of Colorado fellowship on her revised page four. However, in her email to the Board on May 28, 2021, she made reference to training in Colorado, stating: "Here's an updated page 4, thank you so much for bringing this to my attention. Also, I tried to start a training program in Colorado but because my DEA⁵ was delayed that fell through and I retained my working position[.]" (State's Ex. 1, S038).

33. On June 14, 2021, the Board approved the Respondent's application.

34. Johns Hopkins rescinded the training opportunity offered to the Respondent before the program started.

35. The Respondent never practiced medicine in Maryland.

36. In December 2021, the Respondent submitted an initial credentialling application to Fairview Health Services (Fairview) in Minneapolis, Minnesota. With that application, the

⁵ "DEA" stands for Drug Enforcement Agency and refers to the Respondent's authority to write certain prescriptions.

Respondent submitted a version of the settlement letter that read as follows: "Dr. Kessiena Aya-Olabisi was admitted to the University of Colorado's Orthopedic Spine Fellowship program beginning on August 31, 2020 with an emphasis in general spine surgery for degenerative spinal disease." (State's Ex. 18, S579-580). The letter initially submitted to Fairview did not include the following language from the settlement letter: "Dr[.] Aya-Olabisi withdrew from the program on March 31, 2021 for personal reasons." (State's Ex. 2, S047).

37. During the credentialing process, the Respondent informed Fairview that she participated in a spine fellowship in Colorado from August 2020 to March 2021.

38. The Respondent subsequently provided Fairview with a correct copy of the settlement letter.

39. After an investigation, the Respondent was authorized to practice medicine in Minnesota.

40. Between December 2021 and February 2022, the University of Colorado learned that the Respondent submitted a letter to Fairview that did not include the same language as the settlement letter.

41. In February 2022, Dr. [REDACTED] R [REDACTED] of the University of Colorado informed the Board that the Respondent submitted a letter to Fairview during the credentialing process that differed from the settlement letter.

42. The Board opened a preliminary investigation of the Respondent's licensure after receiving the information from Dr. R [REDACTED]

43. The Respondent's Maryland license was active when the preliminary investigation opened.

44. On April 20, 2022, the Board directed the Respondent to respond to the assertion that she provided Fairview a letter for credentialing purposes that was different than the

settlement letter. The Board also directed the Respondent to explain why she did not list the University of Colorado fellowship on her application.

45. In an undated letter to the Board, the Respondent responded that she did not list the fellowship on her application because there “was no Colorado spine fellowship.” (State’s Exhibit 9, S529).

46. In the same letter, the Respondent stated that the University of Colorado discriminated against her and refused to verify any of the cases she performed while there.

47. Based on the information obtained in its preliminary investigation, the Board opened a full investigation of the Appellant’s licensure.

48. The Board’s full investigation included reviewing the Appellant’s application materials, communicating with the Appellant, reviewing records from the University of Texas, the University of Colorado, and Fairview, and interviewing the Respondent and Dr. K [REDACTED]

49. On May 18, 2023, the Board issued charges against the Respondent based on its investigation.

50. The Respondent has no prior disciplinary history with the Board.

51. The Respondent practices medicine in Minnesota.

DISCUSSION

LEGAL FRAMEWORK

Maryland law provides the Board with the authority to sanction licensed physicians who engage in prohibited conduct. *Kim v. Maryland State Bd. Of Physicians*, 423 Md. 523, 527 (2011). The purpose of disciplinary proceedings against licensed professionals is not to punish the offender but to protect the public. *Id.* at 543; *see also McDonnell v. Commission on Medical Discipline*, 301 Md. 426, 436 (1984).

As relevant here, Section 14-404 of the Health Occupations Article provides as follows:

(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:

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

(3) Is guilty of

(ii) Unprofessional conduct in the practice of medicine;

(11) Willfully makes or files a false report or record in the practice of medicine;

(36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine[.]

Health Occ. § 14-404(a)(1), (3), (11), and (36).

For the purposes of Section 14-404, an assertion that conduct was committed “fraudulently or deceptively” requires proof that the conduct was committed with the intent to deceive or with malice. *Kim*, 423 Md. at 546. An assertion that conduct was committed “willfully,” requires proof that the conduct was committed intentionally, but does not require proof that the conduct was committed with the intent to deceive or with malice. *Id.* “Unprofessional conduct” has been defined as “conduct which breaches the rules or ethical code of a profession, or conduct which is unbecoming a member in good standing of a profession.” *Finucan v. Maryland Board of Physician Quality Assurance*, 380 Md. 577, 593 (2004). Unprofessional conduct encompasses false statements made to the Board during an investigation. *Cornfield v. State Bd. of Physicians*, 174 Md. App. 456, 482 (2007).

In *Kim*, the Supreme Court of Maryland concluded that false statements made in a renewal application, which attempted to conceal a pending malpractice matter, were “sufficiently

intertwined with patient care” to constitute conduct in the practice of medicine. *Id.* at 542. The Court explained:

We appreciate that the Board must be able to rely on the accuracy of information conveyed in license applications in order to investigate and determine physicians’ fitness to practice medicine. A physician’s submission of false information regarding malpractice claims in license renewal applications impedes the Board’s ability to make accurate determinations about a physician’s continued fitness. Although, at best, false information might merely delay investigation, at worst, false information could form the basis upon which the Board renews or grants a license, potentially to an unfit applicant. The Board is entitled to expect truthful submissions, particularly with respect to information concerning suits for malpractice, given that such suits directly raise questions regarding a physician’s fitness to practice.

Id. The Court further noted that a physician’s completion and filing of an application for medical licensure is a task integral to “the practice of medicine,” as without a license, the physician would have no authority to practice. *Id.* at 542; *see also Bd. of Physician Quality Assurance v. Banks*, 354 Md. 59, 74 (1991) (finding that harassing behavior in the hospital setting occurred in the practice of medicine); *Cornfield*, 174 Md. App. at 477-81 (finding that false statements to the hospital and the Board during the investigation of problematic behavior occurred in the practice of medicine).

When not otherwise provided by statute or regulation, the standard of proof in a contested case hearing before the OAH is a preponderance of the evidence, and the burden of proof rests on the party making an assertion or a claim. State Gov’t § 10-217; COMAR 28.02.01.21K. To prove an assertion or a claim by a preponderance of the evidence means to show that it is “more likely so than not so” when all the evidence is considered. *Coleman v. Anne Arundel Cnty. Police Dep’t*, 369 Md. 108, 125 n.16 (2002). The State bears the burden to prove the asserted violations by a preponderance of the evidence. COMAR 28.02.01.21K(1)-(2)(a).

ANALYSIS OF THE CHARGES

All of the credible evidence in this case demonstrates conclusively that the Respondent intentionally falsified her application in order to deceive the Board into issuing her a medical license, which the Board did. The State issued four charges against the Respondent based on this same conduct. The State has met its burden to show that the Respondent violated Sections 14-404(a)(1), (3), (11), and (36) as alleged.

The Respondent participated in a postgraduate fellowship at the University of Colorado from August 2020 to March 2021. During that fellowship, the University of Colorado took multiple adverse actions against her. In November 2020, the University of Colorado suspended the Respondent from clinical activities for thirty days based on performance deficiencies related to patient care, professionalism, and interpersonal communication. The University of Colorado lifted the suspension in mid-December 2020, but placed the Appellant on probation and required her to comply with a comprehensive improvement plan.

In January 2021, the University of Colorado reviewed the Respondent's performance and continued her on probation. On February 11, 2021, the University of Colorado suspended the Respondent from the fellowship for thirty days due to her failure to meet the terms of the improvement plan and for performance deficiencies related to the provision of patient care, professionalism, and interpersonal communications. On February 18, 2021, the University of Colorado informed the Appellant of its intention to terminate her from the fellowship based on deficient performance and noncompliance with the terms of her probation.

The Appellant appealed the proposed termination. The Appellant challenged the basis of the proposed termination and countered that she was mistreated by the University of Colorado during the fellowship. The Respondent made it known to the University of Colorado that she

might take legal action against it based on this alleged mistreatment, which she believed constituted discrimination.

During the pendency of the termination appeal, the parties reached an agreement to settle their dispute. The terms of the settlement are contained in the settlement letter, which states, in relevant part: "Dr. Kessiena Aya-Olabisi was admitted to the University of Colorado's Orthopedic Spine Fellowship program beginning on August 31, 2020 with an emphasis in general spine surgery for degenerative spinal disease. Dr[.] Aya-Olabisi withdrew from the program on March 31, 2021 for personal reasons." (State's Exhibit 2, S047).

In February 2021, the Respondent accepted an appointment with Johns Hopkins beginning on August 1, 2021. On March 24, 2021, the Respondent applied for licensure in Maryland so she could join the program at Johns Hopkins. The Respondent's application responses must be reviewed in this context.

Question 13 on page four of the application required the Respondent to "[l]ist in chronological order ALL postgraduate training undertaken in the U.S., its territories, or Canada regardless of whether you did or did not complete the program, and regardless of whether you were or were not compensated." (State's Ex. 1, S007). Question 13 contained a "Note," which stated: "Postgraduate training program cycles usually run 12 consecutive months. If the dates of your postgraduate training fall short of the complete cycle, or extend beyond the usual cycle, please attach a complete explanation of why your training was 'off-cycle.'" (State's Ex. 1, S007).

In response to Question 13, the Respondent listed her postgraduate training at the University of Texas, but she did not list the fellowship with the University of Colorado. (State's Ex. 1, S007). Thus, her answer to Question 13 was deceptive.

Question 13C asked the Respondent to state "Yes" or "No" to the following question: "During your years of postgraduate training, was any action taken against you by any training

program, hospital, medical board, licensing authority, or court. Such actions include but are not limited to investigations, limitations of privileges or special conditions, requirements imposed for academic competence, disciplinary action, etc. If 'Yes,' please provide an explanation.” (State’s Ex. 1, S007).

The Respondent answered Question 13C, “No.” (State’s Ex. 1, S007). The Respondent’s answer to Question 13C was untruthful because she had been placed on probation during her third year of residency at the University of Texas and because she had been suspended and placed on probation by the University of Colorado during the fellowship.

The Board reviewed and verified the Respondent’s application after it was submitted. During this process, the Board learned from the University of Texas that the Appellant had been placed on probation during her third year of residency for six months because she was not rounding, seeing consults, or seeing post-operative patients in a timely manner. (State’s Ex. 1, S017). Based on this information, the Board provided the Respondent an opportunity to update her responses on page four. (State’s Ex. 1, S032).

On May 28, 2021, the Respondent updated her application by submitting a revised page four. In her revised page four, the Respondent did not change her answer to Question 13, which asked her to identify all postgraduate training. (State’s Ex. 1, S038). The Respondent did, however, change her answer to Question 13C from “No” to “Yes.” (State’s Ex. 1, S040). As directed by the application, the Respondent provided the following explanation for her affirmative response to Question 13C: “During my 3rd year of Residency I was placed on probation, with the goal of increasing my case volume[.] Over the subsequent 2.5 years, I was able to progress in my clinical skills, increase my number of surgical cases, and successfully complete all my subsequent rotations without any issues. I not only obtained the clinical and

surgical skills needed to graduate on time, but successfully passed my ABOS board exam on the first attempt[.]” (State’s Ex. 1, S039).

The Respondent did not include the University of Colorado fellowship on her revised page four. However, in her email to the Board on May 28, 2021, she made reference to training in Colorado, stating: “Here’s an updated page 4, thank you so much for bringing this to my attention. Also, I tried to start a training program in Colorado but because my DEA was delayed that fell through and I retained my working position[.]” (State’s Ex. 1, S038). The Appellant’s updated page four is untruthful because it fails to include the University of Colorado fellowship and the disciplinary action that occurred there. The Respondent’s email to the Board is deceptive because she falsely characterized her postgraduate professional position in Colorado.

Application Questions 13 and 13C are not complicated or ambiguous. The questions simply require the applicant to list all postgraduate training undertaken and any adverse actions that occurred during that postgraduate training. (State’s Ex. 1, S007). If any adverse actions occurred, the application asks the applicant to provide an explanation. (State’s Ex. 1, S007). The questions are important because the responses inform the Board on the propriety of issuing a medical license in Maryland, a considerable responsibility to the citizens of this State. *Kim*, 423 Md. at 542.

The Respondent is a highly educated physician with impressive academic credentials. She clearly understood how to answer the Question 13 and Question 13C accurately, and she was given two opportunities to do so. Instead, on two separate occasions she intentionally answered the questions untruthfully. She never listed the University of Colorado fellowship in her response to Question 13 even though she participated in that postgraduate program from August 2020 to March 2021. Even more significantly, in response to Question 13C, she never explained that the University of Colorado suspended her twice during the fellowship for performance issues and placed her on

probation for patient care and other performance deficiencies. In her email to the Board on May 28, 2021, the Respondent deliberately mischaracterized what she was doing in Colorado. The Respondent's false responses were intended to deceive the Board into issuing her a medical license so she could pursue the position she accepted at Johns Hopkins. The Respondent's strategy worked. The Board issued a license to the Appellant in June 2021 without any knowledge of the University of Colorado fellowship or the adverse action taken against her during her tenure there. This license would have allowed the Respondent to practice medicine had Johns Hopkins not rescinded the appointment.

The Appellant testified that she did not list the University of Colorado fellowship in her application based on the unique and uncertain circumstances of the situation. She noted that the fellowship ended when a settlement was reached during the appeal of her proposed termination. She stated that after she withdrew from the fellowship, she was not able to access practice records for the duration of her fellowship. The Respondent posited that since the parties mutually agreed to part ways and her fellowship records were not accessible to her, the fellowship was rescinded and effectively did not exist. Therefore, she did not believe she needed to identify the fellowship or what occurred there in her application.

The Appellant's testimony is not credible, reasonable, or persuasive. Indeed, her testimony is directly contradicted by the evidence upon which it relies. By all accounts, the Respondent's fellowship in orthopedic spine surgery at the University of Colorado was a significant postgraduate endeavor. Successful completion of the fellowship would have placed the Respondent in a position to achieve her professional objectives. She began the fellowship in August 2020 with great excitement and high expectations. The fellowship, however, ended prior to completion under problematic circumstances. The very purpose of the settlement letter is to document the fellowship's existence and explain its premature conclusion. The settlement letter

identifies the date the fellowship began, the type of fellowship it was, the date the fellowship ended, and the reason the fellowship ended. (State's Ex. 2, S047). Nothing in the settlement letter suggests that the fellowship did not exist. To the contrary, the settlement letter verifies the indisputable fact that the Respondent participated in the fellowship from August 2020 through March 2021.

During the fellowship, the University of Colorado took serious adverse action against the Respondent for performance deficiencies related to patient care, professionalism, and interpersonal communication. The Respondent recounted at the hearing how traumatic it was to endure a situation that could potentially destroy her promising career as orthopedic surgeon. The gravity of the situation, however, underscores why the circumstances needed to be reported in response to Questions 13 and 13C. Accurate responses to these questions enable the Board to make informed decisions on who the Board licenses to practice medicine in Maryland. *Kim*, 423 Md. at 542. In the Respondent's case, the University of Colorado fellowship and the adverse actions that occurred were part of her postgraduate training required to be reported in the application. No other conclusion is reasonable or plausible.

Significantly, the requirement to report an adverse action to the Board does not mean the adverse action will be held against an applicant. Applicants who have been the subject of an adverse action are simply required to explain the circumstances of the situation so the Board can conduct its own due diligence. In this case, even assuming the fellowship was rescinded as the Respondent suggests, the Respondent could have identified the fellowship and then explained her position that the University of Colorado mistreated her during the fellowship and that the adverse actions against her were unjustified. This would have allowed the Board to form its own conclusion regarding whether the Respondent was safe to practice medicine in Maryland. Instead, the Respondent intentionally withheld all information regarding the fellowship, hoping

that the Board would not uncover the fellowship or the adverse actions that occurred there. She withheld the information in her initial application and when she submitted her revised page four. The Respondent's conduct was willful, deceitful, and unprofessional, and was motivated by her aspiration to obtain a license to practice medicine in Maryland without complication.

The Respondent intentionally deceived the Board in order to obtain her license to practice medicine in Maryland by filing a license application containing false information. The State has met its burden of proof as to all of the charges based on this conduct. Specifically, based on the evidence presented, I find that the Respondent deceptively obtained a license to practice medicine in violation of Section 14-404(a)(1); engaged in unprofessional conduct in the practice of medicine in violation of Section 14-404(a)(3)(ii); willfully filed a false report in the practice of medicine in violation of Section 14-404(a)(11); and willfully made a false representation when making application for licensure related to the practice of medicine in violation of Section 14-404(a)(36). *Kim*, 423 Md. at 546; *see also Maryland Bd. of Physicians v. Elliott*, 170 Md. App. 369, 412-13 (2006) (explaining that intentionally withholding information regarding reportable conduct in an application for licensure is the foundation for violations of Sections 14-404(a)(1), (3), and (36), not the conduct itself).

SANCTION

As previously stated, disciplinary proceedings against a physician are not intended to punish the offender but rather to protect the public. *McDonnell*, 301 Md. at 436. Administrative agencies with disciplinary and licensing authority have "broad latitude in fashioning sanctions within [those] legislatively designated limits" so that it may place conditions on any suspension or probation. *Cornfeld*, 174 Md. App. at 486.

Relying on *Shirazi v. Maryland State Bd. of Physicians*, 199 Md. App. 469 (2011), the State argued that in light of the Respondent's lack of candor and contrition, the appropriate

discipline in this case is permanent revocation of the Respondent's expired medical license. The State is not seeking a fine in addition to the recommended discipline. The Respondent argued that this isolated incident that did not involve patient harm warranted at most a reprimand.

The State charged the Respondent with violating four separate subsections of Section 14-404 based on the exact same conduct. The State proved all four of the asserted violations. The violation of Section 14-404(a)(1) carries the most severe sanction, and I find that the remaining violations merge into this violation for purposes of recommending a sanction. This is consistent with the applicable regulations, which provide that if a licensee has violated more than one ground for discipline, the sanction with the highest severity ranking should be used to determine which ground will be used in developing a sanction. COMAR 10.32.02.09A(6)(a). The maximum sanction for violating Section 14-404(a) is license revocation and the minimum sanction is a reprimand with two years of probation.

Imposition of the appropriate discipline requires consideration of both mitigating and aggravating factors. Mitigating factors may include, but are not limited to the following:

- (a) The absence of a prior disciplinary record;
- (b) The offender self-reported the incident;
- (c) The offender voluntarily admitted the misconduct, made full disclosure to the disciplinary panel and was cooperative during the disciplinary panel proceedings;
- (d) The offender implemented remedial measures to correct or mitigate the harm arising from the misconduct;
- (e) The offender made good faith efforts to make restitution or to rectify the consequences of the misconduct;
- (f) The offender has been rehabilitated or exhibits rehabilitative potential;
- (g) The misconduct was not premeditated;
- (h) There was no potential harm to patients or the public or other adverse impact;
- or
- (i) The incident was isolated and is not likely to recur.

COMAR 10.32.02.09B(5).

Aggravating factors may include, but are not limited to, the following:

- (a) The offender has a previous criminal or administrative disciplinary history;
- (b) The offense was committed deliberately or with gross negligence or recklessness;
- (c) The offense had the potential for or actually did cause patient harm;
- (d) The offense was part of a pattern of detrimental conduct;
- (e) The offender committed a combination of factually discrete offenses adjudicated in a single action;
- (f) The offender pursued his or her financial gain over the patient's welfare;
- (g) The patient was especially vulnerable;
- (h) The offender attempted to hide the error or misconduct from patients or others;
- (i) The offender concealed, falsified or destroyed evidence, or presented false testimony or evidence;
- (j) The offender did not cooperate with the investigation; or
- (k) Previous attempts to rehabilitate the offender were unsuccessful.

COMAR 10.32.02.09B(6).

The Respondent's conduct was deliberate and deceptive, which is an aggravating factor. The Respondent does not have a prior disciplinary record, which is a mitigating factor. There are other relevant considerations. The Appellant never practiced medicine in Maryland and her license expired on September 30, 2022. Thus, there was no potential harm to patients or the public in Maryland. The Respondent did cooperate generally with the Board investigation, and she exhibited some remorse for her actions, which have obviously caused her much personal and professional anguish. The Respondent demonstrates potential for rehabilitation, although she continues to rationalize her intentionally deceptive conduct, which is troubling. The Respondent currently is practicing medicine in Minnesota, which approved her application to practice medicine after conducting its own investigation of her credentials.

A permanent license revocation is the most severe sanction that can be imposed, and I do not find the Respondent's conduct merits the most severe sanction. On the other hand, a reprimand with two years of probation is the most lenient sanction, and I do not find the Respondent's intentionally deceptive conduct merits the most lenient treatment. In *Kim*, a comparable case involving similar charges, the Board placed the petitioner on six months'

probation, fined him \$5,000.00, and required him to take an ethics course based on his failure to report a pending malpractice case in a renewal application. 423 Md. at 533. Notably, the petitioner in *Kim* acted willfully but not deceptively or fraudulently. This case is more serious than *Kim* because the Respondent deceptively obtained a license to practice medicine in Maryland, and therefore, more severe discipline is appropriate.⁶ Neither party indicated how probation could be implemented in the circumstances of an expired license, and therefore, I do not find probation to be a suitable sanction in this case. In light of all of the circumstances, I recommend that the Appellant's expired medical license be suspended for a period of six months.

PROPOSED CONCLUSIONS OF LAW

Based on the foregoing Proposed Findings of Fact and Discussion, I conclude, as a matter of law, that the Respondent violated the charged provisions of the law. Md. Code Ann., Health Occ. § 14-404(a)(1), (3), (11), and (36) (Supp. 2023); *Kim v. Maryland State Bd. Of Physicians*, 423 Md. 523, (2011); *Finucan v. Maryland Board of Physician Quality Assurance*, 380 Md. 577, 593 (2004); *Bd. of Physician Quality Assurance v. Banks*, 354 Md. 59, 74 (1991); *Cornfield v. State Bd. of Physicians*, 174 Md. App. 456, 482 (2007); *Maryland Bd. of Physicians v. Elliott*, 170 Md. App. 369, 412-13 (2006). I conclude that the Respondent is subject to a license suspension of six months for the cited violations. Md. Code Ann., Health Occ. § 14-404(a)(1), (3), (11), and (36) (Supp. 2023); *Kim v. Maryland State Bd. Of Physicians*, 423 Md. 523, (2011). COMAR 10.32.02.09-10. The State did not seek a fine, and I will not impose a fine. COMAR 10.32.02.09.

⁶ The State's reliance on *Shirazzi* as support for a permanent revocation of the Respondent's license is misplaced. *Shirazzi* involved charges of egregious sexual misconduct, which is not comparable to what occurred in this case.

PROPOSED DISPOSITION

I **PROPOSE** that the charges filed by the Maryland State Board of Physicians against the Respondent on May 18, 2023, be **UPHELD**; and

I **PROPOSE** that the Respondent be sanctioned by a license suspension of six months.



May 13, 2024
Date Decision Issued

Edward J. Kelley
Administrative Law Judge

EJK/dlm
#210975

NOTICE OF RIGHT TO FILE EXCEPTIONS

Any party adversely affected by this proposed decision may file written exceptions with the disciplinary panel of the Maryland State Board of Physicians that delegated the captioned case to the Office of Administrative Hearings (OAH) and request a hearing on the exceptions. Md. Code Ann., State Gov't § 10-216(a) (2021); COMAR 10.32.02.05. Exceptions must be filed within fifteen (15) days of the date of issuance of this proposed order. COMAR 10.32.02.05B(1). The exceptions and request for hearing must be addressed to the Disciplinary Panel of the Board of Physicians, 4201 Patterson Avenue, Baltimore, MD, 21215-2299, Attn: Christine A. Farrelly, Executive Director.

A copy of the exceptions should be mailed to the opposing attorney, and the other party will have fifteen (15) days from the filing of exceptions to file a written response addressed as above. *Id.* The disciplinary panel will issue a final order following the exceptions hearing or other formal panel proceedings. Md. Code Ann., State Gov't §§ 10-216, 10-221 (2021); COMAR 10.32.02.05C. The OAH is not a party to any review process.

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