

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF MEDICINE**

IN THE MATTER OF :
 :
SHERIFF BOCKARIE, RN, PA-C :
 :
License No.: PA30164 :
 :
Respondent :

FINAL ORDER OF REVOCATION

Jurisdiction

This matter comes before the District of Columbia Board of Medicine (Board) pursuant to the Health Occupations Revision Act (HORA), D.C. Official Code § 3-1201.01 *et seq.* (2016 Repl.). 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, § 3-1202.03; *Mannan v. District of Columbia Board of Medicine*, 558 A.2d 329, 333 (D.C.1989).

Background

Respondent had a delegation agreement with Dr. Michelle Gaskin-Craig that began in September 2014. On January 4, 2016, Dr. Gaskin-Craig terminated Respondent's employment due to his leaving the practice in December without providing any notification. Dr. Gaskin-Craig filed a notice terminating the delegation agreement on January 8, 2016, noting the reason as "Abandonment." ON August 18, 2016, Dr. Gaskin-Craig was contacted by a Maryland pharmacist at the Kentlands Gaithersburg Giant Food requesting verification of two prescriptions signed by Respondent on

prescriptions bearing Dr. Gaskins-Craig name and authorizing information. Dr. Gaskins-Craig subsequently filed a complaint with the Board and filed a police report with the Metropolitan Police Department. Subsequent investigation by the Board investigator revealed that between January 9, 2016 and February 26, 2018, Respondent had written at least 93 prescriptions.

Respondent was served when he signed the certified mail receipt for the Order to Answer (“OTA”) at his home address of record on November 8, 2017. However Respondent failed to provide an answer in response to the OTA.

On or about January 30, 2019, the Board issued a Notice of Intent to Take Disciplinary Action (NOI) against the Respondent. The NOI charged the following as bases for disciplinary action:

- I. You prescribed drugs when not authorized to do so in violation of D.C. Code § 3-1205.14(a)(19) for which the Board may take the proposed action pursuant to D.C. Code § 3- 1205.14 (c).**
- II. You prescribed drugs without delegated authority of a supervising physician in violation of D.C. Code § 3-1205.14(a)(24) and 17 DCMR §§ 4912.1 and 4912.5 for which the Board may take the proposed action pursuant to D.C. Code § 3- 1205.14 (c).**
- III. You acted in the capacity of a physician assistant without supervision in violation of D.C. Code § 3-1205.14(a)(24) and 17 DCMR § 4914.1, for which the Board may take the proposed action pursuant to D.C. Code § 3- 1205.14 (c).**
- IV. You failed to conform to standards of acceptable conduct and prevailing practice within a health professional in violation of D.C. Code § 3-1205.14(a)(26) for which the Board may take the proposed action pursuant to D.C. Code § 3- 1205.14 (c).**
- V. You fraudulently or deceptively used a license in violation of D.C. Code § 3-1205.14(a)(2) for which the Board may take the proposed action pursuant to D.C. Code § 3- 1205.14 (c).**

VI. You willfully failed to file or record medical records as required by law in violation of D.C. Code § 3-1205.14(a)(11) for which the Board may take the proposed action pursuant to D.C. Code § 3- 1205.14 (c).

VII. You failed to cooperate with an investigation as ordered by the Board in violation of D.C. Code § 3-1205.14(a)(42) for which the Board may take the proposed action pursuant to D.C. Code § 3- 1205.14 (c).

The NOI was served upon the Respondent by certified mail, return receipt requested, in accordance with 17 DCMR § 4105.2(c), at his address of record: 1213 Lode Street, Bowie, MD 20720. The NOI was mailed to that address on February 1, 2019, 2018 but was returned unclaimed on April 1, 2019. In accordance with 17 DCMR § 4105.5, the date of refusal to accept delivery is deemed the date of service.

The District of Columbia Municipal Regulations provide that the Respondent may request a hearing within twenty (20) days after the service of the notice. 17 DCMR § 4102.4(c)(1). To date the Respondent has not requested a hearing. In accordance with 17 DCMR § 4103.1 the Board may, without a hearing, take the action contemplated in the notice.

Findings of Fact

Based upon the preponderance of the evidence in the Board's own record, which includes the investigative report as well as other background information, the Board hereby makes the following findings of fact:

- 1) At all relevant times, Respondent was licensed to practice as a physician assistant in the District. He was initially licensed in the District on or about February 8, 2001. His license expired on December 31, 2018.

- 2) From September 2014 until January 8, 2016, Respondent had a delegation agreement with Dr. Michelle Gaskins-Craig, a physician who practices in the District of Columbia.
- 3) Sometime in December, 2015, Respondent abandoned his practice with Dr. Gaskins-Craig. Dr. Gaskins-Craig therefore terminated his employment on January 4, 2016, and terminated his delegation agreement with her on January 8, 2016, citing "Absent without leave or notification" as the reason.
- 4) On or about August 18, 2016, Dr. Gaskins-Craig was contacted by a pharmacist at the Kentland Gaithersburg Giant Food in Maryland requesting verification of a prescription written by Respondent on a prescription pad with Dr. Gaskins-Craig's name. Dr. Gaskins-Craig did not authorize the prescriptions.
- 5) A review of the Respondent's D.C. Prescription Drug Monitoring Program (PDMP) data revealed that Respondent wrote at least 93 prescriptions for controlled substance drugs between January 9, 2016 and February 26, 2018, when he had no authority to do so.
- 6) Respondent received the Board's Order to Answer (OTA) on November 8, 2017, regarding the complaint filed against him by Dr. Gaskins-Craig, but failed to respond within the ten (10) days required by the Order; Respondent has still not answered the Order.

CONCLUSIONS OF LAW

Respondent had no authority to practice medicine of any kind after his delegation agreement was terminated on January 8, 2016. Respondent's behavior subsequent to the termination of his delegation agreement clearly violated the law and regulations. The Board has both Dr. Gaskins-Craig's report that she was notified of several prescriptions written by Respondent on her prescription pads that she did not authorize and the PDMP report with data that Respondent wrote more than 90 prescriptions for controlled substances after his delegation agreement was terminated.

Accordingly, the Board now concludes that Respondent's conduct violates:

- 1) D.C. Official Code § 3-1205.14(a)(19) in that he prescribed drugs when not authorized to do so;
 - 2) D.C. Official Code § 3-1205.14(a)(24) and 17 DCMR §§ 4912.1 and 4912.5 in that he prescribed drugs without delegated authority of a supervising physician;
 - 3) D.C. Official Code § 3-1205.14(a)(24) and 17 DCMR § 4914.1 when acting in the capacity as a physician assistant without supervision;
 - 4) D.C. Official Code § 3-1205.14(a)(26) in that he failed to conform to standards of acceptable conduct and prevailing practice within a health profession by engaging in the practice of medicine without authority to do so;
 - 5) D.C. Official Code § 3-1205.14(a)(2) in that he fraudulently or deceptively used a license in writing prescriptions for which he had not authority to do;
- and

- 6) D.C. Official Code § 3-1205.14(a)(11) for failing to file or record medical records for the people for whom he was issuing illegal prescriptions.

Additionally, due to Respondent's failure to respond timely or at all to the Board's Order to Answer, he violated D.C. Official Code § 3-1205.14(a)(42) by failing to cooperate with an investigation as ordered by the Board.

D.C. Official Code § 3-1205.14(c) provides, in pertinent part:

Upon determination by the board that an applicant, licensee, or person permitted by this subchapter to practice in the District has committed any of the acts described in subsection (a) of this section, the board may:

- (1) Deny a license to any applicant;
- (2) Revoke or suspend the license of any licensee;
- (3) Revoke or suspend the privilege to practice in the District of any person permitted by this subchapter to practice in the District;
- (4) Reprimand any licensee or person permitted by this subchapter to practice in the District;
- (5) Impose a civil fine not to exceed \$5,000 for each violation by any applicant, licensee, or person permitted by this subchapter to practice in the District;
- (6) Require a course of remediation, approved by the board, which may include:
 - (A) Therapy or treatment;
 - (B) Retraining; and
 - (C) Reexamination, in the discretion of and in the manner prescribed by the board, after the completion of the course of remediation;
- (7) Require a period of probation; or
- (8) Issue a cease and desist order pursuant to § 3-1205.16.

In fashioning the sanction, the Board is guided by the established case law in the District. Health licensing boards have discretion concerning an array of statutory sanctions or remedies to apply. *Falkenstein v. District of Columbia Bd. of Med.*, 727 A.2d 302, 308 (D.C. 1999). In determining the appropriate sanction in this case, the Board is conscious that its decision should be supported by the record and is not an abuse of discretion. *See, e.g. Gropp v. District of Columbia Bd. of Dentistry*, 606 A.2d 1010, 1014 (D.C. 1992); *see also Kegley v. District of Columbia*, 440 A.2d 1013, 1020 n. 11 (D.C. 1982). The court reasoned further that a “health professional maintains a position of trust toward not only his patients but to the community.” Disciplinary proceedings are held to determine whether a health professional is fit to continue practicing his profession. A betrayal of that trust which a practitioner is required to maintain “demands appropriate discipline.” *Id.* at 1017. The Board’s ultimate decisions must always be guided by its mandate to protect the public. The HORA “was designed to ‘address modern advances and community needs *with the paramount consideration of protecting the public interest.*’” *Joseph v. District of Columbia Board of Medicine*, 587 A.2d 1085, 1088 (D.C.1991) (*quoting* Report of the D.C. Council on Consumer and Regulatory Affairs on Bill 6-317, at 7 (November 26, 1985) (emphasis added by court)). Courts have found that a licensing agency has broad discretion to suspend or revoke a license for reasonable cause in order to protect public health, safety, or morals. *Arthur v. DC Nurses’ Examining Bd.*, 459 A.2d 141, 147 (D.C. 1983); *Proctor v. District of Columbia Hackers’ License Appeal Bd.*, 268 A.2d 267, 269 (D.C.1970).


ORDER

Based upon the aforementioned it is hereby

ORDERED that **SHERIFF BOCKARIE**'s physician assistant license, **PA30164**, be and is hereby **REVOKED**,¹ effective as of the date of service.

DISTRICT OF COLUMBIA BOARD OF MEDICINE

7/31/19
Date


By: Andrea Anderson, MD, FAAFP
Chairperson

¹ Pursuant to D.C. Official Code § 3-1201.01(12A), "revocation" means termination of the right to practice a health profession and loss of licensure for five (5) years or more.

Judicial and Administrative Review of Actions of Board

Pursuant to D.C. Official Code § 3-1205.20 (2016 Repl.):

Any person aggrieved by a final decision of a board or the Mayor may appeal the decision to the **District of Columbia Court of Appeals** pursuant to D.C. Official Code § 2-510 (2001).

Pursuant to D.C. Court of Appeals Rule 15(a):

Review of orders and decision of an agency shall be obtained by filing with the clerk of this court a petition for review within thirty (30) days after the notice is given.

This Order is the Final Order of the Board in this disciplinary matter and a public record and, as mandated by federal law, 42 USC § 11101 and 45 CFR § 60, “the National Practitioner Data Bank – Health Integrity and Protection Data Bank,” this disciplinary action shall be reported to the U.S. Department of Health and Human Services.

Copies to:

Sheriff Bockarie
12713 Lode Street
Bowie, MD 20720

Walter Adams, Esquire
Assistant Attorney General
Civil Enforcement Section
Civil Division
441 4th Street, NW, Suite 630 South
Washington, DC 20001