

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

IN RE:

FIDELIS DOH, MD

License No.: MD21818

Respondent

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CONSENT ORDER

This matter comes before the District of Columbia Board of Medicine (the “Board” or “D.C. Board”) pursuant to the Health Occupations Revision Act (HORA). D.C. Official Code § 3-1201.01, *et seq.* (2016 Repl.). The HORA authorizes the Board to regulate the practice of medicine in the District of Columbia. The Board has broad jurisdiction 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). The Council of the District of Columbia, in amending the HORA, “intended to strengthen enforcement of its licensing laws.” *Davidson v. District of Columbia Board of Medicine*, 562 A.2d 109, 113 (D.C. 1989). And 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).

Background

Dr. Fidelis Doh (Respondent) has been licensed to practice as a physician in the District of Columbia since May 17, 1996. Respondent is also licensed in Maryland. His license in the District was summarily suspended on June 25, 2020, following summary suspension in the state of Maryland on May 26, 2020. The Maryland State Board of Physicians (Maryland Board) entered a Consent Order (Maryland Order) on October 7, 2020, which found that Respondent had:

- 1) Violated the Maryland Health Occ. § 14-404(a)(3)(ii) by engaging in the unprofessional conduct of medicine;
- 2) Violated Maryland Health Occ. § 14-404(a)(22) by failing to meet the appropriate standards as determined by appropriate peer review for the delivery of quality medical care;
- 3) Violated Maryland Health Occ. § 14-404(a)(28) by failing to comply with the provisions of Maryland Health Occ. § 12-102, *to wit* §12-102(c)(2)(ii)(4) (dispensing requirements for prescription drugs by the prescribing physician); and
- 4) Violated Maryland Health Occ. § 14-404(a)(43) by violating a rule or regulation adopted by the Maryland Board, *to wit* COMAR 10.13.01.04 and 10.32.23.06 (requirements for prescription drug dispensing).

The Maryland Board found that Respondent failed to meet the standard of quality care for a number of patients for reasons including, but not limited to:

- Prescribing and maintaining non-cancer patients on high doses of opioids ranging from approximately 90 to 390 Morphine Milligram Equivalence (MME) per day;
- Failing to reduce or make a concerted effort to attempt to reduce opioid doses to 90 MME per day or below;
- Continuing to prescribe and refill opioids in the presence of “inconsistent” drug screens or other aberrant behavior with no documented attempts to refer patients for substance abuse treatment and counseling, taper the patients off opioids, or discharge the patients from his practice;

- Increasing patients' opioid doses based on subjective complaints of pain but failing to document objective findings to carefully justify increasing opioid doses significantly above the CDC Guidelines;
- Failing to consider or refer patients for alternative treatments such as physical or chiropractic therapy or interventional injection treatments;
- Failing to require that patients obtain EKG studies to assess any cardiac changes from certain opioids; and
- Prescribing benzodiazepines to patients who were also prescribed high-dose opiates without verifying anxiety diagnoses with a mental health provider, and without providing appropriate or accurate counseling on how to avoid dangerous or fatal interactions between the drugs.

Additionally, upon inspection of Respondent's office, Maryland Board inspectors found multiple violations pertaining to dispensing practices, including:

- Expired medications were mixed in with regular (unexpired) stock;
- Staff was unable to locate a record of all CDS stock on hand;
- Respondent failed to provide written prescriptions to patients;
- Labeling did not include the date dispensed, provided an improper expiration date, and did not include handling or storage instructions;
- Staff was unable to provide distributor information; and
- Respondent did not report CDS to the Maryland Prescription Drug Monitoring Program within three days of being dispensed to patients, as required.

The Maryland Order reprimanded Respondent, permanently revoked his permit to dispense prescription drugs, permanently prohibited Respondent from prescribing and dispensing all Controlled Dangerous Substances (CDS) in Maryland, permanently prohibited Respondent from certifying patients for the medical use of cannabis, and issued a fine of \$20,000 (twenty thousand dollars). Additionally, Respondent was placed on probation until successful completion of a Board-approved ethics course.

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:

* * *

(3) Is disciplined by a licensing or disciplinary authority or peer review body or convicted or disciplined by a court of any jurisdiction for conduct that would be grounds for disciplinary action under this section; D.C. Official Code § 3-1205.14(a) (3).

The Maryland Board reprimanded Respondent and placed him on probation for engaging in unprofessional conduct in the practice of medicine, failing to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical care, and failing to comply with provisions of Maryland law and Board regulations. Therefore, Respondent has had disciplinary action taken against him by the proper licensing authority of another state. These acts violate:

- D.C. Official Code § 3-1205.14(a)(25) (Violates any District of Columbia of federal law, regulation or rule related to the practice of a health profession or drugs . . .); and
- D.C. Official Code § 3-1205.14(a)(26) (Fails to conform to standards of acceptable conduct and prevailing practice within a health profession).

Accordingly, Respondent's conduct has provided the D.C. Board with a basis in law and fact to take reciprocal action against Respondent under the authority of D.C. Official Code § 3-1205.14(a)(3).

ORDER

ACCORDINGLY, based on the foregoing, it is by the District of Columbia Board of Medicine hereby,

ORDERED that the *Notice of Summary Action to Suspend License*, dated June 25, 2020, which summarily suspended the Respondent's District of Columbia medical license, is **TERMINATED**; and it is further

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that the Respondent is **PERMANENTLY PROHIBITED** from prescribing and dispensing all Controlled Dangerous Substances ("CDS") in the District of Columbia; and it is further

ORDERED that the Respondent is **PERMANENTLY PROHIBITED** from recommending patients for the medical use of marijuana; and it is further

ORDERED that annually on every January 31st hereafter, if the Respondent holds a District of Columbia medical license, the Respondent shall provide the Board with an affidavit verifying that the Respondent has not prescribed any CDS or recommended patients for the medical use of cannabis in the past year; and it is further

ORDERED that if the Respondent fails to provide the required annual verification of compliance with these conditions:

(1) There is a presumption that Respondent has violated these permanent conditions; and

(2) The alleged violation will be adjudicated pursuant to the procedures of a disciplinary hearing; and it is further

ORDERED that the Respondent agrees to surrender his CDS Registration to the D.C. Pharmaceutical Control Division; and it is further

ORDERED that the Respondent is placed on **PROBATION** and while on probation must take and successfully complete a course in ethics in accordance with the requirements of the Maryland Order; and it is further

ORDERED that respondent may request termination of his probation only after his probation with the Maryland Board has been successfully terminated; and it is further

ORDERED that if Respondent is unable to comply with the terms of this Consent Order he should contact the Board immediately; and it is further

ORDERED, that Respondent shall comply with all laws, rules, and regulations of the District of Columbia; and it is further


ORDERED, that if Respondent fails to satisfactorily fulfill the terms of this Consent Order the D.C. Board may issue a notice of intent to take additional disciplinary action against Respondent's license; and it is further

ORDERED, that this is a public document.

DISTRICT OF COLUMBIA BOARD OF MEDICINE

12/16/2020

Date




By: Andrea Anderson, MD, FAAFP
Chairperson

AGREEMENT OF RESPONDENT

By signing this public consent order, I agree to accept and abide by its terms. I acknowledge its validity and acknowledge that I have agreed to the terms set forth in this agreement. I fully acknowledge that by signing this consent order, I am waiving my right to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections provided by law. I also recognize that I am waiving my right to appeal any adverse ruling by the Board that might have followed any such hearing. By signing this settlement agreement, I waive all such rights.

I have had the opportunity to review this document and to seek the advice of my own legal counsel. I choose to sign this consent order willingly and without reservation and am fully aware of its meaning and effect.

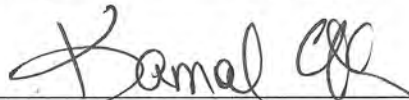
11/25/20
Date



Fidelis Doh, MD
License No.: MD21818



Sworn to and subscribed before me this 25th day of November, 2020.



Notary Public

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

