

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

IN RE:

TROY POTTHOFF, M.D.

License No.: MD047338

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. Troy Potthoff (Respondent) has been licensed to practice medicine in the District of Columbia since August 8, 2019. His license expires May 31, 2026. Respondent also practices in the state of Washington and is licensed in numerous other states.

On May 26, 2023, the Washington Medical Commission entered into a *Stipulation to Informal Disposition* with Respondent (Stipulation). The Stipulation resulted from allegations of unsolicited offers of free genetic testing services, which, upon completion, were billed to the patients' insurance carriers. (Stipulation pp.1-3). The Stipulation states:

Throughout all times relevant to this Statement of Allegations, Respondent was providing telehealth services to Patients A-C. All three patients were approached through an unsolicited phone call by an unidentified party and asked if they wished to receive free genetic testing services. In each of the instances, Respondent was the referring provider for the genetic testing.

Id. at 1-2.

Specifically, as detailed in the Stipulation, Respondent referred each of the three patients for “a battery of thirty-seven separate genetic tests.” (*Id.* at 2-3). However all three patients said they had never met Respondent, never been examined by him, and never received the results of the testing. Respondent was “unable to provide any clinical rationale for the genetic testing in a general sense or for the specific referral because he did not have access to the records.” (*Id.*)

Respondent stated:

[H]e had accessed patient information through a telehealth portal and did not maintain treatment records that could be provided to the Commission. Respondent did request a copy of the records from the portal administrator but was told they were not available and was therefore unable to refer to the medical record to address the Commission's concerns. Respondent acknowledges that it is the physician's responsibility to maintain access to patient records.

Id. at 1-2.

Each of the patients' insurance companies was charged for the genetic tests, one in excess of \$17,000, one in excess of \$19,000 and one in excess of \$24,000. *Id.* at 2-3.

The Stipulation required Respondent to take certain continuing medical education (CME), write a paper addressing lessons learned, appear before the Commission in person and pay partial costs to the Commission. Respondent completed his terms and was released from the Stipulation on July 11, 2024.

The Board considered the Stipulation at its meeting on January 29, 2025, and voted to take reciprocal disciplinary action against Respondent's District of Columbia medical license. The Board felt that Respondent's conduct was an example of abuses that can occur in the realm of telemedicine when physicians fail to comply with their ethical and professional duties. Respondent and the Board now agree to enter into this Consent Order.

Conclusions of Law

The D.C. Board is authorized, pursuant to D.C. Official Code § 3-1205.14(a)(3), to take reciprocal action when a respondent has been disciplined by a licensing authority of another jurisdiction for conduct that would be grounds for Board action. In pertinent part, D.C. Official Code § 3-1205.14(a)(3) states:

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...against any person permitted by this subchapter to practice a health occupation regulated by the board in the District who **is disciplined by a licensing or disciplinary authority...of any jurisdiction for conduct that would be grounds for disciplinary action under this section.** (emphasis added)

Respondent's conduct in Virginia violated D.C. Official Code § 3-1205.14(a)(24) (violates any provision of this chapter or rules and regulations issued pursuant to this chapter), 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); D.C. Official Code § 3-

1205.14(a)(26) (fails to conform to standards of acceptable conduct and prevailing practice within a health profession), D.C. Official Code § 3-1205.14(a)(28) (demonstrates a willful or careless disregard for the health, welfare, or safety of a patient, regardless of whether the patient sustains actual injury as a result), D.C. Official Code § 3-1205.14(a)(37) (fails to keep adequate medical, dental, health, or client records, as determined by a review of a board) and 17 DCMR 4618 (Telemedicine).

Accordingly, Respondent's conduct has provided the Board with a basis in law and fact to take action against Respondent under the authority of D.C. Official Code §§ 3-1205.14(a)(3), (24), (25), (26), (28) and (37).

ORDER

Based on the foregoing, it is by the District of Columbia Board of Medicine hereby, **ORDERED**, that Respondent's license is **REPRIMANDED**; and it is further **ORDERED** that Respondent shall pay a fine of two thousand dollars (\$2,000.00) for each patient negligently referred for genetic testing, for a total of six thousand dollars (\$6,000.00). The fine must be paid within six (6) months of the execution date of this Consent Order (that is, the date that the Consent Order is signed by the Board Chair). The fine shall be paid by check or money order to the order of "D.C. Treasurer" and mailed, along with a copy of this Consent Order, to: D.C. Board of Medicine, DC Health, 2nd Floor, 2201 Shannon Place SE, Washington D.C. 20021; and it is further

ORDERED that Respondent shall comply with all laws, rules, and regulations of the District of Columbia, while within its jurisdiction;

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

ORDERED, that this is a public document.

DISTRICT OF COLUMBIA BOARD OF MEDICINE

05.06.2025

Date



By: Andrea Anderson, MD, MEd, 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.

Troy Potthoff

April 15, 2025

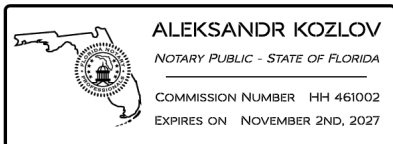
Date

Troy Potthoff, M.D.
License No.:MD047338

STATE OF FLORIDA
COUNTY OF Nassau

Sworn to (or affirmed) and subscribed before me by means of online notarization this April 15, 2025 by Troy Potthoff who has produced HI DL as identification.

Notarized online using audio-video communication



Aleksandr Kozlov
Aleksandr Kozlov, Notary Public

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