

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF MEDICINE

IN THE MATTER OF:

LAURENCE T. ALLEN, M.D.

RESPONDENT.

ORDER

Jurisdiction

THIS MATTER came before the District of Columbia Board of Medicine (the "Board") pursuant to D. C. Code §2-3305.14(a)(3) (1994) of the Health Occupations Revision Act (the "Act"). The Act provides for disciplinary action to be taken by the Board against a licensee if a licensee has been disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any jurisdiction for conduct that would be grounds for disciplinary action under this section.

Background

In the instant matter the Respondent on March 25, 1996, signed a consent order with the State Board of Physician Quality Assurance for the State of Maryland. The consent order resulted from a finding by the Maryland Board that the Respondent failed to meet the appropriate standards for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or other locations in the State of Maryland. As a result of these findings the Respondent was ordered to serve three (3) years of supervised probation, consent to psychiatric evaluation and counseling, and submit to an annual practice review. Respondent was also required to enroll and successfully complete a medical recordkeeping course approved by the Maryland Board.

Consequently, on May 9, 1996, the Board caused to be served a "Notice of Intent to Take Disciplinary Action" which charged Respondent with having been disciplined by a licensing authority for conduct that would be grounds for disciplinary action in the District of Columbia, D.C. Code § 2-3305.14 (a)(3) (1994). Respondent did not request a hearing. Subsequently, at its July 3, 1996, meeting, the Board voted for preparation of an order which would require Respondent to serve a probationary term concurrent with the probationary imposed by the Maryland Board. The Board also voted to require Respondent to provide it with all documentation of compliance with the Maryland Board's consent order.

(a)

ORDER

Based on the foregoing, it is hereby ORDERED that:

1. Respondent's D.C. medical license shall be placed on **PROBATION** until such time as an unrestricted license to practice medicine in the State of Maryland is issued;
2. Respondent shall during the pendency of his probationary period with the Maryland State Board of Physician Quality Assurance provide the Board a copy of all required written compliance quarterly reports submitted to the Maryland Board. These quarterly reports shall include but not be limited to Respondents progress in the medical recordkeeping course, psychotherapy treatment and supervised practice assessment;
3. Failure to comply with the terms and provisions of this Order shall result in independent grounds for discipline by the Board and may result in the imposition of additional disciplinary sanctions;
4. Respondent shall address all correspondence to James R. Granger, Jr., Executive Director of the Board of Medicine, at 614 H St., N.W., Suite 108, Washington, D.C. 20001.

2/5/97
Date

William E. Brown, MD
Warren J. Strudwick, Sr., M.D.
Vice - Chairman

Pursuant to the District of Columbia Administrative Procedures Act, D.C. Code § 1-1510 (1990) and the Health Occupations Revision Act of 1985, D.C. Code § 2-3305.20 (1990), any person aggrieved by a final decision of the Board or the Mayor may appeal the decision to the District of Columbia Court of Appeals, 500 Indiana Avenue, N. W., Washington, D.C. 20001.

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

In Re: :
 :
Laurence T. Allen, M.D. :
 :
5225 Connecticut Ave., N.W. :
#715 :
Washington, D.C. 20015 :
 :

TERMINATION OF FINAL ORDER

Jurisdiction

This matter comes before the District of Columbia Board of Medicine pursuant to D.C. Official Code § 3-1201.01 *ff.* (2009), otherwise known as the Health Occupations Revision Act (HORA). The HORA, at D.C. Official Code § 3-1202.03 (2009), authorizes the Board to regulate the practice of Medicine, Acupuncture, Anesthesiologists Assistants, Naturopathic Medicine, Physician Assistants, Polysomnography, and Surgical Assistants in the District of Columbia.

Background

On or about November 1, 2007, the District of Columbia Board of Medicine issued a Final Order to Laurence Allen, M.D. The Final Order suspended Dr. Allen's license to practice medicine in the District of Columbia. It was further ordered that : (1) He be fined thousand five hundred dollar (\$2,500.00), payable in one lump sum within six (6) months; (2) The term of the suspension would remain in effect until he submits to the Board a Fitness-to-Practice letter from a Board-approved psychiatrist that specifically addresses any need to undergo psychotherapy,

and until Dr. Allen undergoes an audit of his patient's medical records by a Board-approved investigator or psychiatrist; (4) The suspension shall be lifted upon approval of the Fitness to Practice Letter and approval of the results of the medical audit; and (5) He shall be placed on probation for no less than two (2) years thereafter, if the imposed suspension is lifted, with the ability to apply to the Board for termination of the probation upon the conclusion of two (2) years. Furthermore, during the probationary period he shall have his practice monitored by a Board-approved psychiatrist who will submit quarterly reports. until he pays the two fine to the Board. with reports being submitted to the Board quarterly; (2) He be monitored by Board-approved physicians for the entire period of his treatment; and shall with the submission to the Board and

The duration of Dr. Allen's treatment would continue until program representatives informed the Board that treatment was no longer needed, providing a Fitness to Practice letter at that time, provided, the Board approves the Fitness to Practice letter and all other terms and conditions have been fully satisfied.

In a letter dated January 7, 2008, the Board lifted the suspension and activated the probation of Dr. Allen. The Board placed him on probation for a period of two (2) years.

The Medical Society of the District of Columbia, by a letter dated March 10, 2010, informed the Board that Dr. Allen's probation should be terminated and that if the request is granted, the Physician Health Committee would terminate its treatment program agreement with Dr. Allen.

In consideration of the letter from the Physician Health Committee of the Medical Society of the District of Columbia, and after a monitoring interview with the Monitoring Subcommittee of the Board, the Board determined that there was no further need to monitor Dr.

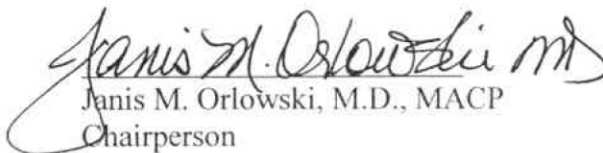
Allen under the Consent Order. The Board therefore voted on July 28, 2010, to terminate the requirements set forth in the November 1, 2007 Final Order.

ORDER

Based upon the aforementioned, it is hereby **ORDERED** that the conditions imposed by the District of Columbia Board of Medicine Consent Order dated November 1, 2007 for Laurence Allen, M.D. are hereby **TERMINATED** and are of no further force or effect.

12.23.10

Date



Janis M. Orłowski, M.D., MACP

Chairperson

District of Columbia

Board of Medicine

This Order of Termination of Consent Order shall be deemed an administrative action and is a public document. It is noted that the Consent Order dated November 1, 2008 was a public document.

Board Name: Medicine 1999-2007 *(year range)*

Name	License Number	Date of Order	Order/Current Status	Website Information
Laurence T. Allen, M.D.	MD11660	11/1/07	Order – Suspension, Fine & Probation. Status – Suspended.	Suspended.

*medal 3
Doherty*

**DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
BOARD OF MEDICINE**

IN RE:

Laurence T. Allen, M.D. :
Medical License # MD 11660 :
: :
Respondent :

DECISION AND ORDER OF THE BOARD

Jurisdiction

This matter comes before the District of Columbia Board of Medicine pursuant to D.C. Official Code § 3-1202.03(a) (2) (2001) otherwise known as the Health Occupations Revision Act (“HORA”). The “HORA” provides for the regulation of the practice of medicine by the D.C. Board of Medicine.

Background

On August 29, 2007 a panel composed of members of the Board of Medicine (the “Board”) met to hear the case against Dr. Laurence T. Allen (the “Respondent”). The panel consisted of four (4) members of the Board of Medicine.¹ Maureen Zaniel represented the Government.² The Respondent appeared pro se. The Notice of Intent to Take Disciplinary Action (the “NOI”) containing the Charges against the Respondent had

¹ The panel consisted of: Dr. Peter Shields (presiding officer), Dr. John J. Lynch, Dr. Walter Faggett, and Ms. Felicia Retland. John Greenhaugh, Esq. served as attorney-advisor to the panel.

² Maureen Zaniel is a Senior Assistant Attorney General in the Civil Enforcement Division of the Office of the Attorney General.

been signed by the Chairperson for the Board of Medicine on August 30, 2006 and had been served on the Respondent on September 8, 2006. By letter dated September 26, 2006, the Respondent had requested a hearing in the matter. By letter dated July 11, 2007, the Respondent was informed by the Executive Director for the Board of Medicine that the hearing was scheduled for August 29, 2007.

The NOI charged the Respondent with a violation of D.C. Official Code § 3-1205.14 (a) (27) in that the Respondent had been disciplined by a licensing or disciplinary authority for conduct that would be grounds for disciplinary action in the District in that the Respondent violated an Order of a Board or a Consent Order entered into with a Board, and that such conduct authorized the Board to take action under D.C. Official Code § 3-1205.14 (a) (3). Specifically, the Charge was that the Respondent violated two Orders from the Maryland State Board of Physician Quality Assurance that had been issued in 1999.³ The second charge in the NOI was that the Respondent had violated an order of the District Board of Medicine, such conduct in violation of D.C. Official Code § 3-1205.14 (a) (27) in that the Order of the Board dated February 5, 1997 had been violated by the Respondent when he failed to submit any of his reports that were required to be submitted to Maryland authorities to the D.C. Board of Medicine.⁴

Evidence

Presentation by the Government

Ms. Zaniel called one witnesses, Mr. James Granger.⁵ Mr. Granger was sworn and testified. Through the testimony of Mr. Granger the Government introduced four (4)

³ Government Exhibits # 1 and 2.

⁴ The NOI is hereby incorporated by reference.

⁵ Mr. James Granger is the Executive Director for the D.C. Board of Medicine.

exhibits which were marked and admitted into evidence⁶: Government Exhibit (GE) #1 is a Consent Order between the Maryland State Board of Physician Quality Assurance and the Respondent, dated August 25, 1999 (signed by the Respondent August 14, 1999) in which the Maryland Board finds that the Respondent, and the Respondent agrees by virtue of the Consent Order, had violated a previous Consent Order issued by the Maryland Board in April 27, 1994 by not enrolling in and successfully completing a medical recordkeeping course approved by the Board. The course had to be completed within six (6) months of the April 27, 1994 Consent Order effective date. By GE # 1, the Maryland Board ordered, and the Respondent agreed, that he shall “enroll in and successfully complete a board-approved medical recordkeeping course as mandated under the original Consent Order issued by the Board on April 27, 1994 within thirty (30) days of the effective date of the Consent Order, and that the Respondent shall submit written proof to the Board confirming that he has enrolled in and paid the requisite enrollment fees for” the medical recordkeeping course. GE # 1 went on to state that “No later than ninety (90) days from the effective date of the Consent Order, the Respondent shall submit written proof to the Board that he has successfully completed the required medical recordkeeping course. If the Respondent has not successfully completed the...course, and submitted ...proof..., then the Respondent’s lapsed medical license shall be considered as a Surrender to the Board of his license to practice medicine in Maryland.”⁷

⁶ The Respondent had no objection to the admission of these Exhibits.

⁷ See page seven (7) of GE # 1. The Respondent’s license is referred to at that time as “lapsed” because he did not obtain renewal of his medical license after it was designated to expire in 1994. See Findings of Fact in GE # 1, on page 2, Finding # 2.

Government Exhibit # 2 was an Order of the Maryland State Board of Physician Quality Assurance, dated December 10, 1999, which finds that the Respondent has failed to conform to the conditions of the previous Consent Order (GE # 1), and that such failure “has resulted in a SURRENDER of his license to practice medicine in Maryland. The Board hereby accepts and effectuates this SURRENDER.”⁸

Mr. Granger testified that Government Exhibit #3 is an Order, dated February 5, 1997, by the D.C. Board of Medicine. The Respondent had been charged by the D.C. Board with having been disciplined by a licensing authority for conduct that would be grounds for disciplinary action in the District of Columbia. The Respondent had not requested a hearing on the charges and the Board subsequently issued the order identified as GE # 3.

The Order contained the following:

- “1. Respondent’s D.C. medical license shall be placed on PROBATION until such time as an unrestricted license to practice medicine in the State of Maryland is issued;
2. Respondent shall during the pendency of his probationary period with the Maryland State Board of Physician Quality Assurance provide the Board a copy of all required written compliance quarterly reports submitted to the Maryland Board. These quarterly reports shall include but not be limited to Respondents progress in the medical recordkeeping course, psychotherapy treatment and supervised practice assessment;...”

Mr. Granger testified that the D.C. Board of Medicine never received any reports from the Respondent at any time. Specifically, Mr. Granger testified, neither he nor the Board of Medicine received any reports between the 1997 Order and the Maryland December 1999 Order that accepted the lapsed license of the Respondent as having been surrendered. Mr. Granger testified that to his knowledge neither he nor any member of

⁸ See GE # 2, second page.

his staff or any Board member had ever received any communication, oral or written, from the Respondent after the Board issued its' Order in 1997.

Finally, the Government introduced GE # 4, a Consent Order dated April 27, 1994 between the Respondent and the Maryland State Board of Physician Quality Assurance. The Consent Order in its' findings of fact stated: "2. on or about January 22, 1992, the Board received a report of disciplinary action from suburban hospital, located in Bethesda, Maryland, regarding disciplinary action it had taken against the respondent. This Adverse Acton Report indicated that the Respondent "was denied reappointment to the medical staff...(of Suburban Hospital)...due to a long history of problems including unavailability for patient care, failure to complete medical records, inappropriate behavior, and failure to comply with supervisory requirements." GE # 4 had ordered the Respondent to be placed on probation for three (3) years subject to a psychiatric evaluation, bi-weekly⁹ supervision of patient care by a psychiatric supervisor who shall submit quarterly reports to the Board Compliance Section no later than ten (10) days after the end of each quarter, and enrollment and successful completion of a medical recordkeeping course.¹⁰ Mr. Granger testified that it was this Consent Order, GE # 4, that triggered the subsequent D.C. Order in 1997. (GE # 3)

The Government counsel had no further evidence to introduce and rested her case.

Presentation by the Respondent

The Respondent called himself as a witness and testified under oath that it was essentially true that he had not complied with any of the Maryland Orders within the timeframes in which compliance had been ordered. However, he did testify that he had

⁹ The Respondent testified that this was a misprint, and should have read "bi-monthly".

¹⁰ This does not cover every term and condition in the original consent order, but sets forth the primary conditions.

requested a further extension from the Maryland Board in November 1999, and although it had been denied he had completed the medical recordkeeping course. The Respondent introduced into evidence as Respondent's Exhibit (RE) # 1¹¹ a letter dated December 15, 1999 that indicated the Respondent had completed his course in medical record keeping with a board-certified psychiatrist. The letter does not indicate when the course was taken or completed but the Respondent testified that he completed the course "after the required date, but that part had been completed and a copy of a letter to that effect that I would like to enter in, was sent to the Maryland BPQA."¹² The Respondent testified that he did not submit any report to the D.C. Board of Medicine s required by the 1997 Order¹³ and in response to a question from a member of the panel, he showed by hand motion that he had kept the Order on the corner of his desk but had no explanation as to why he had not complied with it other than he was concentrating "to get the situation with the Maryland Board taken care of."¹⁴ The Respondent did testify that as to the required reports from his supervising psychiatrist, that he had never seen any of those reports and that they had been submitted by Dr. G his supervisor to the Maryland Board. On cross-examination he admitted that it was his responsibility under the Maryland Order to ensure that the reports were submitted, that such responsibility was specified in the Order. The Respondent also acknowledged under cross-examination that he did not complete the record-keeping course by the required date of November 25, 1999.¹⁵

¹¹ There was no objection regarding the admission of this evidence and the Presiding Officer accepted it in evidence.

¹² See transcript, page 40.

¹³ Ibid, page 39

¹⁴ Ibid, page 63

¹⁵ Ibid, page 57.

The Respondent also introduced RE # 2 into evidence. RE # 2 is an undated letter from his supervising psychiatrist stating that the Respondent and the author of the letter had agreed to terminate supervision which had begun in August 1994. The Respondent testified that the letter was authored sometime in December 1999. It was the Respondent's position that although he may have been late in complying with the time to obtain a course record-keeping, he eventually did do the course, and he complied with all other requirements of the Orders from Maryland. He did acknowledge that he had not been in compliance with the District Order of 1997. (Exhibit # 3) The Respondent rested his case and offered no additional evidence.

Conclusions of Law

The applicable provisions of District law include the following:

D.C. Official Code § 3-1205.14 (a) (3) provides in relevant part:

(a) Each board, subject to the right of a hearing as provided by this subchapter, on an affirmative vote of a majority of its members then serving, may take 1 or more of the disciplinary actions provided in subsection (c) of this section against any...licensee...who:

(3) Is disciplined by a licensing or disciplinary authority ...of any jurisdiction for conduct that would be grounds for disciplinary action under this section;..."

D.C. Official code § 3-1205 (a) (27) provides in relevant part:

(27) Violates an order of the board...or violates a consent order...entered into with a board..."

D.C. Official Code § 3-1205.14 (c) provides authority for the Board to impose the following sanctions on licensees that the Board has found committed an act described in subsection (a): The board may suspend the licensee of any

licensee, place the licensee on probation, require some form of remediation, and fine the licensee a civil fine not to exceed five thousand dollars (\$5,000.), among other potential sanctions.

The Panel found, and the Board adopted the Finding, that the facts alleged, if proven by the Government by a preponderance of the evidence, would constitute violations of D.C. law for which appropriate sanctions may be imposed on the Respondent. Violating a Board Order from this jurisdiction or another licensing authority is, if proven by a preponderance of the evidence, a punishable offense in the District of Columbia by the Board of Medicine.

Findings of Fact

On August 29, 2007 following the Hearing, the Panel in executive session discussed the documentary evidence, the testimony of Dr. Allen and the testimony of the Government's witness. The Panel found that there was jurisdiction over the Respondent and over the offenses charged. The Panel unanimously found that the Charges and Specifications had been proven by a preponderance of the evidence. The Panel further found, and the Board adopts, the following facts and conclusions of law:

- (1) The Respondent was in violation of a Consent Order between the Respondent and the Maryland State Board of Physician Quality Assurance, dated August 25, 1999, as charged in Charge I, Specification A, of the NOI, and as confirmed by the subsequent Maryland Board Order dated December 10, 1999 as set forth in Charge I, Specification B. This is in violation of D.C. Official Code §§ 3-1205.14 (a) (3) and (27).

- (2) The Respondent was in violation of the District of Columbia Board of Medicine Order, dated February 5, 1997 (GE # 3) as charged in Charge II, Specification A. This is a violation of D.C. Official Code § 3-1205.14 (a) (27).

Decision

In light of the preceding Conclusions of Law and Findings of Fact, the Panel by unanimous vote recommended the following proposed Order to the Board of Medicine¹⁶, and the Board of Medicine at its regularly scheduled meeting on September 26, 2007, after being briefed on the case by the Panel members and after a full discussion in executive session, voted to adopt the recommended Order in whole as the Order of the Board of Medicine.

Subsequent to the Board meeting on September 26, 2007, the proposed Order was sent by certified mail to Respondent. By letter dated October 11, 2007 and received on October 15, 2007 the Executive Director for the Board of Medicine received a Motion for Reconsideration/Motion to Stay Suspension.¹⁷ The Board considered the Motions at the Board of Medicine meeting on October 31, 2007 and after full discussion voted unanimously to disapprove both Motions. The Motion for Reconsideration and the Motion for a Stay of Suspension of License are both denied. The Respondent has a history of disciplinary Orders in both Maryland and the District of Columbia and a record of non-compliance with those Orders. The Board believes that the sanctions imposed in this Order are appropriate and directly relate to the offenses charged and for which he

¹⁶ See D.C. Municipal Regulation § 4113.4 through 4113.8 for the procedure used when a panel hears the case.

¹⁷ The Motions and cover letter are incorporated by reference.

was found liable. The sanctions are similar to those imposed in like cases and take into account the history this Respondent has with this Board and his non-compliance with prior Orders of this Board. Although the Board is cognizant of the potential effect a suspension will have on current patients, the suspension is designed to be as short as the Respondent can make it as compliance with those aspects of the Order that will lift the suspension are within the control of the Respondent. Additionally, the Board cannot allow the Respondent to use the patients he currently has to be a shield against the authority and jurisdiction of this Board. The Board's sanctions are for the benefit of patients, current and future ones. Respondent acknowledges and "...does not dispute the facts of this case, nor the legal analysis of the Board."¹⁸

The Board thus issues the following Order:

ORDER

Based upon the aforementioned, it is hereby **ORDERED** that Laurence T. Allen, M.D.-

- Shall be FINED two thousand five hundred dollars (\$2500.00) to be payable in one lump sum within six (6) months of the date of this Order.
- Shall have his license to practice medicine SUSPENDED on the date of this Order, and said license shall remain suspended until Dr. Allen submits to the Board of Medicine a Fitness-to-Practice letter from a Board-approved psychiatrist that specifically addresses any need to undergo psychotherapy, and

¹⁸ Page 2, under discussion of Respondent's Motion.

until Dr. Allen undergoes an audit of his patient's medical records by a Board-approved investigator or psychiatrist.

- Shall submit for approval by the Board the name(s) of the psychiatrist(s) who will provide the Fitness-To-Practice letter and conduct the audit of the Respondent's current medical practice records.
- The SUSPENSION shall be lifted upon Board approval of the Fitness to Practice letter and the results of the medical records audit.
- Shall be placed on PROBATION beginning when the suspension imposed above is lifted for a period of two years. Upon the conclusion of two years the Respondent may apply to the Board of Medicine to have the probation terminated.
- During the probationary period the Respondent shall have his practice monitored by a Board-approved psychiatrist who will submit quarterly reports that include a review of ten (10) patient records to the Board of Medicine within two (2) weeks of the end of each calendar quarter (March 31; June 30; September 30; and December 31). It shall be the responsibility of the Respondent to ensure that all reports are submitted to the Board of Medicine.
- If the Fitness-to-Practice letter submitted during the license suspension states that the Respondent would benefit from psychotherapy despite his fitness to practice psychiatry, the Respondent shall enroll in a program under the auspices of the Medical Society of the District of Columbia, and the treating psychiatrist shall submit quarterly reports to the Board of Medicine until the treating psychiatrist communicates to the Board of Medicine that further therapy is no longer

needed. It shall be the responsibility of the Respondent that such quarterly reports are submitted to the Board of Medicine.

11/1/07
Date

Finelli
Frederick C. Finelli, M.D., J.D.
Chairperson
Board of Medicine

Judicial and Administrative Review
Of Actions of the Board

Pursuant to D.C. Official Code § 3-1205.20 (2001):

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 § 2-510.

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

Review of orders and decisions of any agency shall be obtained by filing with the clerk of this court a petition for review within thirty days after the notice is given.

This Order shall be deemed a FINAL ORDER and a public record.