

IN THE MATTER OF

*

BEFORE THE

AUBREY ANCIL KING, M.D.

*

MARYLAND STATE

Applicant

*

BOARD OF PHYSICIANS

*

Case Number: 2224-0078A

* * * * *

FINAL ORDER

On April 26, 2024, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) notified **AUBREY ANCIL KING, M.D.** (the “Applicant”) of its intent to deny his Application for Initial Medical License (the “Application”). The Notice informed the Applicant that unless he requested a hearing in writing within 30 days of the date of mailing of the Notice, Panel A intended to sign this Final Order, a copy of which was enclosed. More than 30 days have elapsed, and the Applicant failed to request a hearing. Therefore, Panel A hereby denies the Applicant’s Application.

The basis for Panel A’s action is pursuant to the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occupations (“Health Occ.”) §§ 14-401 *et seq.* (2021 Repl. Vol. and 2023 Supp.). The pertinent provisions of the Act provide:

Health Occ. § 14-205. Miscellaneous powers and duties.

(b) *Additional powers.*

(3) Subject to the Administrative Procedure Act and the hearing provisions of § 14-405 of this title, a disciplinary panel may deny a license to an applicant . . . for:

(i) Any of the reasons that are grounds for action under § 14-404 of this title[.]

Health Occ. § 14-404. Denials, reprimands, probations, suspensions, and revocations – Grounds.

(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:

...

(21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veterans' Administration for an act that would be grounds for disciplinary action under this section[.]

The underlying grounds for disciplinary action under Health Occ. § 14-404(a)(21)

includes the following provisions of Health Occ. § 14-404(a):

(3) Is guilty of:

(ii) Unprofessional conduct in the practice of medicine; and

...

(22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State[.]

INVESTIGATIVE FINDINGS

Panel A finds:

1. The Applicant was issued a medical license in the State of California on September 16, 1985, which is valid until September 30, 2025. The Applicant also was issued a medical license in the State of New York on October 12, 2023, which is valid until September 30, 2025, and a medical license in the State of New Jersey on November 13,

2023, which is valid until June 30, 2025. The Applicant is board-certified in Psychiatry, with a subspecialty certification in Child and Adolescent Psychiatry.

2. At all times relevant hereto, the Applicant is not and has never been licensed to practice medicine in the State of Maryland.

3. On or about December 6, 2023, the Applicant submitted his Application to the Board. The Application required the Applicant to answer “YES” or “NO” to a series of questions and provide written explanations for all “YES” responses.

4. The Applicant answered “YES” to the following question on Part 5 – Medical Licensing Exams & History, Licensing History on the Application:

Question c. Has any disciplinary action ever been taken against your license?

5. The Applicant provided a written explanation for his affirmative response, stating: “Effective 9/15/2023, my California license was placed on probation due to negligence and repeated negligent acts even though I did not make any admission to these charges.”

6. The Applicant also answered “YES” to the following question on Part 6 – Character and Fitness on the Application:

Question c. Has a state licensing or disciplinary board (including Maryland), a comparable body in the armed services, or the Veterans Administration, ever taken action against your license? Such actions include, but are not limited to, limitations of practice, required education admonishment or reprimand, suspension, probation or revocation.

7. The Applicant provided a written explanation for his affirmative response, stating: “I am placed on four years’ probation until the anticipated end date of 9/14/2027 due to malfeasance and dichotomous projections. I have not made any admission to any charges. Please see the attached documents for details.”

8. After receiving this information, the Board initiated an investigation concerning the disciplinary action taken by the Medical Board of California against the Applicant, including obtaining the complaint and disciplinary order.

9. The Board’s investigation revealed that on November 9, 2022, the Medical Board of California filed an “Accusation” against the Applicant. The Accusation alleged that the Applicant committed “repeated negligent acts” and “gross negligence” in his care and treatment of two adolescent patients.

10. For one 16 year-old male patient, the Medical Board of California alleged the Applicant committed “repeated negligent acts” and “gross negligence” in his care and treatment by prescribing psychotropic medications without adhering “to the ethical principles of beneficence and nonmaleficence by prescribing and changing multiple psychotropic medications over a short period of time” without substantiating the diagnoses; by prescribing stimulant medication without considering the patient’s past and current physical health; by failing to follow consensus guidelines for the safe initiation and monitoring for adverse effects when prescribing antipsychotic medications; and by initiating two antipsychotic medications simultaneously without valid justification.

11. For another 16 year-old female patient, the Medical Board of California alleged the Applicant committed “repeated negligent acts” and “gross negligence” in his

care and treatment by failing to adhere to basic principles of evidence-based prescribing of psychotropic medication; by prescribing psychotropic medication without adhering to ethical principles of “beneficence and nonmaleficence”; by failing to follow consensus guidelines for the safe initiation and monitoring for adverse effects when prescribing antipsychotic medications; and by changing psychotropic medications by abruptly discontinuing Wellbutrin, increasing Abilify and Neurontin, and adding Zoloft, Trileptal, and Invega medications at the same time.

12. On or about August 16, 2023, the Medical Board of California and the Applicant entered into a public “Stipulated Settlement and Disciplinary Order” effective September 15, 2023 that resolved the Accusation. As part of the Stipulated Settlement and Disciplinary Order, the Applicant was placed on probation for four years with an anticipated end date of September 14, 2027. As part of the terms of probation, the Applicant is required to complete 40 hours of continuing medical education, complete a prescribing practices course, and complete a medical records keeping course; obtain a practice monitor; is prohibited from supervising physician assistants and advanced practice nurses; ordered to reimburse the Medical Board of California \$16,000 for the cost of its investigation; submit quarterly declarations of compliance with all the terms of probation; and is prohibited from practicing telemedicine.

CONCLUSIONS OF LAW

Based on the foregoing Investigative Findings, Panel A concludes as a matter of law that the Applicant engaged in unprofessional conduct in the practice of medicine, which constitutes a ground for action under Health Occ. § 14-404(a)(3)(ii), and failed to meet

appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State, which constitutes a ground for action under Health Occ. § 14-404(a)(22). These grounds for action under Health Occ. § 14-404(a) constitute a basis for a disciplinary panel of the Board to deny his Application for Initial Medical License under Health Occ. § 14-205(b)(3)(i).

ORDER

It is, on the affirmative vote of a majority of the quorum of Panel A, hereby:

ORDERED that the Application for Initial Medical License of **AUBREY ANCIL KING, M.D.**, is **DENIED**; and it is further

ORDERED that this Final Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Md. Code Ann., Gen. Prov. § 4-333(b)(6) (2021 Repl. Vol. and 2023 Supp.).

Signature On File

06/24/2024
Date

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Health Occ. § 14-408, the Applicant has the right to seek judicial review of this Final Order. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Final Order. The cover letter accompanying this Final 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 the Applicant files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, Maryland 21215

Notice of any petition should also be sent to Board Counsel at the following address:

Noreen M. Rubin
Assistant Attorney General
Maryland Office of the Attorney General
Maryland Department of Health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201