

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE**

**Commonwealth of Pennsylvania  
Bureau of Professional and  
Occupational Affairs**

**vs.**

**Paul G Termini, M.D.,  
Respondent**

**Case No.: 20-49-006973**

**CONSENT AGREEMENT AND ORDER**

**PARTIES**

The Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs ("Commonwealth") and **Paul G Termini, M.D.** ("Respondent") stipulate as follows in settlement of the above-captioned case.

**APPLICABLE LAW**

1. This matter is before the State Board of Medicine ("Board") pursuant to the Medical Practice Act of 1985, act of December 20, 1985, P.L. 457, No. 112, ("Act"), *as amended*, 63 P.S. §§ 422.1-422.53; the Medical Care Availability and Reduction of Error ("Mcare") Act, act of March 20, 2002, P.L. 154, No. 13, *as amended*, 40 P.S. §§ 1303.101-1303.910; and/or 63 Pa.C.S. Chapter 31 ("Chapter 31"), 63 Pa.C.S. §§ 3101-3118.

**LICENSURE STATUS**

2. At all relevant and material times, Respondent held the following license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania: license no. MD053604L, which was originally issued on July 19, 1994, and which is currently set to expire on December 31, 2022.

Prothonotary Filed On: Sep 15 2021 10:39 AM Department of State
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### **STIPULATED FACTS**

3. Respondent admits the following:

a. Absent additional Board action, Respondent's license may be continually renewed or reactivated upon the filing of the required documentation and payment of the applicable fees.

b. Respondent's current address on file with the Board is: 340 Montage Mountain Rd, Moosic, PA 18507.

c. On or about May 1, 2020, Respondent was employed by First Hospital of Wyoming Valley as the Medical Director of Child and Adolescent Psychiatry, Inpatient Unit.

d. On or about May 9, 2020, Respondent was present for work at First Hospital of Wyoming Valley.

e. Around or about 9:13 a.m. on May 9, 2020, two minor female patients, ("Patient M.R.") and ("Patient 2") were found to be located together in Patient M.R.'s room.

f. Patient 2 was not permitted to be in Patient M.R.'s room and a staff member called a code 3.

g. Respondent along with several unit staff members responded to the code.

h. Patient 2 was separated from Patient M.R. by Respondent and taken into the unit hallway to separate the two patients.

i. Patient M.R. then forcibly slams her room door shut, prompting Respondent to use his keys to open the door.

j. Respondent proceeds to enter Patient M.R.'s room, where a staff member witnessed Patient M.R. swing wildly at Respondent.

k. Respondent, in a defensive manner, then pushed Patient M.R. out of her room and into the unit hallway.

l. Patient M.R. turns towards Respondent and begins to curse at Respondent and swing wildly with her arms at Respondent's head/neck area.

m. Respondent then brings his hands up in a defensive position to protect his face and swings downwards to push Patient M.R. away from him to create physical distance.

n. Patient M.R. then takes a step towards Respondent and spits in his face.

o. Respondent then steps towards Patient M.R. and shoves her to the ground causing Patient M.R. to fall face first.

p. Respondent's use of physician contact related to paragraphs n and o was not warranted by self-defense.

q. Respondent is separated from Patient M.R. by a staff member and is taken to the nurse station.

r. Respondent notifies Chris Matthews, Chief Executive Officer of First Hospital of Wyoming Valley, about his conduct and the incident.

s. On or about May 15, 2020, Respondent was terminated from his position at First Hospital of Wyoming Valley.

t. The reason for termination by First Hospital of Wyoming Valley was patient abuse.

#### **MITIGATION**

4. Respondent offers the following in mitigation, which the Commonwealth neither admits nor denies:

a. Respondent immediately self-reported his conduct to the Chief Executive Officer of First Hospital of Wyoming Valley.

b. Respondent immediately self-reported his conduct to the State Board of Medicine.

c. On or about May 27, 2020, Respondent enrolled in psychotherapy with Stephen M. Timchack, PsyD.

d. Respondent reported his conduct to Luzerne County Children and Youth Services, which investigated the Respondent and closed the reported matter with a finding that there was no evidence of child abuse/neglect.

e. The Pennsylvania Department of Human Services conducted an investigation of the Respondent's behavior and closed the matter and unfounded child abuse/neglect.

#### **AUTHORITY OF THE BOARD**

5. The Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under sections 41 and 42 of the Act, 63 P.S. §§ 422.41 & 422.42; impose a civil penalty upon Respondent under section 908 of the Mcare Act, 40 P.S. §§ 1303.908, or 63 Pa. C.S. § 3108(b)(4); and/or impose the costs of investigation upon Respondent under 63 Pa. C.S. § 3108(b)(5).

#### **SUMMARY OF DISCIPLINE**

6. The following encapsulates the discipline as set forth in the Proposed Order:



- Complete 10 total hours of remedial education on the topics (s) of 5 hours of remedial education on dealing with difficult patients, and 5 hours of remedial education on stress management by 10/30/21;
- A public reprimand shall be placed on Respondent's permanent record with the Board.
- Remedial Education

**PROPOSED ORDER**

7. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter:

a. **VIOLATIONS:** Respondent violated the Act at:

(1) Section 41(8) of the Act, 63 P.S. §422.41(8).

b. **PUBLIC REPRIMAND:** A public reprimand shall be placed on Respondent's permanent disciplinary record with the Board.

c. **REMEDIAL EDUCATION:** Respondent shall successfully complete at least **five (5)** hours of remedial education on the topic of dealing with difficult patients, and **five (5)** hours of remedial education on stress management, and shall comply with the following terms and conditions pertaining to completion of the remedial education:

(1) The remedial education required by this Order shall be in compliance with either the initial education or the continuing education regulations of the Board;

(2) If any remedial education course requires Respondent to take an examination, Respondent must pass the examination(s);

(3) The remedial education required by this Order shall be successfully completed after July 30, 2021;

(4) Respondent shall submit acceptable proof of successful completion of the remedial education to the Board's Board Administrator **no later than** October 30, 2021;

(5) Acceptable proof of completion of the remedial education shall consist of an official school transcript or a certificate, printout or letter prepared by the provider indicating successful completion of the course(s). Such proof shall contain course titles, completion dates, final grade (if graded), and number of class hours or credits awarded;

**(6) Respondent shall note the case number of this matter on any documentation submitted to the Board Administrator.**

The address for the Board's Board Administrator is:

Suzanne Zerbe, Board Administrator State Board of Medicine 2601 N. 3rd Street P.O. Box 2649 Harrisburg, PA 17105-2649
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(7) The remedial education required by this Order shall be in addition to any continuing education requirements for the renewal of any license, registration, certificate, approval, authorization, or permit issued by the Board (hereinafter referred to collectively as "authorizations to practice the profession");

(8) Respondent may not utilize the remedial education required by this Order to satisfy any initial or continuing education requirement for Respondent's authorizations to practice the profession;

(9) Following the successful completion of the remedial education required by this Order, Respondent shall be subject to a non-random audit of continuing education upon the next renewal or reactivation of Respondent's authorizations to practice the profession; and

(10) Respondent shall bear the responsibility of all costs incurred in complying with the terms of this Order, including production of records.

**d. FAILURE TO PROVIDE PROOF OF SUCCESSFUL COMPLETION OF REMEDIAL EDUCATION:** If Respondent fails to submit acceptable proof of successful completion of the remedial education as required by this Order, Respondent's authorizations to practice the profession shall be **IMMEDIATELY AND INDEFINITELY SUSPENDED** until such time as Respondent provides the Board's Board Administrator with acceptable proof of successful completion of the remedial education.

e. This Order constitutes disciplinary action by the Board. This Order will be reported to other licensing authorities and any applicable national licensing databank as a disciplinary action.

f. This case shall be deemed settled and discontinued upon the Board issuing an order adopting this Consent Agreement.

**ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS**

8. Respondent agrees that this Consent Agreement and Order shall be admitted into evidence, without objection, in any proceeding before the Department of State.

**ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING**

9. Respondent acknowledges receipt of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter and the following rights related to that hearing: to be represented by counsel; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any adverse final decision.

**ACKNOWLEDGMENT OF RIGHT TO ATTORNEY**

10. Respondent acknowledges the right to consult with and be represented by private legal counsel of Respondent's choosing and at Respondent's expense when reviewing, considering and accepting the terms of this Consent Agreement. To the extent that Respondent is not represented by legal counsel, Respondent has knowingly elected to proceed without the assistance of legal counsel.

**WAIVER OF CLAIMS**

11. Should the Board vote not to adopt the Order proposed in this Consent Agreement, the presentation and consideration of this Consent Agreement shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. Respondent expressly waives the right to raise any claims or issues, including any and all constitutional claims or issues, which may arise or have arisen during the review, presentation and deliberation of this Consent

Agreement. These claims or issues include, but are not limited to, bias, the commingling of prosecutorial and adjudicative functions by the Board or its counsel, and the Board, in its discretion, recommending a different sanction based upon the facts set forth in the Consent Agreement. If a hearing is subsequently held, neither this Consent Agreement nor the proposed terms of settlement may be admitted into evidence and any facts, averments, and allegations contained in the Consent Agreement must be proven at a hearing unless otherwise separately stipulated.

#### **LIMITS ON MODIFICATION OF ORDER**

12. Respondent agrees not to seek modification of the Order adopting and implementing this Consent Agreement without first obtaining the express written permission from the prosecution division. Any modification is at the sole discretion of the Board.

#### **AGREEMENT NOT BINDING UNTIL APPROVED**

13. This Consent Agreement is between the Commonwealth and Respondent. The Office of General Counsel has approved this Consent Agreement as to form and legality. The disciplinary provisions of this Consent Agreement do not take effect unless and until the Board issues an order adopting this Consent Agreement.

#### **ENTIRE AGREEMENT**


14. This Consent Agreement contains the entire agreement between the parties. There are no other terms, obligations, covenants, representations, statements, or conditions, oral or otherwise, of any kind whatsoever concerning this agreement.

#### **AGREEMENT DOES NOT PREVENT FUTURE DISCIPLINE**


15. Nothing in this Order shall preclude the prosecution division of the Department of State from filing charges, or the Board from imposing disciplinary or corrective measures, for violations or facts not contained in this Consent Agreement.

**VERIFICATION OF FACTS AND STATEMENTS**

16. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

  
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Matthew A. Anderson  
Prosecuting Attorney

DATED: 08/23/2021

  
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Paul G Termini, MD  
Respondent

DATED: 8/16/2021

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**ORDER**

*AND NOW*, this       day of       2021, the **STATE BOARD OF MEDICINE**  
("Board") approves and adopts the foregoing Consent Agreement and incorporates the terms of  
paragraph 7, which shall constitute the Board's Order and is now issued in resolution of this  
matter.

This Order shall take effect immediately.

**BY ORDER:**

**BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS**

**STATE BOARD OF MEDICINE**

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**K. Kalonji Johnson  
Commissioner**

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**Mark B. Woodland, M.D.  
Chair**

For the Commonwealth:

Matthew A. Anderson, Esquire  
2601 North Third Street  
P.O. Box 69521  
Harrisburg, PA 17106-9521

Respondent:

Paul G Termini, M.D.,  
340 Montage Mountain Rd  
Moosic, PA 18507

Date of mailing:

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**ORDER**

*AND NOW*, this 14th day of September 2021, the **STATE BOARD OF MEDICINE** ("Board") approves and adopts the foregoing Consent Agreement and incorporates the terms of paragraph 7, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

**BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS**



**K. Kalonji Johnson  
Commissioner**

For the Commonwealth:

Respondent:

Date of mailing: September 16, 2021

**BY ORDER:**

**STATE BOARD OF MEDICINE**



**Mark B. Woodland, M.D.  
Chair**

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