

IN THE MATTER OF * BEFORE THE MARYLAND
PATRICIA COMPTON, L.D. * STATE BOARD OF DIETETIC
RESPONDENT * PRACTICE
LICENSE NUMBER: D00102 *
* * * * *

CONSENT ORDER

BACKGROUND

Based on the information received and a subsequent investigation by the Maryland State Board of Dietetic Practice (the "Board") and subject to the Maryland Dietetic Practice Act, Md. Health Occ. Code Ann. §5-301 et. seq. (the "Act"), the Board charged Patricia Compton License Number: D00102 (the "Respondent"), with violation of certain provisions of §5-311. Specifically, the Board charged the Respondent with violation of the following provisions:

Subject to the hearing provisions of §5-312 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license if the applicant or licensee:

- (10) Commits any act of unprofessional conduct, as defined by the rules and regulations of the Board, or violates the code of ethics adopted by the Board;
- (16) Is professionally, physically, or mentally incompetent.

The Respondent was given notice of the charges and the issues underlying those charges, by letter and charging document sent to Respondent by certified mail on September 16, 1996.

A pre-hearing conference was held on October 9, 1996. In attendance at the pre-hearing conference were Catherine Genter,

L.D., Board Member, Aileen Taylor, Administrator to the Board, and Jane Pilliod, Assistant Attorney General and Counsel to the Board. Also in attendance were Sherrai V. Hamm, Assistant Attorney General and Administrative Prosecutor and the Respondent, who elected to proceed without counsel. As a result of discussions held at the foregoing pre-hearing conference, the parties agreed to enter into this final consent order.

FINDINGS OF FACT

The Board makes the following Findings of Facts:

1. At all times relevant to the charges herein, the Respondent was licensed to practice dietetics in the State of Maryland.

2. At all times relevant to the charges herein, the Respondent was employed as a dietician at Allegis Healthcare Center ("Allegis") located in Bethesda, Maryland.¹

3. On March 19, 1996 the Licensing and Certification Administration for the Department of Health and Mental Hygiene ("L&C") conducted a survey at Allegis. The survey was conducted for the purpose of determining if Allegis was in compliance with Federal regulations governing nursing homes that participate in the Medicare and/or Medicaid programs. L & C surveyors found numerous deficiencies, including deficiencies that involved the Respondent's conduct in her dietetic practice.

¹Allegis is a nursing home facility that receives federal reimbursement for Medicare and/or Medicaid patients.

4. Patient A was resident at Allegis.² Patient A was diagnosed with having chronic unstable insulin dependent diabetes mellitus, chronic renal failure with hyperkalemia (elevated serum potassium level), and cerebrovascular accident (stroke). After Patient A's cerebrovascular accident in 1993, Patient A was inserted with a gastrostomy feeding tube.

5. After the insertion of the feeding tube, Dr. George Patrick III, Patient A's treating physician, ordered the tube feeding formula, Glucerna. Glucerna is a therapeutic tube feeding formula specifically designed for patients like Patient A, who have diabetes. Patient A's condition remained relatively stable while receiving Glucerna.

6. On November 28, 1995, the Respondent changed Dr. Patrick's written order from Glucerna to another feeding tube formula, Jevity. The Respondent wrote on the physician's order sheet that she had received a verbal order from Dr. Patrick to make the change. However, Dr. Patrick never gave a verbal nor did he write an order to change Patient A's feeding tube formula.

7. On November 29, 1995, Dr. Patrick wrote another order for Patient A to receive Glucerna. Dr. Patrick also noted on Patient A's physician order sheet that he had previously ordered Glucerna, on November 27, 1995.

8. On December 1, 1995, the Respondent changed Dr. Patrick's November 29, 1995 written order for Patient A. The Respondent

²Patient A name has not been used in order to protect Patient A's privacy.

wrote on the physician sheet that Dr. Patrick gave her a verbal order to change feeding tube formula from Glucerna to Jevity. Dr. Patrick did not tell the Respondent to change Patient A's feeding tube formula from Glucerna to Jevity.

9. On December 5, 1995, Dr. Patrick was notified that Patient A was on Jevity and not Glucerna as he had ordered. Once again, Dr. Patrick changed Patient A's feeding tube formula back to Glucerna. Pursuant to Dr. Patrick's verbal request, a notation was placed on the physician's order sheet that Patient A may not be given Jevity or any other substitute because of her condition.

10. The Respondent committed an act of unprofessional conduct and an act of incompetence when she continually changed a physician's order regarding a patient's feeding tube formula without the physician's permission.

11. The Respondent failed to maintain the knowledge and skills required for continuing professional competence, as evidenced by the Respondent's conduct in this matter.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Facts, the Board finds that the Respondent violated §§5-311 (10) and (16) of the Act and COMAR, 10.56.03.02 (B) (4).

ORDER

Based upon the foregoing Findings of Facts, Conclusions of Law and agreement of the parties, it is this ___ day of November, 1996, by a majority of the quorum of the Board, hereby

ORDERED that the Respondent be SUSPENDED from the practice of

dietetics for a period of thirty (30) days, said suspension shall be IMMEDIATELY STAYED and the Respondent shall be placed on PROBATION for a period of one (1) year, subject to the following conditions:

1. The Respondent shall take and pass a Board approved ethics course and the Respondent shall receive a passing grade of B or better.

2. The Respondent shall be monitored by a Board approved mentor, who will oversee the Respondent's dietetic practice. The mentor shall provide the Board with a written update on the Respondent's performance. The reports shall be due on February 15, 1997, March 15, 1997, and April 15, 1997. Thereafter, a written update on the Respondent's performance shall be due on July 15, 1997, and October 15, 1997 and December 15, 1997. The Respondent shall pay the costs associated with being monitored.

3. The Respondent shall provide the Board with the name, address of the Respondent's current employer within fifteen days (15) of the date of this Order. In the event that Respondent changes employment, the Respondent shall provide the Board with the name, address and telephone number of her new employer.

4. The Respondent shall practice in accordance with the Maryland Dietetic Practice Act and in a competent manner; and be it further

ORDERED, that in the event that the Maryland Board of Dietetic Practice receives an unsatisfactory report which it believes in good faith to be accurate, or in the event that the Maryland Board

of Dietetic Practice finds for any reason, in good faith, that the Respondent has violated any provision of Title 5 of the Health Occupation article or regulations thereunder, or has violated the conditions of probation herein, the Board, without providing prior notice or an opportunity to be heard, may enter an order lifting the stay of the license suspension. In that event, Respondent will be provided with prompt notice of the Board's action and, upon written request, will be granted an opportunity to be heard within thirty (30) days of the Board's receipt of his request; and be it further

ORDERED that one (1) year from the commencement date of the Respondent's probation, the Board shall entertain a written petition from the Respondent requesting termination of the Respondent's probationary status and full reinstatement of her license to practice dietetics without probationary conditions. If the Board determines that the termination of probation and complete reinstatement would be inappropriate at the time, the Board may modify one or more of the conditions upon which the Respondent was placed on probation. The Board shall terminate the Respondent's probationary status and restore Respondent's license to practice dietetics without conditions or restrictions, only after the Respondent has demonstrated to the Board that she has complied with the terms of this Consent Order; and be it further

ORDERED that the conditions of this Consent Order be and the same hereby are, effective as of the date of this Order; and be it further

ORDERED that this is a FINAL ORDER and as such is a public document pursuant to Md. State Gov't. Code Ann., §10-611 et seq. (1995 Rep. Vol.)

ORDERED that for purposes of public disclosure, as permitted by §10-617(h), State Gov't Art., Md. Ann. Code, this document consists of the contents of the foregoing Background, Findings of Facts, Conclusions of Law and Order.

Marilyn T. Mower ^{approved} 11/14/96
Marilyn Mower, Chair
Board of Dietetic Practice

CONSENT OF PATRICIA COMPTON

I, Patricia Compton, by affixing my signature hereto, acknowledge that:

1. I am not represent by an attorney and I have waived my right to be represented by an attorney.
2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to §5-312 of the Act, Md. State Gov't. Art. Code Ann., 10-201 et seq. (1995 Rep. Vol.).
3. By this Consent Order, I hereby consent and submit to the Order. By doing so, I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this Order or a subsequent hearing for violation of this Order, as set forth in §5-312 of the Act and Md State Gov't Art. Code Ann., Section §10-201 et. seq. (1995 Rep. Vol.). I acknowledge that if I fail to

abide by the conditions set forth in this Consent Order, and following proper procedures, I may suffer further disciplinary action, including revocation, against my license to practice dietetics in the State of Maryland.

11/26/96
Date

Patricia Compton
Patricia Compton

STATE OF MARYLAND)
CITY/COUNTY OF)

I HEREBY CERTIFY that on this 26 day of November, 1996, before me, a Notary Public of the State and County aforesaid, personally appeared Patricia Compton, License No. D00102, and made oath in due form of law that signing the foregoing Final Order was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

Mary A. Zeger
Notary Public

My Commission Expires: July 1, 1999