

**IN THE MATTER OF
BRIAN J. BELGIN, D.P.M.**

Respondent

License Number: 01403

*** BEFORE THE MARYLAND
* BOARD OF PODIATRIC
* MEDICAL EXAMINERS
* Case Number: 2021-009**

* * * * *

CONSENT ORDER

On August 27, 2021, the Maryland State Board of Podiatric Medical Examiners (the “Board,”) summarily suspended the license of **BRIAN J. BELGIN, D.P.M.** (the “Respondent,”), License Number 01403, and charged him with violating the Maryland Podiatry Act (the “Act,”) Md. Code Ann., Health Occ. (“Health Occ.,”) §§ 16-101 *et seq.* (2014 Repl. Vol. and 2020 Supp.).

Specifically, the Board charged the Respondent with violating the following provisions of the Act under Health Occ. § 16-311:

- (a) *In general.* -- Subject to the hearing provisions of § 16-313 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license or a limited license to any applicant, reprimand any licensee or holder of a limited license, impose an administrative monetary penalty not exceeding \$50,000 on any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, or suspend or revoke a license or limited license if the applicant, licensee, or a holder:
 - (8) Prescribes or distributes a controlled dangerous substance to any other person in violation of the law; [and]
 - (17) Behaves fraudulently, immorally, or unprofessionally in the practice of podiatry[.]

On October 7, 2021, the Board held a Case Resolution Conference (CRC) via videoconference. Following the CRC, the Respondent agreed to enter into this Consent Order, which consisted of Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

The Board makes the following findings of fact:

I. BACKGROUND

1. At all times relevant, the Respondent was and is licensed to practice podiatric medicine in the State of Maryland. The Respondent was originally licensed to practice podiatric medicine in Maryland on May 5, 2004, under License Number 01403. The Respondent's license is current through December 31, 2021.

2. At all times relevant, the Respondent practiced podiatry at a large podiatry practice (the "Practice,")¹ with multiple locations throughout Maryland. The Respondent practiced podiatry at one of the Practice's locations in Baltimore, Maryland.

3. On or about May 12, 2021, the Board opened an investigation of the Respondent after receiving a referral from the Maryland Office of Controlled Substances Administration ("OCSA,,"). The OCSA referral reported that during a pharmacy audit, it discovered that the Respondent wrote numerous controlled dangerous substance ("CDS,,") prescriptions to a family member ("Family Member A,,").

¹ For confidentiality and privacy purposes, the names of witnesses, patients, health care providers, health care facilities, and other institutions are not disclosed in this document.

4. Based on the OCSA referral, the Board initiated an investigation of the Respondent's prescribing practices.

II. BOARD INVESTIGATION

5. As part of its investigation, the Board conducted prescription drug surveys, obtained relevant documents, and interviewed relevant witnesses, including the Respondent.

6. The Board's investigation revealed that between approximately October 31, 2018, and April 22, 2021, the Respondent wrote the following CDS prescriptions to a Family Member A: thirty-one (31) prescriptions for oxycodone 10 to 20 mg (#15 to #25), 10 Acetaminophen-Codeine #3 300-30 mg tablets, and two prescriptions for narcotic cough suppressant.

7. The Board's investigation also revealed that between approximately January 13, 2020, to April 19, 2021, the Respondent wrote ten (10) prescriptions for prescription-only medications to a second family member ("Family Member B,,).

8. The Board's investigation further revealed that between approximately August 5, 2019, to April 3, 2021, the Respondent wrote ten (10) prescriptions for prescription-only medications to a third family member ("Family Member C,,).

9. On June 9, 2021, the Board's investigator interviewed the Respondent under oath. During the interview, the Respondent admitted to writing CDS prescriptions to Family Member A and non-CDS prescriptions to Family Members B and C from approximately 2018 to 2021. Family Member A suffers from extreme pain secondary to numerous inherited chronic inflammatory disorders. Family Members B and C also suffer

from multiple inherited processes. The Respondent admitted that the three family members were not his patients and that he did not keep medical records of them except for copies of the prescriptions he wrote. The Respondent further admitted that the prescriptions that he wrote to the three family members were not related to and outside the scope of his training in podiatric medicine. The Respondent expressed remorse for having written those prescriptions. The Respondent denied any use or sell of the CDS medications and submitted himself for a drug and alcohol evaluation. The Board-approved evaluator determined that the Respondent did not meet the criteria for a substance use disorder and no treatment was recommended.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's actions, as set forth above, constitute: prescribing or distributing a controlled dangerous substance to any other person in violation of the law, in violation of Health Occ. § 16-311(a)(8); and behaving unprofessionally in the practice of podiatry, in violation of Health Occ. § 16-311(a)(17).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by the affirmative vote of a majority of the Board considering this case:

ORDERED that the Order for Summary Suspension of the Respondent's license to practice podiatric medicine in the State of Maryland under License Number 01403, issued on August 27, 2021, is hereby **TERMINATED**; and it is further

ORDERED that the Respondent's license, which has been suspended since August 27, 2021, is hereby **REINSTATED** as of the date of this Consent Order; and it is further

ORDERED that the Respondent shall immediately be placed on **PROBATION** for a period of **TWO (2) YEARS**, subject to the following terms and conditions:

- i. Mental Health Counseling
 1. During the probationary period, the Respondent shall continue to undergo mental health counseling, including his ability to deal with personal and family crises, with his current mental health care provider (the "Mental Health Care Provider,,).
 2. The Mental Health Care Provider shall submit quarterly reports to the Board summarizing the Respondent's treatment and progress. The Respondent is responsible for ensuring that his Mental Health Care Provider submits the required quarterly reports to the Board in a timely manner.
- ii. During the probationary period, the Respondent is prohibited from prescribing any opioid or narcotic medications.
- iii. The Board may issue administrative subpoenas to the Maryland Prescription Drug Monitoring Program ("PDMP") on a quarterly basis for the Respondent's CDS prescriptions. The administrative subpoena will request a review of the Respondent's CDS prescriptions from the beginning of each quarter.
- iv. Within six (6) months of the date of this Consent Order, the Respondent shall successfully complete a Board-approved course in professional ethics, which may not be applied toward his license renewal.
- v. The Respondent shall provide quarterly reports to the Board from physicians overseeing the health care of Family Members B and C.
- vi. The Respondent shall comply with any Board issued subpoena, requests for patient treatment records, or related inquiries.
- vii. The Respondent shall comply with the Maryland Podiatry Act and all laws, statutes and regulations pertaining thereof.

AND IT IS FURTHER ORDERED that, after the conclusion of the **TWO (2)** **YEAR** probationary period, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated through an order of the Board. The Respondent may be required to appear before the Board or a committee of the Board to discuss his petition for termination. The Board shall grant the petition to terminate the probation if the Respondent has complied with all of the probationary terms and conditions and there are no pending complaints of similar violation; and it is further

ORDERED that if the Respondent allegedly fails to comply with any term or condition of probation or this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to a material fact, the hearing shall be an evidentiary hearing before the Board. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board; and it is further

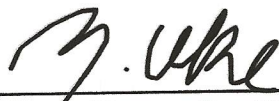
ORDERED that after the appropriate hearing, if the Board determines that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice podiatric medicine in Maryland. The Board may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that, unless stated otherwise in the order, any time period prescribed in this order begins when the Consent Order becomes effective. The Consent Order is effective upon the signature of the Board Chair; and is further

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions §§ 4-101 *et seq.* (2014).

10/14/2021
Date



Yvonne U. Umezurike, D.P.M.
Board President
Maryland State Board of Podiatric Medical Examiners

CONSENT


I, BRIAN J. BELGIN, D.P.M., acknowledge that I had the opportunity to be represented by and consult with counsel before entering this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my

opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

10/14/21
Date



Brian J. Belgin, D.P.M.
Respondent

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 14th day of October, 2021, before me, a Notary Public of the foregoing State and City/County personally appeared Brian J. Belgin, D.P.M., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.





Notary Public

My commission expires: 9/15/2024