

IN THE MATTER OF * **BEFORE THE MARYLAND**
CARMEN ZALDIVAR-ADLER, D.P.M. * **BOARD OF PODIATRIC**
Respondent * **MEDICAL EXAMINERS**
License Number: 01453 * **Case Number: 2020-012**

* * * * *

ORDER FOR SUMMARY SUSPENSION
OF LICENSE TO PRACTICE PODIATRIC MEDICINE

The Maryland State Board of Podiatric Medical Examiners (the “Board”) hereby **SUMMARILY SUSPENDS** the license of **CARMEN ZALDIVAR-ADLER, D.P.M.** (the “Respondent”), License Number 01453, to practice podiatric medicine in the State of Maryland.

The Board takes such action pursuant to its authority under Md. Code Ann., State Gov’t § 10-226(c) (2014 Repl. Vol. & 2019 Supp.), concluding that the public health, safety or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true:¹

¹ The statements regarding the Board’s investigative findings are intended to provide the Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

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 31, 2007, under License Number 01453. The Respondent's license is current through December 31, 2021.

2. At all times relevant to the events giving rise to this order, the Respondent was employed as a podiatrist with a podiatry practice (the "Practice")² with eight locations throughout the Baltimore metropolitan area.

3. On or about October 21, 2020, the Board opened an investigation of the Respondent after receiving two complaints from the owner ("Podiatrist A") of the Practice and a former colleague ("Podiatrist B") of the Respondent's at the Practice, both of whom are licensed podiatrists in Maryland. Both Podiatrists A and B alleged that the Respondent wrote prescriptions for Schedule II controlled dangerous substances ("CDS") to herself and a friend. Podiatrists A and B alleged that the Respondent did so by forging their signatures on their prescription pads without authorization.

II. BOARD INVESTIGATION

4. As part of its investigation, the Board conducted prescription surveys, interviewed relevant witnesses and obtained relevant documents, including copies of the prescriptions the Respondent forged.

² 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. The Respondent may obtain the identity of the referenced individuals, facilities, or institutions by contacting the assigned administrative prosecutors.

5. The Board's investigation revealed that on or about October 30, 2020, the office manager (the "Manager") at the Practice received a telephone call from a pharmacist attempting to verify a prescription dated October 19, 2020, apparently issued by Podiatrist B to the Respondent for Percocet 10/325 mg (#45), a Schedule II CDS opioid.

6. After receiving the telephone call, the Manager conferred with Podiatrists A and B and determined that Podiatrist B had never treated the Respondent as a patient or written any prescription to the Respondent. Podiatrist B was employed as a podiatrist at the Practice from September 2016 to June 30, 2020.

7. An internal audit by the Practice and copies of prescriptions the Board obtained revealed that between July and October 2020, the Respondent wrote nine prescriptions for Percocet 10/325 mg (#6 to #45) to herself using Podiatrist B's prescription pad and forging his signature without his authorization.

8. The Practice's audit further revealed that the Respondent wrote one prescription for Percocet 10/325 mg (#180) to her friend and housemate, who had never been her patient of record.

9. On November 9, 2020, the Board's investigator interviewed the Respondent under oath. During the interview, the Respondent admitted to writing the nine prescriptions for Percocet 10/325 mg using Podiatrist B's prescription pad and forging his signatures with his authorization. The Respondent stated that the prescriptions were for back pain from an accident that occurred in May 2020. The

Respondent further admitted to writing the prescription for Percocet 10/325 mg (#180) to her friend and housemate but did not keep any record of treating him.

CONCLUSIONS OF LAW

Based upon the foregoing Investigative Findings, the Board concludes as a matter of law that the public health, safety, or welfare imperatively requires emergency action, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2) (2014 Repl. Vol. and 2019 Supp.).

ORDER

It is, by a majority of the Board, hereby:

ORDERED that pursuant to the authority vested in the Board by Md. Code Ann., State Gov't § 10-226(c)(2), the Respondent's license to practice podiatric medicine in the State of Maryland is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that the Respondent has the opportunity to appear before the Board for a post-deprivation show cause hearing. The request for a post-deprivation show cause hearing must be made in writing **WITHIN THIRTY (30) DAYS** of service of this Order. The written request should be made to Eva Schwartz, Executive Director, Maryland State Board of Podiatric Medical Examiners, 4201 Patterson Avenue, Baltimore, Maryland 21215; and it is further

ORDERED that if the Respondent fails to request a post-deprivation show cause hearing in writing, the Respondent's license will remain suspended; and it is further

ORDERED that on presentation of this Order, the Respondent **SHALL**

SURRENDER to the Board her original podiatry license number 01453, any wallet card and wall certificate; and it is further

ORDERED that at the conclusion of the post-deprivation show cause hearing, the Respondent, if dissatisfied with the result of the hearing, may request within ten (10) days an evidentiary hearing, such hearing to be set promptly before the Board; and it is further

ORDERED that this is an Order of the Board, and as such, is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions § 4-101 *et seq.* (2014).



December 3, 2020

Date

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