

IN THE MATTER OF	*	BEFORE THE MARYLAND
KIMBERLY M. WALKER, M.D.	*	STATE BOARD OF PHYSICIANS
Respondent	*	Case Numbers: 2010-0315; 7713-0077 & 2014-0042
License No. D75532	*	
* * * * *	*	* * * * *

SUPPLEMENTAL ORDER AFTER SHOW CAUSE HEARING

The issue in this case is whether Kimberly M. Walker, M.D. (“Dr. Walker”), a physician licensed by the Maryland State Board of Physicians (“Board”) pursuant to a Consent Order that was effective on February 26, 2013, violated the conditions of that Consent Order, under the Maryland Medical Practice Act (“Act”), Md. Code Ann., Health Occ. (“H.O.”) §§ 14-101 *et seq.* (2009 Repl. Vol.). The February 26, 2013 Consent Order is attached as Attachment A. The Board is issuing this supplemental order after granting Dr. Walker an opportunity to appear before the Board at a Show Cause hearing on October 23, 2013.

Findings and Conclusions of the February 26, 2013 Consent Order

The February 26, 2013 Consent Order signed by Dr. Walker followed an evidentiary hearing before an Administrative Law Judge at the Office of Administrative Hearings, and included findings that Dr. Walker suffers from a mental disorder currently diagnosed as Schizoaffective Disorder, Bipolar Type. This condition first became apparent during her medical residency when Dr. Walker entered a hospital, pulled a loaded firearm and fired it several times at a hospital security guard. The gun did not discharge. Dr. Walker was subsequently charged with attempted murder and was found not guilty by reason of insanity.

Dr. Walker subsequently sought treatment and was prescribed anti-psychotic medication. She twice stopped taking her medication during the first two years of treatment and each time her

paranoid delusions returned. After she resumed the anti-psychotic medication, Dr. Walker eventually became mentally stable.

The Board concluded that Dr. Walker's mental condition rendered her mentally incompetent under Section 14-404(a)(4) of the Act because she was incapable "of practicing medicine safely without the imposition of elaborate and intrusive conditions." The Board, however, determined that if Dr. Walker complied with the specific terms and conditions of the Consent Order, that she would be rendered competent to practice medicine safely.

Conditions of the February 26, 2013 Consent Order

The Board therefore granted Dr. Walker a license to practice medicine in Maryland subject to her compliance with certain conditions set forth in the Order. Dr. Walker agreed to comply with conditions that included: enrollment in and full compliance with a Board-monitored rehabilitation agreement for at least 10 years with the Maryland Professional Rehabilitation Program ("MPRP"); mandatory treatment with psychotropic drugs; mandatory psychotherapy; compliance with toxicology check-in and screening; ensuring timely submission of written reports from treatment providers to the MPRP and to the Board; and obtaining prior Board approval for employment requiring a medical license.

The Consent Order also provided that if Dr. Walker violated any of the requirements, the Board, after giving Dr. Walker notice and an opportunity to be heard at an appropriate hearing, may impose any other disciplinary sanctions authorized under §14-404 of the Act, including reprimand, probation, suspension, revocation and/or a fine.

Notice of Violation and October 23, 2013 Show Cause Hearing

When the Board received information that Dr. Walker may not be complying with the conditions of the Consent Order, the Board sent notice to Dr. Walker on September 16, 2013 that

it was charging her with violating the terms and conditions of the February 26, 2013, Consent Order. The Board also notified Dr. Walker that a hearing was scheduled for October 23, 2013 to give her an opportunity to show cause why further sanctions should not be imposed according to the conditions of the Consent Order. Dr. Walker appeared at the hearing as did the Administrative Prosecutor for the State. There were no material facts in dispute. Dr. Walker admitted to the Board that she violated the conditions of the Consent Order and her rehabilitation agreement.

Findings of Fact

The Board adopts the procedural findings of fact regarding the Consent Order recited above. Dr. Walker admitted to specific violations of the Consent Order. Most significantly, Dr. Walker admitted that she stopped taking the antipsychotic Abilify as prescribed by her psychiatrist, and substituted a non-FDA-approved generic equivalent without informing the psychiatrist, thus failing to comply with her medication regimen. She also failed to meet with her treating psychiatrist every two weeks as instructed by the MPRP, and saw the psychiatrist only once every three months. In addition, Dr. Walker ignored the Order's requirement that she obtain prior Board approval for employment requiring a medical license. She admitted that she entered into a written contract for employment as a physician with a medical clinic effective July 8, 2013, and provided medical services as a physician at the clinic without requesting or receiving the requisite prior Board approval or informing the MPRP.

Dr. Walker's other violations included her failure to undergo regular chemical screening as required by her MPRP agreement. She admitted to failing to check in for random toxicology screening on April 5, 2013, and failing to obtain toxicology screening on April 6, 2013, which she characterized as an oversight on her part. She also failed to keep current her account at the

testing facility, which resulted in her toxicology screening being suspended from June 18 to July 4, 2013, and from August 31, 2013 to at least September 16, 2013. Dr. Walker also admitted that she further failed to cooperate with other MPRP requirements. She cancelled a face-to-face meeting with her MPRP case manager scheduled for September 4, 2013, without providing sufficient prior notice, and failed to provide contact information for her new treating psychiatrist when requested by the case manager. In addition, Dr. Walker admitted that she failed to ensure that her treatment providers submit a written report to the MPRP and the Board for the second quarter of 2013.

Dr. Walker argues that financial problems prevented her compliance with the conditions of the Consent Order. While financial reasons may explain some of her compliance difficulties, Dr. Walker did not make an adequate, good faith attempt to conform to conditions within her control and to which she had agreed. For example, there are no compelling reasons for her failure to check in for toxicology screening, or for her failure to show up for a meeting with her MPRP case manager or to furnish the name of her new psychiatrist and crucial contact information to the case manager. Dr. Walker also acknowledged that she did not notify the Board or staff at any time about her difficulties in complying with the conditions of the Consent Order. Her excuses are insufficient, in the Board's opinion.

When granting Dr. Walker a medical license, the Board went to great lengths to provide her with an opportunity to rehabilitate herself, to maintain mental competency, and to practice medicine competently while ensuring public protection. Dr. Walker, however, did what she wanted, not what she had agreed to do. Dr. Walker's actions not only ignored the employment conditions of the Order and adversely affected her ability to maintain mental competency, but

reveal an ongoing pattern of problematic and worrisome unilateral conduct that is detrimental to sustained competency and her ability to practice medicine safely.

Disposition

It is undisputed that Dr. Walker failed to comply with the conditions of the February 26, 2013 Consent Order. At the Show Cause hearing, Dr. Walker demonstrated that she is unable or unwilling to comply with the conditions. As the Board concluded in the Consent Order, Dr. Walker is incapable of practicing medicine safely without the imposition of these conditions. Pursuant to the terms of that Order, and in light of the undisputed fact that Dr. Walker has violated the Order's requirements, the Board will impose a sanction as set forth on page 6 of that Order and will revoke Dr. Walker's medical license.

ORDER

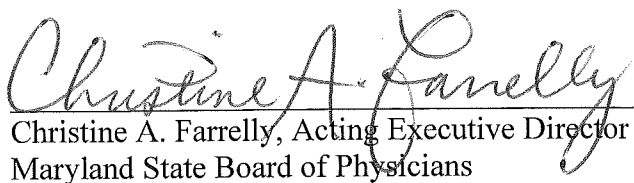
It is hereby:

ORDERED that the license of Kimberly M. Walker, M.D. license number D75532, to practice medicine in the State of Maryland, is **REVOKED** for a minimum of **TWO (2) YEARS**; and it is further

ORDERED that the Board will not entertain an application for reinstatement of Dr. Walker's medical license until after the expiration of **TWO (2) YEARS**; and it is further

ORDERED that this is a Final Order of the Board and, as such, is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't § 10-611 *et seq.* (2009 Repl. Vol.).

12/30/13
Date


Christine A. Farrelly, Acting Executive Director
Maryland State Board of Physicians

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

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

**Maryland State Board of Physicians
Christine A. Farrelly, Acting Executive Director
4201 Patterson Avenue
Baltimore, Maryland 21215**

Notice of any petition should also be sent to the Board's counsel at the following address:

**Noreen M. Rubin
Assistant Attorney General
Department of Health and Mental Hygiene
300 West Preston Street, Suite 302
Baltimore, Maryland 21201**

IN THE MATTER OF * BEFORE THE MARYLAND
 KIMBERLY M. WALKER, M.D., * STATE BOARD OF
 Respondent. * PHYSICIANS
 APPLICANT * Case No. 2010-0315

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On August 2, 2010, the Board issued a Notice of Initial Denial of Application for Initial Medical License **KIMBERLY WALKER, M.D.** (“Dr. Walker”) on the ground that she was incompetent to practice medicine within the meaning of Md. Health Occ. Code Ann. (“H.O.”) §§ 14-404(a)(4). The incompetence alleged was not due to insufficient education, training or medical skill, or any character flaws, but to the danger allegedly posed to the public caused by her mental and emotional condition. Dr. Walker desires to resolve these charges by entering into this Consent Order.

FINDINGS OF FACT

Dr. Walker suffers from a mental disorder currently diagnosed as Schizoaffective Disorder, Bipolar Type. The disorder became first apparent during her medical residency. As a result of this disorder, and despite previous treatment, Dr. Walker entered the hospital at which her residency was located and pulled a loaded firearm and fired it several times at a hospital employee. The gun, however, did not discharge. Dr.

Walker was charged with attempted murder. She was acquitted of that charge by a finding of not guilty by reason of insanity.

Dr. Walker subsequently sought treatment and was then for the first time prescribed anti-psychotic medications. During the first two years of treatment, Dr. Walker twice stopped taking her anti-psychotic medication, once of her own accord and once as prescribed by her psychiatrist. Each time, her paranoid delusions returned. She recognized this each time and was thus able to assist her psychiatrist in recognizing the problem and thus eventually reaching stability again by resuming the medication.

Since September of 2009, Dr. Walker has taken the same medication amount, has not discontinued it, and had been mentally stable. Dr. Walker has been monitored by the Maryland Physicians Health Program since October of 2010. Throughout that period, her mental status has been stable and she has been functioning well. Her treating psychiatrist, as well as the Board's expert psychiatrist, Dr. Jeffrey Janofsky, have opined that Dr. Walker suffers from a mental disease but that with therapy, including psychotropic therapy, supervision, and monitoring, she can safely practice medicine.

CONCLUSIONS OF LAW

Dr. Walker fails to meet the requirements of § 14-404(a)(4) of the Medical Practice Act because she is not capable of practicing safely without the imposition of elaborate and intrusive conditions that include mandatory treatment with psychotropic drugs, mandatory therapy, revelation of her condition and treatment history to her employer, continuous supervision at the workplace, and continuous, long-term

cooperation and coordination between the applicant and various independent entities and persons. The Board does not have the authority to issue a license conditioned upon such requirements. Nevertheless, if Dr. Walker does comply with the conditions and safeguards set out in this Consent Order, Dr. Walker will be rendered fully competent to practice medicine safely.

ORDER

Dr. Walker desires to enter into this Consent Order agreeing to certain mandatory conditions and subjecting herself to certain continuing requirements in order to resolve this Initial Denial of Initial Medical License. The Board grants a license to Dr. Walker pursuant to the terms of this Consent Order.

It is hereby **ORDERED** that Dr. Kimberly Walker is granted a license to practice medicine in Maryland effective the date this order is executed by the Board, subject to the conditions set out in this Consent Order; and it is further

ORDERED that Dr. Walker, no later than ten (10) business days of the date the Board executes this Consent Order, shall enter into a Board-monitored Rehabilitation Agreement with the Maryland Professional Rehabilitation Program ("MPRP") that shall have a minimum duration of ten years. If recommended by the MPRP at any time, Dr. Walker shall enter into a Rehabilitation Agreement with a duration of longer than ten years. At the end of the ten years, and if recommended by MPRP, Dr. Walker shall enter into a new Rehabilitation Agreement, or an extension of the initial Rehabilitation Agreement, for the length of time recommended by the MPRP. Dr. Walker shall fully,

timely, and satisfactorily cooperate and comply with all MPRP recommendations and requirements, including but not limited to, the terms and conditions of all Rehabilitation Agreement(s) and Rehabilitation Plan(s) entered into with the MPRP. If, at any time during the monitoring period, the MPRP is replaced by another program providing the same type of rehabilitation program under contract with the Board, Dr. Walker agrees to be transferred to that program and that her duties with respect to the replacement program shall be the same as her duties with respect to the MPRP; and it is further

ORDERED that, within ten (10) business days of the date the Board executes this Consent Order, Dr. Walker shall sign any consent forms authorizing the release of records to the Board and to the MPRP, and Dr. Walker shall update those releases as required by the Board and the MPRP. Specifically, Dr. Walker shall sign any written consent forms authorizing the release of records by the Maryland Physician Health Program and the MPRP to the Board and also authorizing the Maryland Physician Health Program and the MPRP to make verbal and written disclosures to the Board, including disclosure of any and all records and files and confidential drug and alcohol abuse information about Dr. Walker. Dr. Walker shall also sign any written consent forms required by the MPRP or the Board to authorize the MPRP exchange with (*i.e.*, disclose to and receive from) outside entities (including all of the Respondent's therapists and treatment providers, the Maryland Physician Health Program and, where provided in the Rehabilitation Agreement or Rehabilitation Plan, Dr. Walker's workplace supervisors) verbal and written information about her, including confidential drug and alcohol abuse

information. These requirements include any consent forms necessary to authorize the Board and the MPRP to receive written reports from any treatment providers; and it is further

ORDERED that Dr. Walker initially obtain a residency approved by the Board in which she shall be directly and closely monitored and supervised at all times in her work environment by a supervisor who is fully aware of her mental health, legal and professional history. The supervisor must agree to and shall be required to provide regular vocational reports on her overall performance and stress management, and shall provide reports to the Board on at least a quarterly basis; however, if Dr. Walker is unable to gain acceptance to a residency immediately, all other employment requiring a medical license, including non-clinical positions such in an administrative and research capacity, must be with the knowledge and advance approval of the Board; and it is further

ORDERED that Dr. Walker shall be assessed and evaluated on an ongoing basis and continue to meet with her treatment providers at least monthly until such time as there is agreement that a reduction in her treatment is clinically appropriate and best serves the goals of maximizing her overall health and stability and protecting herself, her colleagues, her patients and the general public; and it is further

ORDERED that Dr. Walker shall continue her psychiatric treatment, shall take all medications as prescribed and shall undergo regular monitoring and verification, through direct witnessing or random toxicology screenings, of her compliance with her medication regimen; and it is further

ORDERED that Dr. Walker shall undergo regular monitoring, including chemical screening, for abstinence from alcohol, controlled dangerous substances, or other drugs, if recommended by the MPRP; and it is further

ORDERED that Dr. Walker shall be responsible for assuring that any treatment providers submit written reports to the MPRP and to the Board at least once every three months regarding her attendance, progress, medications (and dosages) prescribed, and her compliance with the prescribed medication regimen; and it is further

ORDERED that Dr. Walker shall not write prescriptions for any controlled dangerous substances; and it is further

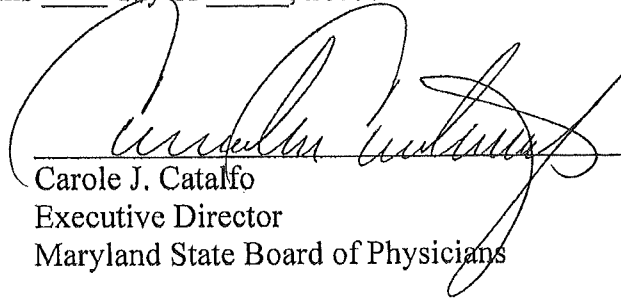
ORDERED that Dr. Walker shall not own, possess, carry or use any firearm; and it is further

ORDERED that if Dr. Walker violates any of the requirements of this Consent Order, the Board, in its discretion, after giving notice and an opportunity to be heard at an evidentiary hearing if there are material facts in dispute or at a show cause hearing otherwise, may impose any sanctions authorized under § 14-404 of the Medical Practice Act, including reprimand, probation, suspension, revocation, and/or a fine; and it is further

ORDERED that the Dr. Walker shall be responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that this Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. State Gov't. Code Ann. § 10-611 *et seq.* (2009 Repl. Vol. and 2012 Supp.).

Approved by the Board this 26th day of Feb., 2013.



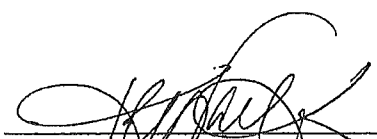
Carole J. Catalfo
Executive Director
Maryland State Board of Physicians

CONSENT

I, Kimberly Walker, M.D., acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I agree to the foregoing Consent Order, which consists of Procedural Background, Findings of Facts, Conclusions of Law, Order, and Consent, and I accept and agree to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law set out in this Consent Order.

I acknowledge that I participated in a formal evidentiary hearing and also in a formal exceptions hearing before the Board, and that during both proceedings I was represented by counsel. I acknowledge that as a result of those proceedings the Board issued a Final Decision and Order that was adverse to me, and that I had the right to file a petition for judicial review of that Final Decision and Order. I hereby waive my right to file a petition for judicial review of that Final Decision and Order. Instead of filing a petition for judicial review, I have elected to sign this Consent Order which will supersede that Final Decision and Order. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I sign this Consent Order without reservation after having had an opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

Date: 2/21/13



Kimberly Marion Walker, M.D.

NOTARY PUBLIC CERTIFICATION

STATE OF MD

CITY/COUNTY OF: P.G.

I HEREBY CERTIFY that on this 21 day of Feb., 2013, that Kimberly M. Walker, M.D. personally appeared before me, a Notary Public of the State of Maryland, and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.



Notary Public

My commission expires: 07/08/2016