

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

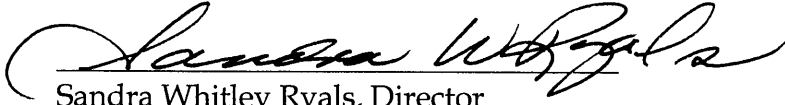
IN RE: **CRAIG S. CROPP, M.D.**
License No.: 0101-058190

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Sandra Whitley Ryals, the Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Craig S. Cropp, M.D., to practice medicine in the State of Maryland was suspended by a Final Decision and Order entered November 2, 2006. A certified copy of the Final Decision and Order [*with attachment*] is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Craig S. Cropp, M.D., to practice medicine in the Commonwealth of Virginia be, and hereby is, SUSPENDED.


Pursuant to Va. Code §54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.


Sandra Whitley Ryals, Director
Department of Health Professions

ENTERED: February 27, 2007

CERTIFICATION OF DUPLICATE RECORDS

I, Sandra Whitley Ryals, Director of the Department of Health Professions, hereby certify that the attached Final Decision and Order [*with attachment*] entered November 2, 2006, regarding Craig S. Cropp, M.D., are true copies of the records received from the Maryland State Board of Physicians.


Sandra Whitley Ryals

Date: February 27, 2007

IN THE MATTER OF

CRAIG S. CROPP, M.D.

* BEFORE THE
*
* MARYLAND STATE
* BOARD OF PHYSICIANS
*
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* Case Number 2004-0347
*

License No. D 33593

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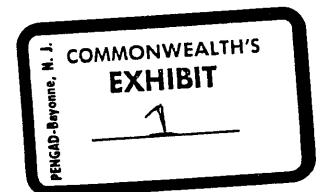
FINAL DECISION AND ORDER

I. PROCEDURAL HISTORY

On September 15, 2005, the Board charged Craig S. Cropp, M.D. ("Dr. Cropp") for being disciplined by the licensing authority of another state for an act or acts that would be grounds for disciplinary action if performed in this State. *See* Md. Health Occ. Code Ann. ("Health Occ.") § 14-404 (a) (21) (permitting such reciprocal discipline). The acts in question occurred in the State of Virginia. Those acts, according to the charges, would have violated Health Occ. § 14-404 (a) (22) if performed in this State. That latter section of the Maryland law provides for discipline if a physician:

[F]ails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care in an outpatient facility, office, hospital or other location in this State.

Id. Dr. Cropp availed himself of the right to a hearing, and a hearing was held before an Administrative Law Judge of the Office of Administrative Hearings on May 4, 2006. The Administrative Law Judge then issued a Proposed Decision on July 13, 2006. Dr. Cropp filed Exceptions to the Proposed Decision, and a hearing on those Exceptions was held on October 25, 2006. Throughout the process, Dr. Cropp has admitted that his case meets the requirements for reciprocal discipline in Maryland set out in Health Occ. § 14-



404 (a) (21). The only issue contested by Dr. Cropp throughout the process is the sanction to be imposed by this Board for that violation of Health Occ. § 14-404 (a) (21).

II. POST-HEARING EVIDENTIARY RULING

The Board ordinarily confines its Exceptions process to the evidence already developed at the hearing before the Administrative Law Judge. In this case, however, an important factual issue is extent of the restrictions imposed by the Virginia Board of Medicine on Dr. Cropp's medical license. The Administrative Law Judge admitted into evidence the Virginia Board of Medicine's Orders of November 2, 2000, June 10, 2003 and November 8, 2004. During the Exceptions process, however, Dr. Cropp has proffered a new order of the Virginia Board of Medicine, dated October 4, 2006, which modifies the sanction imposed on him by the November 8, 2004 Order. The Administrative Prosecutor did not object to the Board considering this new order during its Exceptions process. Dr. Cropp stipulated that the Board may consider this latest order from the Virginia Board of Medicine as final, even though his right to appeal it does not expire until November 8, 2006. Dr. Cropp informed the Board that he has no intention of appealing that October 4, 2006 order. The Board has thus admitted this document into evidence and will consider it in its disposition of the case. The Board has not admitted and will not consider the other documents proffered by Dr. Cropp at the Exceptions stage of the process.

III. FINDINGS OF FACT

The Board adopts the Findings of Fact proposed by the Administrative Law Judge. The Proposed Decision of the Administrative Law Judge is incorporated into this decision and is attached. Based on the additional document admitted, however, the Board will make one additional finding, finding number 19, as follows:

On October 5, 2006, the Virginia Board of Medicine modified the conditions and restrictions imposed in its previous order of November 8, 2004. In that October 5, 2006 order, Dr. Cropp is no longer required to complete a residency in obstetrics and gynecology prior to petitioning the Virginia Board to modify the prohibition on the practice of obstetrics or invasive surgery requiring IV sedation or general anesthesia. In the October 5, 2006 order, Dr. Cropp may return to the practice of medicine if he either: (a) passes the Special Purpose Examination ("SPEX") or (b) completes a voluntary recertification with the American College of Obstetrics and Gynecology. Upon returning to practice, Dr. Cropp would be subject to numerous conditions and restrictions, including the requirement of acquiring and maintaining the services of a mentoring physician to observe or assist in all surgical procedures, deliveries and all invasive gynecological surgical procedures whether performed in the office or in the operating room. After these conditions and restrictions have remained in effect for one year, Dr. Cropp may petition the Executive Director of the Virginia Board to remove these conditions and restrictions.

IV. CONCLUSIONS OF LAW

The Board adopts the Conclusions of Law proposed by the Administrative Law Judge. The Board also adopts part A of the "Discussion" in the Administrative Law Judge's opinion at pages 9 through 11 of the Proposed Decision. The Board also concludes that it may impose any sanction authorized by Health Occ. § 14-404 (a) and 14-405.1, including revocation, suspension, probation, reprimand and/or the imposition of a fine, for this violation of Health Occ. 14-404 (a) (21).

V. SANCTION

The Board is quite concerned that Dr. Cropp currently has an unrestricted, active medical license in this State, while his history includes a series of events that cast grave doubt on his competence to practice medicine. The Board is concerned about the safety of Maryland patients should Dr. Cropp be permitted to practice in this State now, or should he be later permitted to actively practice in this State prematurely, without a demonstration that he is currently competent. The Board will suspend Dr. Cropp's license until he is permitted to return to the active practice of medicine in Virginia

without terms, conditions, limitations or encumbrances of any kind. In addition, upon petitioning to have this Maryland suspension lifted, Dr. Cropp will be required to demonstrate to the satisfaction of the Board that he is at that time competent to practice in Maryland

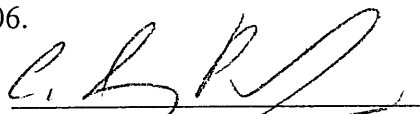
VI. ORDER

It is therefore **ORDERED** that the medical license of Craig S. Cropp, M.D., License No. D33593, is hereby **SUSPENDED**; and it is further

ORDERED that the suspension shall remain in effect until Dr. Cropp is no longer suspended from the active practice of medicine in the State of Virginia and is permitted to practice there actively without any terms, conditions, limitations or encumbrances of any kind **AND** until Dr. Cropp applies in this State to have the suspension lifted **AND** Dr. Cropp demonstrates to the satisfaction of the Board, in accordance with any procedures or evaluations deemed appropriate by the Board at that time, that he is then competent to practice medicine in this State; and it is further

ORDERED that if the Board lifts the suspension in accordance with the above paragraph, the Board may impose a period of stayed suspension or of probation if in the judgment of the Board the public would not be adequately protected at that time without those restrictions.

SO ORDERED this 2nd day of November, 2006.


C. Irving Pinder, Jr.
Executive Director

NOTICE OF RIGHT TO APPEAL

If Dr. Cropp is dissatisfied with this Final Decision and Order, he has the right to file a direct judicial appeal of this decision with the circuit court, under Md. Code Ann., Health Occ. § 14-408(b), Md. Code Ann., State Gov't § 10-222 and the Maryland Rules of Procedure at Ch. 7-200 et seq.

I HEREBY ATTEST AND CERTIFY UNDER
PENALTY OF PERJURY ON November 17, 2006
THAT THE FORGOING DOCUMENT IS A
FULL, TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE AND
IN MY LEGAL CUSTODY.

Margaret Angelle
DEPUTY DIRECTOR
MARYLAND BOARD OF PHYSICIANS

**IN THE MATTER OF
CRAIG S. CROPP, M.D.
Respondent**

*** BEFORE THE MARYLAND
* STATE BOARD OF
* PHYSICIANS**

License Number: D33593

*** Case Number: 2004-347**

**NOTICE OF CHARGES AND INTENT TO SANCTION UNDER THE
MARYLAND MEDICAL PRACTICE ACT**

The Maryland State Board of Physicians (the "Board"), hereby charges Craig S. Cropp, M.D. (the "Respondent") (D.O.B. 03/20/1951), License Number D33593, under the Maryland Medical Practice Act (the "Act"), Md. Health Occ. Code Ann. ("Health Occ.") § 14-404(a) (2000 Repl. vol.).

The pertinent provision of the Act provides the following:

(a) Subject to the hearing provisions of § 14-405 of this subtitle, the Board, on the affirmative vote of a majority of the quorum, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

- (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veteran's Administration for an act that would be grounds for disciplinary action under this section.

The underlying ground for disciplinary action under Health Occ. § 14-404(a)(21) is as follows:

- (22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State.

I. ALLEGATIONS OF FACT¹

The Board bases its charges on the following facts that the Board has cause to believe are true:

1. At all times relevant to these charges, the Respondent was a physician licensed to practice medicine in the State of Maryland. He was initially licensed in Maryland on or about May 6, 1986.
2. At the time of the acts described herein, until June 2002, the Respondent was a physician engaged in the private practice of medicine in Virginia.
3. Virginia licensed the Respondent to practice medicine on or about July 13, 1998.
4. The Virginia Board of Medicine (hereinafter, the "Virginia Board"), issued three (3) disciplinary orders based on patient care issues, limiting the Respondent's license to practice medicine, dated November 2, 2000, June 10, 2003 and November 8, 2004.
5. In August 2003, on receipt of the Federation of Medical Boards' Report, the Maryland Board (hereinafter, the "Board") received notice that the Virginia Medical Board had taken action against the Respondent's license to practice medicine on November 2, 2000 and June 10, 2003.²

¹ The allegations set forth in this document are intended to provide the Respondent with notice of the alleged charges. 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 these charges.

² During the course of the Board's investigation, the Virginia Board issued the November 8, 2004 Order.

6. On or about December 19, 2003, the Board opened an investigation.

VIRGINIA BOARD ACTIONS

November 2, 2000 Order

7. By letter dated August 30, 2000, the Virginia Board issued a letter notifying the Respondent that it intended to inquire into allegations involving the violation of Virginia's Medical Practice Act including complications rendered at Wythe County Community Hospital ("WCCH") relating to three patients' laparoscopic procedures, the contamination of a surgical field during a cesarean section and the substandard obstetrical care of four mothers/infants. WCCH suspended the Respondent's clinical privileges based on the Respondent's care and treatment of four patients. New River Valley Medical Center suspended the Respondent's clinical privileges based on the suspension by WCCH. The allegations further involved patient care rendered at Pulaski Community Hospital ("PCH") relating to surgical complications resulting from two laparoscopic surgical procedures. PCH suspended the Respondent's privileges to perform laparoscopic procedures pending receipt of proof of competency.

[August 30, 2000 Letter, attached as Exhibit 1]

8. On or about November 2, 2000, based on the evidence and statements presented during the Informal Conference, the Virginia

Board issued a Final Order limiting the Respondent's practice of medicine to include compliance with specific terms and conditions. The Virginia Board's Order was based on Findings of Fact involving surgical complications of the Respondent's patients that resulted in the suspension of his clinical privileges at WCCH and a reciprocal suspension of his medical privileges at New River Valley Medical Center.

[November 2, 2000 Order, attached as Exhibit 2]

June 10, 2003 Order

9. On May 2, 2003, the Virginia Board issued a Statement of Particulars alleging that the Respondent violated the following sections of the Virginia Code:

a. Section 54.1-2915.A(4) and (3), as further defined in Section 54.1-2914.A(8) and (11), with regard to substandard care of a high-risk obstetrical patient;

b. Section 54.1-2915.A(4) and (3), as further defined in Section 54.1-2914.A(8) and (11) and Term 4 of the Board's Order, with regard to perforating a patient's uterus during a hysteroscopy and fractional dilatation and curettage;

c. Section 54.1-2915.A(4) and (3), as further defined in Section 54.1-2914.A(8) and (11) and Term 4 of the Board's Order, with regard to substandard surgical care and leaving the operating room without another physician present on two occasions;

d. Section 54.1-2915.A(4) and (3), as further defined in Section 54.1-2914.A(8) and (11), with regard to his pattern of practice constituting a danger to the health and welfare of the public. Without having practiced obstetrics and gynecology consistently for a period of time and demonstrating a lack of proficiency in surgical technique, he performed varied high-risk procedures which because of the low volume, are beyond his are of competence. Based on his treatment of two patients,

PCH summarily suspended his clinical privileges, and subsequently revoked his clinical privileges.

e. Section 54.1-2915.A(3), as further defined in Section 54.1-2914.A(11) and (13), and Section 54.1-2910.1 as amended, Part VII of the Board's General Regulations and Term 4 of the Board's Order, in that the Respondent failed to update his Physician's Practitioner Profile to include his summary suspension and revocation of his clinical privileges on the medical staff at PCH due to concerns of administrative staff regarding his clinical practice.

[May 2, 2003, Statement of Particulars, attached as Exhibit 3]

10. On or about June 10, 2003, the Virginia Board issued a second Final Order following a formal administrative hearing. The Board made Findings of Fact by clear and convincing evidence relating to the Respondent's care and treatment of patients A, B and C. Specifically with regard to patients B and C who both suffered uterine perforations, the Board found:

...when the perforations were viewed in their totality, [they] represent a pattern of complications raising concerns. Specifically, it is a concern that without having practiced obstetrics and gynecology consistently for a period of time, there is a demonstrated lack of proficiency in surgical technique.

The Board further found that the Respondent's privileges were summarily suspended and then revoked at PCH, that he had not performed a surgical procedure since January 2001 and had not practiced medicine since January 2002, and that he failed to update his Physician's Practitioner Profile within the required time period. Consequently, the Virginia Board imposed a monetary penalty of \$250 on the Respondent based on its Findings of Fact and

Conclusions of Law that he violated Section 54.1-2915.A(3) of the Code of Virginia based on his failure to update his Virginia Physician's Practitioner Profile. The Virginia Board took further disciplinary action based on its Findings of Fact by limiting the Respondent's practice of medicine to either a Board approved residency program or to a practice setting approved by the Executive Director of the Board.

[June 10, 2003, Final Order, attached as Exhibit 4]

November 8, 2004 Final Order

11. By letter dated August 26, 2004, the Virginia Board issued a letter to the Respondent notifying him that an Informal Conference would be held to review his compliance with the terms and conditions of its June 10, 2003 Order and to make Conclusions of Law relating to its Findings of Fact.

[Letter dated August 26, 2004, attached at Exhibit 5]

12. On or about November 8, 2004, the Virginia Board issued its third and most recent Final Order, modifying its prior Order dated June 10, 2003. The November Order requires that the Respondent's practice of medicine be limited to a practice setting approved by the Board, and that he not engage in the practice of obstetrics, invasive surgery requiring IV sedation or general anesthesia. The Respondent may only request modification of this limitation upon

completion of a Board approved residency program in obstetrics and gynecology.

[November 8, 2004 Order attached as Exhibit 6]

BOARD'S CHARGES

13. The disciplinary action(s) taken by the Virginia Board constitute(s) disciplinary action by a licensing or disciplinary authority for acts that are grounds for disciplinary action under Health Occ. § 14-404(a) in violation of § 14-404(a)(21). The Virginia Board's Findings relating to patient care, the Respondent's loss of clinical privileges at three Virginia hospitals based on concerns regarding his clinical practice and Findings relating to a lack of proficiency in surgical technique and pattern of surgical complications, constitute a failure to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital or any other location in this State in violation of Health Occ. § 14-404(a)(22).

II. NOTICE OF AN OPPORTUNITY FOR A HEARING


In accordance with the Maryland Administrative Procedure Act, Md. State Gov't Code Ann. § 10-101 et seq. (2004 Repl. vol.), the Board hereby notifies the Respondent of an opportunity for a hearing **BEFORE** the Board makes a final decision in this case. The Respondent must request a hearing **WITHIN THIRTY (30) DAYS** of the Respondent's receipt of this notice.

If the Board does not receive a written request for a hearing within **THIRTY (30) DAYS** from receipt of this notice, the Board will sign the attached Final Order. The request for a hearing must be made in writing to:

Barbara K. Vona, Chief, Compliance Administration
Maryland Board of Physicians
4201 Patterson Avenue
Baltimore, Maryland 21215-0095
Telephone Number: (410) 764-2475
Facsimile Number: (410) 358-2252

If a request for a hearing is made, the Board will schedule a case resolution conference.

9/15/05
Date


C. Irving Pinder, Jr., Executive Director
Maryland Board of Physicians