

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF MEDICINE**

IN RE: :
 :
 :
DEBORAH D. WILDER, M.D. :
License No.: MD32212 :
 :
Respondent :

CONSENT ORDER

This matter comes before the District of Columbia Board of Medicine (the "Board") pursuant to the Health Occupations Revision Act (HORA). D.C. Official Code § 3-1201.01, *et seq.* (2009). The HORA authorizes the Board to regulate the practice of medicine in the District of Columbia and, in doing so, the Board has broad jurisdiction to impose a variety of disciplinary sanctions upon a finding of a violation of the HORA. D.C. Official Code, § 3-1201.03; *Mannan v. District of Columbia Board of Medicine*, 558 A.2d 329, 333 (D.C.1989). The Council of the District of Columbia, in amending the HORA, "intended to strengthen enforcement of its licensing laws." *Davidson v. District of Columbia Board of Medicine*, 562 A.2d 109, 113 (D.C.1989). And the HORA "was designed to 'address modern advances and community needs with the paramount consideration of protecting the public interest.'" *Joseph v. District of Columbia Board of Medicine*, 587 A.2d 1085, 1088 (D.C.1991) (*quoting* Report of the D.C. Council on Consumer and Regulatory Affairs on Bill 6-317, at 7 (November 26, 1985)) (emphasis added by court).

Background

Respondent, Deborah D. Wilder, M.D., has been licensed to practice medicine in the District of Columbia since February, 2000. The following is a summary of the relevant and uncontested facts.

On or about March 15, 2015, the Board received a complaint filed by Patient A regarding the quality of care the patient received from Respondent. The facts of the underlying complaint are not necessary for the resolution of this matter. The Board deemed the complaint legally sufficient and, on or about April 24, 2015, issued an Order to Answer (OTA) to Respondent, requiring Respondent to answer the OTA. The Board sent the OTA via certified mail pursuant to DCMR § 17-4101.4. The United States Postal Service delivered the OTA via certified mail to Respondent on May 5, 2015 and May 6, 2015, but Respondent did not claim the certified mail. On July 31, 2015, the Board investigator personally served the OTA on Respondent's employee, at Respondent's medical office, located at 1328 Southern Avenue, SE, Suite 305, Washington, D.C. That same day, the Board investigator spoke with Respondent by telephone to confirm Respondent's receipt of the OTA. Respondent failed to answer the OTA.

On September 30, 2015, the Board considered Respondent's failure to comply with the OTA and determined that Respondent's noncompliance gave rise to a basis for disciplinary action against her District of Columbia license pursuant to D.C. Official Code § 3-1205.14 (a)(27). Accordingly, the Board issued a Notice of Intent to take Disciplinary Action (NOI) against her District of Columbia license to practice medicine. The NOI charged Respondent as follows.

Charge I:

You violated an order of the Board in violation of D.C. Official Code § 3-1205.14(a)(27) (2012 Repl.) for which the Board may take the proposed action under D.C. Official Code § 3-1205.14(c) (2012 Repl.).

In March or 2015, the Board received a complaint regarding your practice of medicine. Pursuant to 17 DCMR § 4101.4, the Board, on or about April 24, issued an Order to Answer requiring you to answer the complaint within ten days of receipt of the order and sent it to your address of record by certified mail. The U.S. Postal Service attempted delivery on May and 6, 2015 and, because the mail could not be delivered, left you a notice. You never claimed the mail. On July 31, 2015, the Order to Answer was delivered to your office and left with your

employee. On the same date, you acknowledged receipt of the Order to Answer. You did not answer the complaint within ten days of receipt; thus, you failed to comply with the order of the Board.

Pursuant to DCMR § 17-4108, in lieu of proceeding with the foregoing charges under the NOI, Respondent has agreed to the issuance of the instant Consent Order, based on the foregoing facts, and the Board now proceeds accordingly.

Conclusions of Law

Pursuant to D.C. Official Code § 3-1205.14(a)(27), the Board may take action against any person who is permitted to practice a health occupation regulated by the Board, subject to the right of a hearing, who violates an order of the Board. *See* D.C. Official Code § 3-1205.14(a)(c). Upon receiving a complaint, the Board may, in its discretion, order that the health professional complained of answer the complaint within ten (10) days of receipt of the complaint. DCMR § 17-4101.4. If the health professional fails to answer within the ten (10) day period, the Board may issue an NOI. DCMR § 17-4101.8; *see also* DCMR § 17-4102. Respondent's failure to answer the OTA is a violation of D.C. Official Code §3-1205.14(a)(27) and DCMR § 17-4101.4. Accordingly, Respondent's conduct has provided the Board with a basis in law and fact to take disciplinary action against Respondent under the authority of D.C. Official Code § 3-1205.14(a)(3).

ORDER

Based upon the foregoing, it is this by the District of Columbia Board of Medicine hereby,

ORDERED, that Respondent is hereby **REPRIMANDED** for a period of SIX MONTHS for her failure to respond to the Board's Order to Answer; and it is further

ORDERED, that, upon full and satisfactory compliance with this Consent Order, the Board may issue a Termination Order terminating the effect of the reprimand, **PROVIDED**, **HOWEVER**, that the record of the reprimand and its termination shall remain publicly available; and it is further

ORDERED, that Respondent shall complete SIX (6) hours of AMA/PRA Category I continuing medical education (CME) in professionalism and ethics within 60 days of the effective date of this Consent Order; and it is further

ORDERED, that the aforementioned CME may not be credited toward the CMEs required for renewing Respondent's license upon expiration; and it is further

ORDERED, that Respondent shall, within sixty (60) days of the effective date of this Consent Order, remit a fine of FIVE HUNDRED DOLLARS (\$500.00), made payable to "D.C. Treasurer," and mailed to Lisa Robinson, Health Licensing Specialist, D.C. Board of Medicine, 899 North Capitol Street, NE, Second Floor, Washington, D.C. 20002; and it is further

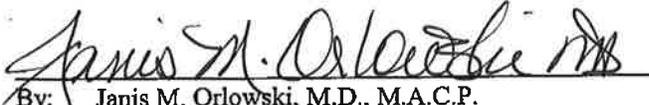
ORDERED, that Respondent shall comply with all laws, rules, and regulations of the District of Columbia, while within its jurisdiction; and it is further

ORDERED, that if Respondent fails to satisfactorily fulfill the terms of this Consent Order, the D.C. Board may issue a notice of intent to take formal disciplinary action against Respondent's license; and it is further

ORDERED, that this is a public document.

DISTRICT OF COLUMBIA BOARD OF MEDICINE

3.30.16
Date


By: Janis M. Orłowski, M.D., M.A.C.P.
Chairperson

CONSENT OF RESPONDENT

- My signature on the foregoing Consent Order signifies my acceptance of the terms and conditions of the Consent Order and my agreement to be bound by its provisions. RW
(initial)
- I acknowledge the validity of this Consent Order, as if made after a hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural due process protections provided by the laws of the District of Columbia and the United States of America. RW (initial)
- I also recognize that I am waiving my right to appeal any adverse ruling of the Board had this matter gone to a hearing. RW (initial)
- I expressly acknowledge that by signing this Consent Order, I am voluntarily waiving my right to require the Board to charge me through a notice of intent to take disciplinary action with a violation of this agreement and to require the government to prove such violation by a preponderance of the evidence before suspending my license based upon the failure to satisfactorily fulfill the terms of the Consent Order. RW (initial)
- I also expressly acknowledge by signing this Consent Order, I am waiving my right to confront witnesses, give testimony, to call witnesses on my behalf, and to other substantive and procedural due process protections provided by the laws of the District of Columbia and the United States of America. RW (initial)
- I further expressly acknowledge that by signing this Consent Order, I am waiving my right to appeal this Consent Order, as well as waiving any and all rights, whatsoever, I would have to challenge or appeal that Board's decision to suspend my license based on the failure to satisfactorily fulfill the terms of the Consent Order. RW (initial)

- I acknowledge that in the event that the Board suspends my license based on the failure to satisfactorily fulfill the terms of the Consent Order, my sole remedy and recourse will be to respond within the time period set forth in this Consent Order with proof of my compliance and that if I fail to do so, my sole remedy and recourse will be to comply with the terms of this Consent Order to the satisfaction of the Board. *[Signature]* (initial)

- I have had an opportunity to review this document and to consult with my own legal counsel. I choose willingly to sign this Consent Order, and I understand its meaning and effect. *[Signature]* (initial)

2/25/16
Date

Deborah D. Wilder, M.D.
Deborah D. Wilder, M.D.
License No. MD32212

Sworn to and subscribed before me this 25th day of February, 2016.



Yueping Zheng
Notary Public (SEAL)
My Commission Expires:

This Consent Order shall be deemed a public document and shall be distributed as appropriate.