

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HEALTH  
HEALTH PROFESSIONAL LICENSING ADMINISTRATION  
BOARD OF MEDICINE**

**IN RE:**

**DENNIS R. WIRT, M.D.**

**License No.: MD12713**

**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.* (2012 Repl.)). D.C. Official Code § 3-1202.03(a)(2) (2012 Repl.), authorizes the Board to regulate the practice of medicine in the District of Columbia. The Board has broad jurisdiction to regulate the practice of medicine and to impose a variety of disciplinary sanctions upon a finding of a violation of the HORA. D.C. Official Code, § 3-1205.14; *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

The Respondent has been licensed in the District of Columbia to practice medicine since 1981. During the last renewal cycle, the Board conducted an audit of a random number of licensees to determine compliance with the continuing medical education (CME) requirement. Respondent was selected as part of the audit. On or about March 3, 2015, instructions for Respondent to submit proof of compliance with the Board's CME requirement were mailed to his address of record. Upon receipt of the request for evidence of CME compliance, Respondent timely provided proof of having completed only fourteen and one-half (14.5) credits of CME during the requisite time period (i.e., January 1, 2013 – December 31, 2014). Respondent has, therefore, failed to satisfy the Board's CME requirement by thirty-five and one-half (35.5) credits of CME, including three (3) credits of CME in HIV/AIDS courses.

## Conclusions of Law

The Board is authorized to sanction Respondent under the HORA for his actions, which are related to the practice of medicine. The HORA provides, in pertinent part:

Each board, subject to the right of a hearing as provided by this subchapter, on an affirmative vote of a quorum of its appointed members may take one or more of the disciplinary actions provided in subsection (c) of this section against any applicant for a license, registration, or certification, an applicant to establish or operate a school of nursing or nursing program, or a person permitted by this subchapter to practice a health occupation regulated by the board in the District who:

\* \* \*

(24) violates any provision of [the HORA] or rules and regulations issues pursuant to the HORA[.]

D.C. Official Code § 3-1205.14(a)(24). The HORA further provides that the Mayor may establish by rule continuing education requirements as a condition for renewal of licenses[.] D.C. Official Code § 3-1205.10(b).

[The Board] shall periodically conduct a random audit of at least one percent (1%) of its active licensees to determine compliance. The physicians selected for the audit shall provide a completed Continuing Education Compliance Audit Form and all supporting documentation to the Board within thirty (30) days of receiving notification of the audit.

17 DCMR § 4615.2.

Physicians actively practicing medicine in the District of Columbia must “submit proof of having completed fifty (50) American Medical Association Physician Recognition Award (AMA/PRA) Category I hours of Board of Medicine approved continuing education credit during a two-year period preceding the date the license expires. DCMR §17-4614.2. Of the requisite fifty (50) hours of continuing education credit, three (3) must be in instruction on HIV and AIDS. District of Columbia § 3-1205.10(b)(4)(A)(i).

Respondent has violated the foregoing requirements necessary to maintain his license to practice medicine. Accordingly, Respondent’s conduct described above provides the Board with a basis in fact and law to warrant disciplinary action.

**ORDER**

ACCORDINGLY, based upon the foregoing, it is this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the District of Columbia Board of Medicine hereby,

**ORDERED**, that a fine of three thousand five hundred fifty dollars (\$3,550.00) be and is hereby imposed upon Respondent for failing to comply with the CME requirement to maintain his licensure requirements, and shall be submitted within sixty (60) days of the effective date of this Consent Order; and it is further

**ORDERED**, that upon the Board’s acceptance of this Consent Order, Respondent shall submit acceptable proof of having completed the deficient thirty-five and one-half (35.5) hours of CME credits, including three (3) hours in AIDS/HIV instruction, within ninety (90) days of the effective

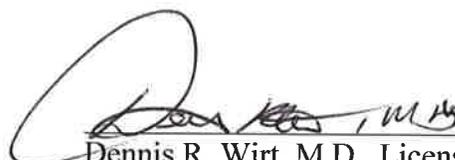
### CONSENT OF RESPONDENT

- 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. Daw (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. Daw (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. Daw (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. Daw (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. Daw (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. Daw (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. DrW (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. DrW (initial)

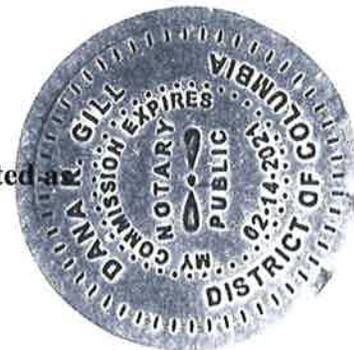
8-18-16  
Date

  
Dennis R. Wirt, M.D., License No.: MD12713

Sworn to and subscribed before me this 18<sup>th</sup> day of August, 2016.

  
Notary Public

Dana R. Gill  
District of Columbia, Notary Public  
My Commission Expires  
February 14, 2021



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