

IN THE MATTER OF	*	BEFORE THE
PURCELL G. BAILEY, JR., M.D.	*	MARYLAND STATE BOARD
Applicant for Reinstatement After Surrender of License	*	OF PHYSICIANS
	*	Board Case Number 8819-0004A
* * * * *	*	* * * * *

**DECISION AND ORDER DENYING APPLICATION FOR REINSTATEMENT**

On August 3, 2015, Purcell G. Bailey, Jr., M.D. surrendered his license to practice medicine in Maryland. At issue now is Dr. Bailey's application to the Maryland State Board of Physicians (the "Board") requesting the reinstatement of his license.

**Background**

Dr. Bailey was trained in internal medicine and was originally licensed by the Board in 1991. Dr. Bailey's practice involved performing disability evaluations for a state agency.

In 2012, Dr. Bailey evaluated a female patient ("Patient A") for a disability claim (involving the patient's mental illness) and then, later that same day, went to the patient's home and convinced the patient and her female roommate to have sex with him. Dr. Bailey maintained contact with Patient A, and, later in 2012, he had sex with her, again. Dr. Bailey then paid Patient A \$2000 in an effort to persuade her not to report his conduct to the Board. Patient A filed a complaint against him with the Board, nonetheless.

In 2013, Dr. Bailey inappropriately touched a female patient ("Patient B") in a sexual manner while evaluating her for a disability claim. The patient reported his conduct to the police, who filed a complaint with the Board.

As part of its investigation, the Board asked Dr. Bailey to respond in writing to the complaints. Dr. Bailey responded, "I have no independent recollection of the named

Complainants.” Four days later, however, in an interview with Board investigators, Dr. Bailey admitted that, on the same day he evaluated Patient A, he went to her home and had sex with her and her roommate, and that, several months later, he again had sex with Patient A. He also admitted giving Patient A \$2000 after she threatened to report their relationship to the Board.

On January 13, 2015, based upon its investigation of the complaints, Board Disciplinary Panel A (“Panel A”) charged Dr. Bailey with violating Health Occ. § 14-404(a)(3)(i) and (ii) (immoral and unprofessional conduct in the practice of medicine), and Health Occ. § 14-404(a)(38) (by corrupt means, threats, or force, hinders, prevents, or otherwise delays any person from making information available to the Board or a disciplinary panel in furtherance of any investigation of the Board or a disciplinary panel).

On April 4, 2015, Panel A and Dr. Bailey entered into a Consent Order to resolve the charges. Under the Consent Order, Panel A concluded that Dr. Bailey violated Health Occ. § 14-404(a)(3)(i) and (ii) and Health Occ. § 14-404(a)(38). As a sanction, Dr. Bailey’s license was suspended for a minimum period of one year, and he was ordered to enroll in the Maryland Professional Rehabilitation Program and comply with all of its rules and requirements.

On May 26, 2015, Dr. Bailey sent the Board a letter in which he stated:

During the course of my interview with the board, I was asked if there were other intimate encounters with patients (after the 2 complaints). Like a deer in headlights, I regretfully responded no. There were three other patients, approximately 12-7 years ago that I was intimate with . . . . I remembered another one[-]time sexual encounter, about 8 years ago. . . . . Another patient offered a twosome, then a threesome, I respectfully refused. She then hugged me, rubbing her breasts in my face. I pulled up her blouse, and sucked her breast. On another occasion, I gave a different large breasted woman an extended breast exam. On several occasions I lifted patients['] bras, exposing a breast or two. On another occasion, a patient passed out on my exam table, probably from too much heroin I assume, I lifted her bra, and also tried to look at her vagina.

On August 3, 2015, through a Letter of Surrender, Dr. Bailey surrendered his license to practice medicine in Maryland. Under the terms of the Letter of Surrender, Dr. Bailey was allowed to apply for the reinstatement of his license after three years. The Letter of Surrender also states, "I further understand that if I ever file [a] petition for reinstatement, I will approach Disciplinary Panel A in the same position as an individual whose license has been revoked."

On November 27, 2018, the Board received Dr. Bailey's Application for Reinstatement of Medical License. The material Dr. Bailey submitted to the Board in support of his application, however, is different from the information he provided the Board in 2014-15. For instance, in his reinstatement application material, Dr. Bailey acknowledged having had sexual relationships with 10-15 female patients.

An administrative prosecutor from the Maryland Office of the Attorney General's Health Occupations Prosecution Division responded to Dr. Bailey's reinstatement application, recommending that Panel A deny his application.

On May 8, 2019, Panel A met with Dr. Bailey, his counsel, and the administrative prosecutor to address his reinstatement application.

### **DECISION**

Dr. Bailey engaged in sexual activity with his patients. This behavior was systemic. He also engaged in a pattern of deceit, wherein he tried to hide the extent of his sexual misconduct from the Board. Dr. Bailey has taken some measures to address his sexual misconduct, and he has told Panel A that he wishes to establish a medical practice specializing in the treatment of addiction.

Despite the measures that Dr. Bailey has taken to address his behavior, his insight into his behavior is, at best, superficial. It does not appear he understands the gravity of his behavior.

He is more focused on regaining his medical license than he is on rehabilitation. He has not shown that he recognizes how disturbing and abhorrent his conduct was, nor has he expressed to Panel A any real remorse or empathy for his victims. Further, Panel A cannot discern any effort on his part to address his deceitfulness. And, because of his repeated false and inconsistent representations, it is impossible for Panel A to have any confidence in knowing the true extent of his conduct. In the end, Panel A believes reinstating Dr. Bailey's license would endanger his patients, and, thus, Panel A has decided to deny Dr. Bailey's application for the reinstatement of his license. Panel A is not satisfied that Dr. Bailey is fit to practice medicine and has determined, in its discretion, that reinstatement is not in the interest of the health and welfare of the general public and that reinstatement is inconsistent with the best interest of the profession.

COMAR 10.32.02.06B(8) provides, "A disciplinary panel denying reinstatement may set out when, if ever, a subsequent petition may be submitted." Considering the circumstances described above, Panel A finds it unrealistic that it would ever be in the public interest to reinstate Dr. Bailey's license. Consequently, Dr. Bailey will not be allowed to reapply for the reinstatement of his license.

#### **ORDER**

It is, thus, by Panel A, hereby

**ORDERED** that, pursuant to COMAR 10.32.02.06C(3), Purcell G. Bailey, Jr., M.D.'s Application for Reinstatement of Medical License, received by the Board on November 27, 2018, is **DENIED**; and it is further

**ORDERED** that Dr. Bailey may not reapply for the reinstatement of his license to practice medicine in Maryland; and it is further

**ORDERED** that this final order is a public document pursuant to § 4-333(b)(6) of the General Provisions Article and § 14-411.1(f) of the Health Occupations Article.

06/13/2019  
Date

***Signature on File***  
Christine A. Farrelly, Executive Director  
Maryland State Board of Physicians