

IN THE MATTER OF
KYLE B. COVERT, M.D.

Applicant

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case Number: 2222-0047B

* * * * *

FINAL ORDER

On or about March 22, 2022, Disciplinary Panel B of the Maryland State Board of Physicians (the “Board”) notified **KYLE B. COVERT, M.D.** (the “Applicant”) of its intent to deny his *Application for Initial Medical Licensure* under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2021 Repl. Vol.).

The pertinent provisions of the Act provide:

Health Occ. § 14-205. Miscellaneous powers and duties.

(b) *Additional powers.*

(3) Subject to the Administrative Procedure Act and the hearing provisions of § 14-405 of this title, a disciplinary panel may deny a license to an applicant for...

(i) Any of the reasons that are grounds for action under § 14-404... of this title, as applicable[.]

Health Occ. § 14-404. Denials, reprimands, suspensions, and revocations – Grounds.

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

(3) Is guilty of:

(ii) Unprofessional conduct in the practice of medicine[.]

In its Notice, Disciplinary Panel B informed the Applicant that he had the opportunity to request a hearing by submitting a request in writing to the Board's Executive Director within thirty days of service of the Notice. More than thirty days have elapsed since the service of the Notice on the Applicant, and the Applicant has not requested a hearing.

FINDINGS OF FACT

Disciplinary Panel B makes the following Findings of Fact:

I. I. The Application

1. At all times relevant, the Applicant is not and has never been licensed to practice medicine in the State of Maryland.

2. On or about August 31, 2021, the Board received an *Application for Initial Medical Licensure* (the "Application"), dated August 17, 2021, from the Applicant.

3. In the Application under Section 13, which is entitled "Postgraduate Training," the Applicant answered "YES" to the following question:

C. During your years of postgraduate training, was any action taken against you by any training program, hospital, medical board, licensing authority, or court? Such actions include but are not limited to investigations, limitations of privileges or special conditions, requirements imposed for academic incompetence, disciplinary actions, probationary actions, etc. If "Yes," please provide an explanation.

4. In his written explanation attached to the Application, the Applicant stated that while attending a residency program (the “Residency Program”)¹ at a health care facility in California, he was placed under probation for two periods of time, each lasting approximately two months. The Applicant stated that he was placed under probation for “my attendance to lectures & my timely completion of outpatient responsibilities.” The Applicant stated that following the conclusion of his second probationary period, which occurred during his second-year residency, the Residency Program declined to offer him a third-year contract.

5. Based on the Applicant’s affirmative responses in his Application, the Board initiated an investigation of the Applicant.

II. Board Investigation

6. As part of its investigation, Board staff obtained the Applicant’s residency file from the Residency Program.

7. The Applicant’s residency file revealed that the Applicant was in the Residency Program from July 1, 2019, to June 30, 2021. His residency file further showed that he was placed on academic probation on April 30, 2020, and October 2, 2020, for issues concerning professionalism and competence.

¹ To ensure confidentiality, the names of individuals, hospitals and healthcare facilities involved in this case are not disclosed in this document. The Applicant may obtain the identity of the referenced individuals or entities in this document by contacting the administrative prosecutor.

A. April 30, 2020 Academic Probation

8. On or about April 30, 2020, the Program Director (the “Program Director”) of the Residency Program informed the Applicant, verbally and in writing, that the Applicant was placed under academic probation until June 30, 2020, for issues involving professionalism. Specifically, faculty physicians at the Residency Program complained that the Applicant was serially delinquent in completing tasks involving medications. In one example, the Applicant was tasked with authorizing two medications for a patient on April 27, 2020, which he still had not completed by the time of his meeting with the Program Director on April 30, 2020.

9. The Program Director further noted that the Applicant had been warned about timely completion of tasks during a mid-year evaluation on January 17, 2020, and by the Program Director again on April 20, 2020. The Program Director noted that the Applicant acknowledged the consequences of being delinquent completing tasks and showed interest in utilizing the Employee Assistance Program.

B. October 2, 2020 Academic Probation

10. On or about October 2, 2020, the Program Director again informed the Applicant, verbally and in writing, that he was placed under academic probation until December 31, 2020, for being “deficient in the Professionalism competency.” Specifically, the Residency Program determined that the Applicant: 1) demonstrated poor attendance (less than 50%) at morning conferences; 2) left the Residency Program’s facility early despite being cautioned in the past; and 3) claimed that he had completed certain tasks for another physician as the Applicant had promised, when he had not.

11. Although the Applicant successfully completed the October 2, 2020 academic probation, the Residency Program declined to renew his contract for Postgraduate Year 3.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Disciplinary Panel B concludes as a matter of law that the Applicant's actions, as set forth above, constitute a violation of Health Occ. § 14-404(a)(3)(ii) – Is guilty of unprofessional conduct in the practice of medicine, which is grounds for denial of his Application under Health Occ. § 14-205(b)(3)(i).

ORDER

It is, on the affirmative vote of a majority of the quorum of Disciplinary Panel B, hereby:

ORDERED that the Application of Kyle B. Covert, M.D. to practice medicine in the State of Maryland, filed on August 31, 2021, is **DENIED**, and it is further

ORDERED that this Final Order is a public document. *See* Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

Signature On File

05/04/2022

Date

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. § 14-408(a)(2021 Repl. Vol.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within

thirty (30) days of service of this Order and shall be made as provided for judicial review of a final decision in the Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2021 Repl. Vol.) and Title 7, Chapter 200 of the Maryland Rules.