

IN THE MATTER OF
Michael J. Moriarty, M.D.,
Respondent.
LICENSE No. D39038

*** BEFORE THE MARYLAND**
*** STATE BOARD OF**
*** PHYSICIANS**
*** Case No. 2008-0171**

* * * * *

FINAL DECISION AND ORDER

The Board issued a Notice of Charges on August 16, 2011 against Michael J. Moriarty, M.D. ("Dr. Moriarty"). The case was referred to the Office of Administrative Hearings for the conduct of an evidentiary hearing. The Administrative Law Judge ("AJL") of the Office of Administrative Hearings scheduled a mandatory Pre-Hearing Conference for August 22, 2012. Neither Dr. Moriarty nor anyone representing him appeared at the Pre-Hearing Conference.

The ALJ then issued a Ruling On Motion For Default Order on August 23, 2012. In that ruling, the ALJ found that Dr. Moriarty was in default for his failure to appear, terminated the proceedings, proposed that the allegations in the charging document be adopted as findings of fact, and further proposed that Dr. Moriarty's license be revoked.

Dr. Moriarty filed written exceptions with the Board. The State, through the Administrative Prosecutor, filed a response to those exceptions. The Board scheduled an oral exceptions hearing for January 23, 2013 before the full Board. When the case was called, the Administrative Prosecutor appeared, but Dr. Moriarty did not.

Findings of Fact

The Board adopts as facts those procedural findings made by the ALJ in her Ruling on Motion for Default Order. (That ruling is marked as Attachment A and is attached to and incorporated into this Final Decision and Order.)

The Board adopts as findings of fact all of the factual allegations in the charging document. (The charging document is marked as Attachment B and is attached to and incorporated into this Final Decision and Order.) Dr. Moriarty performed his duties as a physician while under the influence of methamphetamine, a controlled dangerous substance, which he had ingested without valid medical indication.

Conclusions of Law

The ALJ properly ruled that Dr. Moriarty was in default.

By providing professional services while using a controlled dangerous substance in excess of therapeutic amounts or without valid medical indication, Dr. Moriarty violated § 14-404(a)(9)(ii) of the Medical Practice Act, and by so doing he also committed unprofessional conduct within the meaning of § 14-404(a)(3)(ii) of the Medical Practice Act.

Sanction

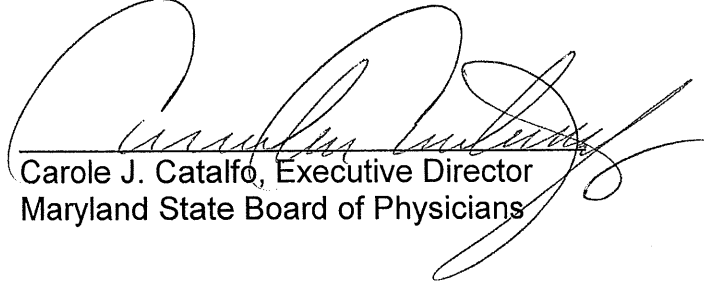
The Board agrees with the ALJ that the proper sanction is revocation of Dr. Moriarty's license to practice medicine. This offense is too serious, and the danger to the public too great, for the Board to permit Dr. Moriarty to continue to practice medicine.

Order

It is therefore **ORDERED** that the medical license of Michael J. Moriarty, M.D., license number D39038, be, and it hereby is, **REVOKED**; and it is further

ORDERED that this Final Decision and Order is a public document.

SO ORDERED this 15th day of February, 2013.


Carole J. Catalfo, Executive Director
Maryland State Board of Physicians

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Section 14-408(b) of the Health Occupations Article, Dr. Moriarty has the right to seek judicial review of this decision. Any petition for judicial review must be filed within 30 days from the date this Final Decision and Order is mailed. The cover letter accompanying this decision indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222, and the Maryland Rules at 7-201 *et seq.*

If Dr. Moriarty files an appeal, the Board should be notified at the following address:

**Maryland State Board of Physicians
Attention: Christine Farrelly, Deputy Director
Compliance and Licensure
4201 Patterson Avenue
Baltimore, Maryland 21215**

Notice of any petition filed should also be sent to the Board's counsel at the following address:

**Thomas W. Keech
Assistant Attorney General
Department of Health and Mental Hygiene
300 West Preston Street, Suite 302
Baltimore, Maryland 21201.**