

IN THE MATTER OF

IAN NEWBOLD, M.D.

Respondent

License Number: D41112

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BEFORE THE

MARYLAND STATE

BOARD OF PHYSICIANS

Case Number: 2223-0043A

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ORDER OF DEFAULT

On March 9, 2023, Disciplinary Panel A of the Maryland State Board of Physicians (“Board”) charged Ian Newbold, M.D., with unprofessional conduct in the practice of medicine, in violation of Md. Code Ann., Health Occ. § 14-404(a)(3)(ii), and failure to provide the details of a patient’s medical record to the patient upon proper request, in violation of Health Occ. § 14-404(a)(13). On June 21, 2023, the case was referred to the Office of Administrative Hearings (“OAH”) for an evidentiary hearing.

On June 27, 2023, OAH sent a notice to the parties that a scheduling conference would be held on August 18, 2023, at 9:30 a.m., by video-conference. The scheduling notice was sent to Dr. Newbold at his address of record. On August 18, 2023, at 9:50 a.m., the Administrative Law Judge (“ALJ”) commenced the scheduling conference by video-conference. The administrative prosecutor appeared on behalf of the State. Dr. Newbold did not appear, nor did anyone else appear on his behalf. The ALJ noted that the notice was sent to Dr. Newbold at his address of record, the notice was not returned as undeliverable, and there was no request for postponement or any communication from Dr. Newbold.

Following the scheduling conference, on August 21, 2023, OAH sent a Notice of Prehearing Conference to the parties that notified the parties that a prehearing conference would be held on October 5, 2023, at 9:30 a.m., by video-conference. The Notice of Prehearing

Conference informed Dr. Newbold that the failure to appear or to give timely notice of his inability to appear at the prehearing conference could result in a decision against him. On August 22, 2023, OAH also sent a scheduling order that notified the parties of the date and time of the prehearing conference and gave instructions regarding the submission of any motions and discovery. None of the hearing notices or correspondence were returned to OAH as undeliverable.

On August 29, 2023, the State submitted its prehearing conference statement and exhibits, in accordance with the scheduling order. Dr. Newbold did not submit any prehearing conference statement or exhibits. On October 5, 2023, the ALJ held the remote prehearing conference. The administrative prosecutor appeared on behalf of the State. Dr. Newbold did not appear. After waiting for Dr. Newbold until 9:50 a.m., the ALJ commenced the prehearing conference. The ALJ noted that neither Dr. Newbold nor anyone authorized to represent him appeared at the prehearing conference 20 minutes after the scheduled start time. The ALJ also noted that none of the notices or correspondence were returned as undeliverable and there was no request for postponement filed or any other communication from Dr. Newbold. The ALJ, thus, concluded that Dr. Newbold received proper notice of the prehearing conference, and the State made a motion for a proposed default order.

Under OAH's rules of procedure, "[i]f, after receiving proper notice as provided in Regulation .05C of this chapter, a party fails to attend or participate, either personally or through a representative, in a prehearing conference, hearing, or other stage of a proceeding, the ALJ may proceed in that party's absence or may, in accordance with the hearing authority delegated by the agency, issue a final or proposed default order against the defaulting party." COMAR 28.02.01.23A.

On October 27, 2023, the ALJ issued a Corrected Proposed Default Order.¹ The ALJ found that Dr. Newbold had proper notice of the October 5, 2023 video prehearing conference and that he failed to appear or participate. The ALJ proposed that the Panel find Dr. Newbold in default, adopt as findings of fact the statements set out in the allegations of fact section of the charges, and conclude as a matter of law that Dr. Newbold violated Health Occ. § 14-404(a)(3)(ii) and 14-404(a)(13). As a sanction, the ALJ proposed that Dr. Newbold's license to practice medicine in Maryland be revoked.

The ALJ mailed copies of the Corrected Proposed Default Order to Dr. Newbold, the administrative prosecutor, and the Board at the parties' respective addresses of record. The Corrected Proposed Default Order notified the parties that they may file written exceptions to the proposed order but must do so within 15 days of the date of the Corrected Proposed Default Order. The Corrected Proposed Default Order stated that any exceptions and requests for a hearing must be sent to the Board with a copy provided to the opposing party. Neither party filed exceptions. On December 20, 2023, this case came before Disciplinary Panel B ("Panel B") of the Board for final disposition.

FINDINGS OF FACT

Because Panel B concludes that Dr. Newbold has defaulted and has not filed exceptions to the ALJ's Proposed Default Order, the following findings of fact are adopted from the allegations of fact in the March 9, 2023 charges and are deemed proven by the preponderance of the evidence:

1. The Respondent was licensed to practice medicine in the State of Maryland. The Respondent was originally licensed to practice medicine in Maryland on

¹ The Corrected Proposed Default Order was issued to include the notice of the right to file exceptions, which was not included on the initial Proposed Default Order issued on October 11, 2023.

December 17, 1990, under License Number D41112. The Respondent was on Probation² and his license was scheduled to expire on September 30, 2023.³

2. The Respondent is not board-certified in any medical specialty.
3. The Respondent previously owned and operated a medical practice with an office located in Hagerstown, Maryland. The Respondent's practice focused on family medicine. He does not hold any hospital privileges.
4. The Respondent is currently employed as a physician at a State-run licensed Intermediate Care Facility (ICF).
5. On or about July 21, 2022, the Board received a complaint from a former patient of the Respondent (the "Patient").⁴ The complaint stated in part:

Appointment [with] Dr. Newbold on 5-17-22. Notice on [the] office door saying [the] office was closed permanently. [The] Telephone goes to voicemail stating staff would return calls. No calls have been returned.

Dr. Newbold is my primary care physician for approximately 5 years treating me for High B.P., C.O.P.D and Vit. B12 deficiency. B-12 shot [is] prescribed monthly. Totally out of albuterol for breathing.

No phone number to obtain records for new doctor.

6. After receiving and reviewing the above complaint, the Board initiated an investigation of the Respondent.
7. A review of Dr. Newbold's website (<http://newboldmd.com>) reveals a notice at the top right-hand side of the website that reads:

² On February 16, 2023, the Respondent entered into a public Consent Order regarding Case # 2220-0127A. He was reprimanded and placed on probation for a minimum of one (1) year subject to terms and conditions. The Respondent also agreed to a permanent prohibition from prescribing and dispensing opioids and from certifying patients for the medical use of cannabis.

³ Dr. Newbold's license expired on September 30, 2023. Pursuant to Health Occ. § 14-403(a), the Board retains jurisdiction over Dr. Newbold because a license "may not lapse by operation of law while the individual is under investigation or while charges are pending."

⁴ For confidentiality and privacy purposes, the names of individuals and health care facilities involved in this case are not disclosed in this document. The Respondent may obtain the names of all individuals and health care facilities referenced in this document by contacting the administrative prosecutor.

NOTICE:

OFFICE VISITS UNAVAILABLE AFTER 5/13/2022

Home-visits wherever you are within Maryland 24/7 day or night.
Call [Phone #1] or [Phone #2] or email below. Pay online before
seen.

“IF YOU HAVE A PHONE – YOU HAVE A MD
CONSULTANT PHYSICIAN – WHEREVER YOU ARE.”

8. By letter dated July 29, 2022, and sent to his personal address of record with the Board, Board staff notified the Respondent that it had opened a preliminary investigation into the complaint and provided him with a copy of the complaint. The Board directed the Respondent to provide a written response to the allegations within ten (10) business days. The Board also issued a Subpoena Duces Tecum that directed the Respondent to transmit to the Board within ten (10) business days “a complete copy of any and all medical records for [Patient].”
9. A second letter dated August 25, 2022, and sent to the Respondent’s email notified the Respondent that to date, he had not complied with the initial request for written response and records. The letter set a new deadline of August 31, 2022.
10. By email dated September 9, 2022, the Respondent informed the Board that a medical issue had kept him from replying sooner and stated “I have arranged [Patient] his new Dr and his care is attrnded [sic] to in Smithsburg [Maryland]. He is also under care at [Medical Center].”
11. By emails dated September 15, 2022, and September 26, 2022, the Board notified Dr. Newbold that the Patient still wanted a copy of their medical records. The Board also inquired as to the status of providing these records to the Patient.
12. By email dated September 26, 2022, the Respondent indicated that he was “not well at all” and was “unable to drive a car” and “physically search for [Patient’s] file in 4 storage units.”
13. By email dated October 4, 2022, the Board reminded the Respondent that “as a licensee, you have an ongoing obligation to provide access to and copies of medical records to your patients, in accordance with Title 4, subtitle 3 of the Health General Article.”
14. A response email dated October 4, 2022, from the Respondent, stated that he is “very ill” and is “struggling.”
15. By email dated November 1, 2022, the Board once again reached out to the Respondent to inquire as to the status of the Patient’s medical records. The Respondent did not respond.

16. On November 9, 2022, the Board contacted the Patient who indicated that they still have not received a copy of their medical records from the Respondent.

CONCLUSIONS OF LAW

Panel B finds Dr. Newbold in default based upon his failure to appear at the OAH for the video prehearing conference scheduled for October 5, 2023. *See* Md. Code Ann., State Gov't § 10-210(4). Based upon the foregoing findings of fact, Panel B concludes that Dr. Newbold is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii), and failure to provide the details of a patient's medical record to the patient upon proper request, in violation of Health Occ. § 14-404(a)(13).

SANCTION

Panel B adopts the sanction recommended by the ALJ to revoke Dr. Newbold's license to practice medicine in Maryland.

ORDER

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

ORDERED that the license of Ian Newbold, M.D. to practice medicine in Maryland is **REVOKED**; and it is further

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

01/22/2024
Date

Signature On File

Christine A. Farrelly, Executive Director
Maryland State Board of Physicians

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Md. Code Ann., Health Occ. § 14-408, Dr. Newbold has the right to seek judicial review of this Order of Default. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Order of Default. The cover letter accompanying this Order indicates the date the decision was mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If Dr. Newbold files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

**Maryland State Board of Physicians
Christine A. Farrelly, Executive Director
4201 Patterson Avenue
Baltimore, Maryland 21215**

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

**Stacey Darin
Assistant Attorney General
Maryland Department of Health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201**