

IN THE MATTER OF * BEFORE THE
TAMER M. GABER, M.D. * MARYLAND STATE
Respondent * BOARD OF PHYSICIANS
License Number: D71138 Case Number: 2012-0425
* * * * * * * * * * * * * *

FINAL ORDER OF REVOCATION OF MEDICAL LICENSE

Effective April 20, 2012, the Board summarily suspended the license of the Respondent, Tamer M. Gaber, M.D. (the "Respondent") (D.O.B. 03/04/1975) to practice medicine in the State of Maryland. The reasons for the Summary Suspension are set forth in the Findings of Fact section below. The Board summarily suspended the Respondent pursuant to its authority under Md. State Gov't Code Ann. § 10-226(c)(2009 Repl. Vol.) concluding that the public health, safety or welfare imperatively required emergency action.

In the Summary Suspension Order, the Board notified the Respondent that a hearing before the Board to consider whether the summary suspension should be continued was scheduled on April 25, 2012. The Board further notified the Respondent that he was not required to appear at the hearing, but that the suspension would remain in effect if he did not appear.

The Respondent failed to appear at the April 25, 2012 hearing and failed to contact the Board at any time to notify the Board of the reason for his failure to appear.

On April 27, 2012, the Board issued an Order to continue the Respondent's summary suspension.

On September 20, 2012, the Office of the Attorney General notified the Respondent that the Board had voted to charge him with violations of the Maryland

Medical Practice Act Md. Health Occ. Code Ann. ("H.O.") § 14-101 *et seq.* (2009 Repl. vol. & 2010 Supp.). The pertinent provisions of the Act under H.O. § 14-404(a) provide as follows:

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

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

- ...
- (4) Is professionally, physically or mentally incompetent[.]

The Board informed the Respondent that a Final Order of Revocation of Medical License would be executed **THIRTY (30) DAYS** from date of the Board's notice, unless the Applicant requested a hearing.

The Board further informed the Applicant that notice under Code Md. Regs. tit. 10, § 32.02.03 is sufficient when the Board serves the charges by regular mail or hand delivery at the address the Applicant maintains for purposes of licensure notice. Md. State Gov't Code Ann. § 10-209(c) provides that a person holding a license shall be deemed to have had reasonable opportunity to know of the fact of service if: 1) the person is required by law to notify the agency of a change of address within a specified period of time; 2) the person failed to notify the agency in accordance with the law; 3) the agency of the Office mailed the notice to the address of record; and 4) the agency did not have actual notice of the change of address prior to service. The Board has received no notice that the Respondent has changed his address.

In order for the Board not to execute this Final Order, a written request for hearing had to be received from the Applicant on or before October 22, 2012. The Applicant failed to request a hearing on or before this date.

FINDINGS OF FACT

The Board bases its charges on the following facts that the Board has reason to believe are true:

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was originally licensed to practice medicine in Maryland on July 8, 2010. The Respondent holds active licenses in California and West Virginia.
2. As of December 2011, the Respondent was a third year resident in the Child and Adult Psychiatry program at Medical School A.¹
3. On December 27, 2011, the Board received notification from Medical School A that, effective December 15, 2011, the Respondent had been terminated from the fellowship program because of his erratic and aberrant behavior including: sudden absences; disorientation; agitation; delusions and paranoia.
4. In furtherance of the Board's investigation of this matter, the Board subpoenaed from Medical School A the Respondent's Quality Assurance ("QA") file.
5. Included in the Respondent's QA file is the report of a psychologist ("Dr. 1") who, in October 2011, performed a "fitness for duty" evaluation of the Respondent at the request of Medical School A.
6. Dr. 1 diagnosed the Respondent with several psychiatric conditions.

¹ Names of individuals and facilities are confidential. The Respondent may request the names from the Administrative Prosecutor.

7. Dr. 1 conducted an overall risk assessment of the Respondent. Dr. 1 opined in part that the Respondent "has no insight into his mental illness...and is not open to interventions at this time." Dr. 1 concluded that based on his evaluation, the Respondent presented as an "individual at heightened risk and therefore should not treat patients at this time."
8. By letter dated March 22, 2012, sent by certified mail to the Respondent's last known address of record, the Board notified the Respondent of the Board's investigation and asked the Respondent to submit a written response to the allegations and to sign release forms for medical, mental health and other records.
9. The certified letter to the Respondent was returned to the Board because the Respondent had moved and had not left a forwarding address.²
10. The Respondent failed to respond to the Board's March 22, 2012 letter.

CONCLUSION OF LAW

The Respondent's conduct as set forth above constitutes in whole or in part, professional or mental incompetence, in violation of H.O. § 14-404(a)(4).

ORDER

It is this 24th day of October, 2012, by a majority of a quorum of the Board considering this case:

ORDERED that Tamer M. Gaber, M.D.'s license to practice medicine in the State of Maryland is hereby **REVOKED**; and it is further

² H.O. § 14-316(f) requires a licensee to notify the Board in writing of any change in the licensee's name or address within 60 days after the change.

ORDERED that this Final Order is a public document pursuant to Md. State Gov't Code Ann. § 10-611 *et seq.* (2010 Repl. Vol.).



Andrea L. Mathias, M.D., M.P.H.
Chair
Maryland State Board of Physicians

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Health Occ. Code Ann. § 14-408(b), the Applicant has the right to take a direct judicial appeal. Any appeal shall be filed within 30 days from the date of mailing of this Final Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, State Gov't Article § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure. The cover letter shows the date on which the Final Order was mailed.

If the Applicant files an appeal, the Board is a party and should be served with the court's process. In addition, the Applicant should send a copy to the Board's counsel, Thomas W. Keech, Assistant Attorney General, at the Office of the Attorney General, 300 West Preston Street, Suite 302, Baltimore, Maryland 21201. The Administrative Prosecutor is not involved in the circuit court process and need not be served or copied on pleadings filed in that court.