

IN THE MATTER OF

ROBERT S. MATHEWS, M.D.

Applicant

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BEFORE THE

MARYLAND STATE

BOARD OF PHYSICIANS

Case Number: 2222-0046 A

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**FINAL ORDER**

On or about May 6, 2022, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) notified **ROBERT S. MATHEWS, M.D.** (the “Applicant”) (**Previous License No. D29360, EXPIRED**) of its intent to deny his *Application for Reinstatement of Medical License* under the Maryland Medical Practice Act (the “Act”), codified at 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. § 14-307. Qualifications of applicants.**

(b) *Moral character.* -- The applicant shall be of good moral character.

**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:
- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
  - (3) Is guilty of:
    - (ii) Unprofessional conduct in the practice of medicine;
  - (11) Willfully makes or files a false report or record in the practice of medicine; [and]
  - (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veterans' Administration for an act that would be grounds for disciplinary action under this section[.]
- (b) *Crimes involving moral turpitude.*
- (2) After completion of the appellate process if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, a disciplinary panel shall order the revocation of a license on the certification by the Office of the Attorney General.

The underlying grounds for disciplinary action under Health Occ. § 14-404(a)(21) are as follows:

**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 A 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 A makes the following Findings of Fact:

##### **I. The Application**

1. From approximately May 23, 1983 until September 30, 1993, the Applicant was licensed to practice medicine in Maryland. On or about the latter date, the Applicant allowed his Maryland medical license to expire without filing a renewal.

2. At various times in the past, the Applicant previously held medical licenses in: North Carolina, New York, Pennsylvania, and Virginia. However, currently he no longer holds any medical license.

3. On or about September 8, 2021, the Board received an *Application for Reinstatement of Medical License* (the "Application"), dated August 26, 2021, from the Applicant.

4. In the Application under Part 13, which is entitled "Character and Fitness Questions," the Applicant answered "YES" to the following questions:

- b. Has a state licensing or disciplinary board (including Maryland), a comparable body in the armed services or the Veterans Administration, taken action against your license? Such actions include, but are not limited to, limitations of practice, required education admonishment or reprimand, suspension, probation or revocation.
- k. Have any malpractice claims or other claims for money damages been filed against you? Include past claims as well as any claim that is now pending, has been dismissed, has been settled, or which has resulted in a damages award against you or your medical practice.

5. The Applicant answered "NO" to the following question:

- i. Are there any charges pending against you in any court of law, are you currently under arrest, released pending trial with or without bond, or is there an outstanding warrant for your arrest?

6. The Application directed the Applicant as follows:

If you answered "YES" to any [Character and Fitness] question, on a separate sheet of paper, provide a signed and dated detailed explanation and attach any supporting documents.

7. In an attached written explanation, the Applicant provided a signed written statement regarding his "YES" answers on the Application. In addition, he further acknowledged: a criminal conviction in 2006 in Pennsylvania, a National Practitioner Data Bank ("NPDB") report of resignation of hospital privileges while under investigation; and an "extensive number of medical malpractice cases."

## **II. Board Investigation**

8. Based on the Applicant's affirmative responses in the Application and his written acknowledgement of criminal history, the Board initiated an investigation of the Applicant.

9. As part of its investigation, Board staff obtained certified court records and medical licensure-related records from several other states relating to the Applicant.

10. The records revealed the following.

- a) In 2006, the Applicant was convicted of crimes of moral turpitude in 2006 in Pennsylvania.
- b) Based on the 2006 conviction, the Applicant was subject to medical licensure discipline as follows:
  - 2006 in Pennsylvania
  - 2006 in New York
  - 2007 in North Carolina
  - 2008 in Virginia
- c) In 2011, the Applicant was again subject to medical licensure discipline in Pennsylvania, in part for engaging in a sexual relationship with a patient.
- d) Based on the 2011 Pennsylvania discipline, the Applicant was subject to reciprocal medical licensure discipline as follows:
  - 2012 in North Carolina (Surrender of License)
  - 2012 in Virginia

- e) In 2021, at the time he submitted the Application, the Applicant had pending criminal charges for felony crimes in Pennsylvania. The Applicant not only failed to disclose these pending charges on the Application or his written explanation, but he falsely answered “NO” to Character and Fitness Question (i), cited above, that requires disclosure of pending charges.
- f) Based on the 2021 criminal charges, the Applicant was subject to medical licensure discipline in Pennsylvania.

11. The relevant facts of each instance listed above are detailed below.

**A. 2006 Criminal Conviction in Pennsylvania**

12. On or about April 27, 2005, the Applicant was charged in the Pennsylvania Court of Common Pleas of Lancaster County, in case number CP-36-CR-0001806-2005, with one (1) count of *False Reports – Reported Offense did not occur*, in violation of 18 P.S. § 4906(B)(1); and one (1) count of *False/Fraud/Incomplete Insurance Claim*, in violation of 18 Pa. C.S.A. § 4117(b)(4).

13. According to the Criminal Information in the case: the Applicant “reported [to law enforcement] that a diamond ring, valued at \$35,618.00 had been stolen from inside his vehicle, knowing that it did not occur.” When the Applicant then reported the “theft” to his insurance company, he then “made several false and misleading statements material to the claim.”

14. On or about January 19, 2006, the Applicant pleaded guilty to and was convicted of both counts, and was ordered to pay a fine of \$4000 plus court costs.

**B. 2006 Pennsylvania Licensure Discipline**

15. On or about May 23, 2006, based on the conviction, the Applicant entered into a Consent Agreement and Order (the "2006 PA Order") with the Pennsylvania State Board of Medicine (the "PA Board"). The 2006 PA Order found that the Applicant had violated the Pennsylvania Medical Practice Act when he "engaged in unprofessional or immoral conduct for his misdemeanor conviction for an act involving moral turpitude."

16. As a sanction, the 2006 PA Order reprimanded the Applicant and required him to pay a \$4000 civil fine.

**C. 2006 New York Licensure Discipline**

17. On or about December 18, 2006, based on the 2006 Pennsylvania conviction and the 2006 PA Order, the Applicant entered into a Consent Agreement and Order (the "2006 NY Order") with the New York State Board for Professional Medical Conduct (the "NY Board"). The 2006 NY Order found that the Applicant had violated New York Education Law when he (1) was "convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under the laws of New York state"; (2) was "found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct...would...constitute professional misconduct under the laws of New York state" and (3) had "disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct...would...constitute professional misconduct under the laws of New York state[.]"

18. As a sanction, the 2006 NY Order censured and reprimanded the Applicant and required him never to activate or reapply for a license to practice medicine in New York.

**D. 2007 North Carolina Licensure Discipline**

19. On or about March 7, 2007, based on the 2006 PA Order, the Applicant entered into a Consent Order (the “2007 NC Order”) with the North Carolina Medical Board (the “NC Board”). The 2007 NC Order found that the Applicant had violated N.C. Gen. Stat. § 90-14(a)(13) by “having a license to practice medicine ... revoked, suspended, restricted, or acted against ... by the licensing authority of any jurisdiction[.]”

20. As a sanction, the 2007 NC Order reprimanded the Applicant.

**E. 2008 Virginia Licensure Discipline**

21. On or about February 11, 2008, based on the 2006 Pennsylvania conviction, the 2006 PA Order, the 2006 NY Order, and the 2007 NC Order, the Applicant entered into a Consent Order (the “2008 VA Order”) with the Virginia Board of Medicine (the “VA Board”). The 2008 VA Order found that the Applicant had violated Virginia’s code in that his licenses to practice medicine in Pennsylvania and New York were restricted, and noted that the NC Board had reprimanded him.

22. As a sanction, the 2008 VA Order reprimanded the Applicant.

**F. 2011 Pennsylvania Licensure Discipline**

23. On or about October 25, 2011, the Applicant entered into a Consent Agreement and Order (the “2011 PA Order”) with the PA Board. The 2011 PA Order found that the Applicant had violated the Pennsylvania Medical Practice Act when he (1)



“engaged in a sexual relationship with [a female patient] while concurrently treating her” and (2) prescribed controlled dangerous to the same female patient but “failed to document in [her] records an initial medical history and physical examination, re-evaluations, appropriate counseling regarding the conditions diagnosed and medications prescribed.”

24. As a sanction, the 2011 PA Order imposed: a suspension of the Applicant’s medical license for two years (immediately stayed in favor of probation); practice supervision for at least one year; remedial education in recordkeeping, prescribing practices, ethics, and boundaries; and a \$5000 civil fine.

**G. 2012 Surrender of North Carolina License**

25. On or about May 31, 2012, based on the 2011 PA Order, the Applicant was permitted to voluntarily surrender his North Carolina license to practice medicine.

**H. 2012 Virginia Licensure Discipline**

26. On or about December 12, 2012, based on the Applicant’s surrender of his North Carolina license, the VA Board issued an order suspending the Applicant’s Virginia license to practice medicine (the “2012 VA Order”).

**I. 2021 Criminal Charges in Pennsylvania (Pending at time of Application)**

27. On or about July 14, 2021, a criminal complaint was filed in the Pennsylvania Magisterial District Court alleging that the Applicant unlawfully prescribed Schedule II, III, and IV controlled dangerous substances (CDS) to multiple patients over the course of approximately two years.

28. On or about August 23, 2021 (three days before the date of the Application), the Applicant was indicted in the Pennsylvania Court of Common Pleas of Lancaster

County, in case number CP-36-CR-000375-2021 on fourteen counts of prescribing outside accepted treatment principles.

29. On or about October 1, 2021, the Applicant pleaded guilty to and was convicted of one count of unlawful prescription of controlled substances, in violation of 35 § 780-113 §§ A14 of the Pennsylvania Code, a felony, and was sentenced to serve five years of probation and pay court costs.

30. On or about October 12, 2021, in furtherance of its investigation, the Board by letter requested a written explanation of the Applicant's failure to disclose the pending 2021 Pennsylvania criminal charges. The Applicant failed to respond.

**J. 2021 Pennsylvania Licensure Discipline**

31. On or about September 14, 2021, based on the 2021 Pennsylvania felony charges, described above, the Applicant entered into a Consent Agreement and Order (the "2021 PA Order") with the PA Board. The 2021 PA Order found that the Applicant had violated the Pennsylvania Medical Practice Act when he "engaged in immoral or unprofessional conduct."

32. The pertinent term of the 2021 PA Order was the PA Board's acceptance of the permanent voluntary surrender of the Applicant's license to practice medicine.

33. The Applicant failed to disclose the PA Order on the Application or in the written explanation accompanying it.

**CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, Disciplinary Panel A concludes as a matter of law that the Applicant's 2006 criminal conviction in Pennsylvania, described above,

constitutes: being convicted of a crime involving moral turpitude, in violation of Health Occ. § 14-404(b)(2), which is grounds for denial of his Application under Health Occ. § 14-205(b)(3)(i).

The Applicant's actions, which led to his 2006 criminal conviction in Pennsylvania, described above, constitute lacking in good moral character, a requisite for licensure under Health Occ. § 14-307(b).

The Applicant's discipline by multiple other Boards -- to wit, the 2006 PA Board Order, the 2006 NY Order, the 2007 NC Order, the 2008 VA Order, the 2011 PA Order, the 2012 Surrender of the Applicant's North Carolina license, the 2012 VA Order, and the 2021 PA Order -- constitutes being disciplined by a licensing or disciplinary authority for an act that would be grounds for disciplinary action under the Board's disciplinary statute, in violation of Health Occ. § 14-404(a)(21), which is grounds for denial of his Application under Health Occ. § 14-205(b)(3)(i).

The Applicant's actions, which led to the 2011 PA Order, described above, constitute unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii); and lacking in good moral character, a requisite for licensure under Health Occ. § 14-307(b).

The Applicant's actions, which led to his 2021 criminal conviction in Pennsylvania and the 2021 PA Order, described above, constitute unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii); and lacking in good moral character, a requisite for licensure under Health Occ. § 14-307(b).

The Applicant's failure to disclose to the Board and his false "NO" answer to Character and Fitness Question (i) on the Application regarding his pending 2021 Pennsylvania criminal charges, constitutes fraudulently or deceptively attempting to obtain a license, in violation of Health Occ. § 14-404(a)(1); unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii); and willfully making or filing a false report or record in the practice of medicine, in violation of Health Occ. § 14-404(a)(11); and constitute lacking in good moral character, a requisite for licensure under Health Occ. § 14-307(b).

The Applicant's failure to disclose to the Board the 2021 PA Order constitutes fraudulently or deceptively attempting to obtain a license, in violation of Health Occ. § 14-404(a)(1); unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii); and willfully making or filing a false report or record in the practice of medicine, in violation of Health Occ. § 14-404(a)(11); and constitute lacking in good moral character, a requisite for licensure under Health Occ. § 14-307(b).

### **ORDER**

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

**ORDERED** that the Application of Robert S. Mathews, M.D. for a license to practice medicine in Maryland, filed on or about September 8, 2021, is hereby **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

Date

06/13/2022

Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians

## NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. § 4-319(b) (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.