



STATE OF MARYLAND

DHMH Board of Physicians

Maryland Department of Health and Mental Hygiene

4201 Patterson Avenue • Baltimore, Maryland 21215-2299

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – Joshua M. Sharfstein, M.D., Secretary

November 28, 2012

Charles J. Kessler, M.D.
Kessler Center for Chronic Diseases
8945 N. Westland Drive, Suite 100
Gaithersburg, Maryland 20877

Elliott A. Alman, Esquire
Quince Orchard Park
Suite 100
183 Mill Green Avenue
Gaithersburg Md 20878

Robert J. Gilbert, Assistant Attorney General
Office of the Attorney General
Department of Health and Mental Hygiene
300 West Preston Street, Suite 302
Baltimore, Maryland 21201

Re: Charles J. Kessler, M.D.
Case Nos.: 2012-0906 and 2013-0148
License No.: D73675

Dear Dr. Kessler and Counsel:

On November 15, 2012, the Board issued an **ORDER FOR SUMMARY SUSPENSION OF LICENSE TO PRACTICE MEDICINE** in this case. Dr. Kessler was given an opportunity to attend a hearing to show cause why that suspension should not be continued on November 28, 2012. Dr. Kessler attended the hearing on that date together with his counsel, Elliott A. Alman, Esquire. The State was represented by Robert J. Gilbert, Assistant Attorney General, Administrative Prosecutor. Both parties presented extensive oral arguments at the show cause hearing.

After considering these arguments at the hearing and the investigative file, the Board determined that it would continue the summary suspension imposed on November 15, 2012. The Board thus will not lift the summary suspension order. The arguments submitted, together with Dr. Kessler's presentation and responses to the Board's questions, when considered in the light of the investigative findings in the file, persuade the Board there exists a substantial risk of

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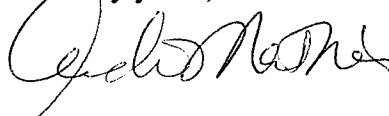
serious harm to the public health, safety or welfare in Dr. Kessler's continued practice. The Board, through its counsel, advised Dr. Kessler of this decision orally on the hearing date.

NOTICE OF RIGHT TO APPEAL

Under the Board regulations, Dr. Kessler has the right to request a full evidentiary hearing before an Administrative Law Judge. This request will be granted if the Board receives a written request for the hearing within ten days of the date of this letter. Any request for a hearing should be sent to Christine Farrelly, Deputy Director, Licensure and Compliance, at the Board's address. If you request such a hearing, the regulations require that an Administrative Law Judge set the hearing to begin within 30 days of your request, *see* COMAR 10.32.02.05 I, though you may waive that 30-day requirement.

This letter constitutes an order of the Board resulting from formal disciplinary action and is therefore a public document.

Sincerely yours,



Andrea Mathias, MD
Board Chair