

IN THE MATTER OF * BEFORE THE
THOMAS J. GRUBER, M.D. * MARYLAND STATE BOARD
Applicant * OF PHYSICIANS

* Case Number: 2011-0532

* * * * *

CONSENT ORDER

On March 2, 2012, the Maryland State Board of Physicians (the “Board”) notified Thomas J. Gruber (the “Applicant”) (D.O.B. 11/24/1973), of the Board’s intent to deny his Application for Initial Medical Licensure under the Maryland Medical Practice Act (the “Act”), Md. Health Occ. Code Ann. (“H.O.”) §§ 14-101 *et seq.* (2009 Repl. Vol. & 2010 Supp.) The pertinent provisions of the Act are as follows:

§ 14-307. Qualifications of applicants.

- (a) *In general.* – To qualify for a license, an applicant shall be and individual who meets the requirements of this section.
- (b) *Moral character.* – The applicant shall be of good moral character[.]

§ 14-205. Miscellaneous powers and duties.

- (a) *Powers.* – (1) In addition to the powers set forth elsewhere in this title, the Board may:
...
 - (iii) Subject to the Administrative Procedure Act, deny a license to an applicant...for any of the reasons that are grounds for action under § 14-404 of this title[.]

The underlying ground that is the basis of the Board’s intent to deny the Applicant’s Application is:

§ 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:

...

(3) Is guilty of:

...

(ii) Unprofessional conduct in the practice of medicine[.]

On August 1, 2012, a conference with regard to this matter was held before the Board’s Case Resolution Conference (“CRC”) panel. As a result of the CRC, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. On December 29, 2010, the Applicant submitted to the Board an Application for Initial Medical Licensure (“Application”).
2. On the Application, the Respondent answered “YES” to the following Character and Fitness Question:

...

(g) Have you committed a criminal act to which you pled guilty or nolo contendere, or for which you were convicted or received probation before judgment?

3. The Board’s subsequent investigation revealed that on September 2, 2009, the Applicant pleaded guilty in New York State Superior Court to the charge of child endangerment, a misdemeanor, and was fined.

CONCLUSION OF LAW

Based upon the Findings of Fact, the Board concludes as a matter of law that the Respondent lacks good moral character as required for licensure.

ORDER

Based on foregoing Findings of Fact and Conclusions of Law, it is this 26th day of SEPTEMBER, 2012, by a majority of the quorum of the Board considering this case:

ORDERED that the Respondent's Application for Licensure is **DENIED** and it is further

ORDERED that this Consent Order shall be a public document pursuant to Md. State Gov't Code Ann. § 10-611 (2009 Repl. Vol.).



Carole J. Catalfo

Executive Director

Maryland State Board of Physicians

CONSENT

I, Thomas J. Gruber, M.D., acknowledge that I am represented by counsel and have consulted with counsel before entering this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that I might have filed after any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of the Consent Order.

8/8/12
Date

Thomas J. Gruber
Thomas J. Gruber, M.D.
Respondent

STATE OF KY

CITY/COUNTY OF McCrocker

I HEREBY CERTIFY that on this 8th day of August 2012, before me, a Notary Public of the foregoing State and City/County personally appeared Thomas J. Gruber, M.D., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Malisa Koman
exp. 8-30-12