

IN THE MATTER OF
MARCUS FELIX COX, M.D.

Applicant

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case Number: 2221-0016A

FINAL ORDER

On September 27, 2021, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) notified **Marcus Felix Cox, M.D.** (the “Applicant”) of its intent to deny his *Application for Initial Medical License* (the “Application”). The Notice informed the Applicant that unless he requested a hearing in writing within 30 days of the date of mailing of the Notice, Panel A intended to sign this Final Order, a copy of which was enclosed. More than 30 days have elapsed, and the Applicant failed to request a hearing. Therefore, Panel A hereby denies the Applicant’s Application.

The basis for Panel A’s action is pursuant to the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-401 *et seq.* (2014 Repl. Vol. & 2020 Supp.). The pertinent provisions of the Act provide:

Health Occ. § 14-307. Qualifications of applicants.

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

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 or, if an applicant has failed to renew the applicant's license, refuse to renew or reinstate an applicant's license for:

- (i) Any of the reasons that are grounds for action under § 14-404 of this title[.]

Health Occ. § 14-404. Denials, reprimands, probations, 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[.]

INVESTIGATIVE FINDINGS

Panel A finds:

1. On or about March 16, 2020, the Applicant submitted his Application to the Board seeking initial licensure to practice medicine in the State of Maryland.
2. In his Application, the Applicant noted that he held an active medical license in West Virginia, Kentucky, Ohio, and Louisiana, and an expired license in Texas.
3. In his Application, the Applicant denied any disciplinary action against him by a state licensing or disciplinary board and denied any pending charges or investigations by any such board.
4. On or about April 3, 2020, an Ohio-based attorney wrote a letter to the Board stating that, on March 11, 2020, and “unbeknownst to [the Applicant],” the State Medical Board of Ohio (the “Ohio Board”) issued a Notice of Opportunity of Hearing (the “Notice”) that proposed to take disciplinary action against the Applicant’s Ohio medical license. The

Ohio Board's Notice alleged that the Respondent pressed a female patient against a wall, lift her clothing, and fondled her breasts. The Notice further alleged that the Respondent made inappropriate comments of a sexual nature to another female patient.

5. On or about November 3, 4, and 12, 2020, an Ohio Board hearing officer conducted an evidentiary hearing based on the allegations in the Ohio Board's Notice. The Applicant appeared and presented evidence at the hearing.

6. On or about December 29, 2020, the Ohio Board hearing officer issued a Report and Recommendation. The hearing officer found that, among other things:

- a. The Applicant was suspended and later resigned in January 2018 from a hospital-based practice in Ohio based on an internal investigation into inappropriate examinations of female patients.
- b. The Ohio Board sent interrogatories to the Applicant on May 24, 2019, and interviewed the Applicant on September 18, 2019, based on the two patient complaints that led to his suspension from his practice.¹
- c. The Applicant saw Patient 1,² a female patient in her thirties, on or about July 17, 2017. "Patient 1 presented [the Applicant's] office with skin lesions on her left leg. During the examination, [the Applicant] asked Patient 1 to walk across the room. When she complied, [the Applicant] backed her to the wall, lifted her clothing and fondled her breasts. He then abruptly left the examination room."
- d. The Applicant saw Patient 2, a female patient in her twenties, on multiple occasions between November 2017 to January 2018. The Applicant "treated Patient 2 for axillary abscesses. During at least two examinations in his medical office exam room, [the Applicant] made inappropriate comments to Patient 2." The inappropriate comments included, but were not limited to:

¹ As stated in Paragraph 3, above, the Applicant denied in his Application to the Board that he had ever been investigated by a licensing or disciplinary board despite the Ohio Board's investigative contacts with the Applicant throughout 2019.

² For confidentiality purposes, the patients' identities were not disclosed in the Ohio Board's records. The patients' identities were made available to the Applicant during the Ohio Board's proceedings.

[Applicant]: How are you doing?

Patient 2: Not so hot.

[Applicant]: Not so hot? Yes, you are. You're always doing hot.

Patient 2: So, game plan?

[Applicant]: Game plan - I'm going to keep you here forever.

Patient 2: No.

[Applicant]: Yes. Stay here forever. Yes?

Patient 2: No.

[Applicant]: [after inquiring if Patient 2 liked to sing and dance] Can I see you dance? I'd like to see you dance. You look like you'd be a nice dancer."

- e. The Applicant denied the allegations against him, but the hearing officer found that the Applicant's testimony was less credible than that of both patients.
- f. The hearing officer concluded that the Applicant violated the "sexual misconduct" rules established by the Ohio Board and departed from, or failed to conform to, minimal standards of care of similar practitioners under the same or similar circumstances.

7. On February 10, 2021, the Ohio Board approved and confirmed the hearing officer's Report and Recommendation, including all factual findings and legal conclusions. The Ohio Board permanently revoked the Applicant's Ohio medical license and imposed a \$6,000 fine payable in 30 days.

8. On August 5, 2021, the Court of Common Pleas for Franklin County, Ohio, affirmed the Ohio Board's decision to permanently revoke the Applicant's Ohio medical license and impose a fine against him.

CONCLUSIONS OF LAW

Based on the foregoing Investigative Findings, Panel A concludes as a matter of law that: the Applicant lacks the good moral character required for licensure pursuant to Health

Occ. § 14-307(b); and the Applicant is guilty of unprofessional conduct in the practice of medicine, which constitutes a ground for action under Health Occ. § 14-404(a)(3)(ii). This ground for action under Health Occ. § 14-404(a) constitutes a basis for Panel A to deny his *Application for Initial Medical License* under Health Occ. § 14-205(b)(3)(i).

ORDER

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

ORDERED that the *Application for Initial Medical License* of **MARCUS FELIX COX, M.D.**, is **DENIED**; and it is further

ORDERED that this Final Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Md. Code Ann., Gen. Prov. § 4-333(b)(6) (2014 & 2020 Supp.).

Signature on File

11/01/2021
Date

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Health Occ. § 14-408, the Applicant has the right to seek judicial review of this Final Order. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Final Order. The cover letter accompanying this Final Order indicates the date the decision is 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 the Applicant files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, Maryland 21215

Notice of any petition should also be sent to Board Counsel at the following address:

Noreen M. Rubin
Assistant Attorney General
Maryland Office of the Attorney General
Maryland Department of Health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201