

IN THE MATTER OF	*	BEFORE THE
DANIEL D. DIETRICK, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D45331	*	Case Number: 2224-0048 A
* * * * *	*	* * * * *

CONSENT ORDER

On December 1, 2023, Disciplinary Panel A of the Maryland State Board of Physicians (the "Board") charged **DANIEL D. DIETRICK, M.D.** (the "Respondent"), License Number D45331, under the Maryland Medical Practice Act (the "Act"), codified at Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-101 *et seq.* (2021 Repl. Vol. & 2023 Supp.).

Specifically, Disciplinary Panel A charged the Respondent with violating the following provision of the Act under Health Occ. § 14-404:

- (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; [and]
- (4) Is professionally, physically, or mentally incompetent; [and]
-
- (9) Provides professional services:

(i) While under the influence of alcohol[.]

On March 13, 2024, Panel A was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring as a result of this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel A finds the following:

I. BACKGROUND

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent initially was licensed to practice medicine in Maryland on November 24, 1993, under License Number D45331. The Respondent’s license expires on September 30, 2024, subject to renewal.

2. The Respondent is board-certified in Urology.

3. At all times relevant hereto, the Respondent was employed as a physician at a health care facility (the “Facility”)¹ located in Towson, Maryland.

4. On or about October 5, 2023, the Board opened an investigation of the Respondent after receiving a Mandated 10-Day Report from the Facility stating that on September 13, 2023, it summarily suspended the Respondent’s Facility privileges based

¹ To ensure confidentiality, the names of individuals, hospitals and healthcare facilities involved in this case are not disclosed in this Consent Order.

on the Respondent testing positive for an elevated blood alcohol level on August 28, 2023, after performing a procedure on a patient.

II. BOARD INVESTIGATION

5. As part of its investigation, the Board obtained medical and administrative records from the Facility and other health care facilities with which the Respondent was employed or associated. The Board also obtained a written response from the Respondent.

6. The Board's investigation revealed that on or about August 28, 2023, the Respondent was scheduled to perform a medical procedure on a patient at the Facility at 9:00 a.m. By 9:40 a.m. the Respondent had not arrived at the Facility, which prompted a staff member to contact him. The Respondent finally arrived at the Facility at 9:53 a.m.

7. Upon the Respondent's arrival, Facility staff members observed the Respondent to be disheveled with the bottom of his pant leg tucked into his sock, his hair unkempt and his shirt stained with deodorant. Facility staff members noticed the Respondent's speech was disjointed and slow. The Respondent proceeded to perform the scheduled procedure and was observed to be "hyperfocused on each step of the procedure, as if he was trying to remember what was to come next." The Respondent performed the procedure without any issues, but a Facility staff observed him to be rude when speaking with the patient.

8. The Facility administrative staff decided not to allow the Respondent to perform anymore procedures after the first patient. While Facility staff members were speaking with the Respondent about his behavior in a consulting room, the Respondent began retching and vomiting.

9. At approximately 1:00 p.m., the Respondent was driven by a Facility staff member to another health care facility where he submitted a blood test for toxicology screening. The result of the toxicology screening indicated that the Respondent was impaired with an elevated blood alcohol content.

10. On or about October 20, 2023, the Respondent submitted a written response to the Board in which he admitted to drinking more alcohol than he thought the night before the stated incident on August 28, 2023, and also admitted that his blood alcohol level was elevated on that date.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent is guilty of unprofessional conduct in the practice of medicine, in violation of § 14-404(a)(3)(ii) of the Health Occupations Article; is professionally, physically, or mentally incompetent, in violation of Health Occ. § 14-404(a)(4); and provided professional services while under the influence of alcohol, in violation of Health Occ. § 14-404(a)(9)(i).

ORDER

It is thus by a majority of a quorum of Disciplinary Panel A of the Board hereby:

ORDERED, that the *Order for Summary Suspension of License to Practice Medicine* dated November 22, 2023 and the order affirming the summary suspension are **TERMINATED** as moot; and it is further

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that the Respondent's license to practice medicine is **SUSPENDED**

for a minimum period of **NINE (9) MONTHS**; and it is further

ORDERED that during the suspension period, the Respondent shall not:

- i. Practice medicine;
- ii. Take any actions after the effective date of this Order to hold himself or herself out to the public as a current provider of medical services;
- iii. Authorize, allow or condone the use of the Respondent's name or provider number by any health care practice or any other licensee or health care provider;
- iv. Function as a peer reviewer for the Board or for any hospital or other medical care facility in the State;
- v. Prescribe or dispense medications; or
- vi. Perform any other act that requires an active medical license; and it is further

ORDERED, that Respondent shall comply with the following terms and conditions of the **SUSPENSION**:

- i. The Respondent shall enroll in the Maryland Professional Rehabilitation Program (MPRP) as follows:
 1. Within 5 business days, the Respondent shall contact MPRP to schedule an initial consultation for enrollment;
 2. Within 15 business days, the Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;
 3. The Respondent shall fully and timely cooperate and comply with all MPRP's referrals, rules, and requirements, including, but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP;

4. The Respondent shall sign and update the written release/consent forms requested by the Board and MPRP, including release/consent forms to authorize MPRP to make verbal and written disclosures to the Board and to authorize the Board to disclose relevant information from MPRP records and files in a public order. The Respondent shall not withdraw his release/consent;
 5. The Respondent shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of the Respondent's current therapists and treatment providers) verbal and written information concerning the Respondent and to ensure that MPRP is authorized to receive the medical records of the Respondent, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. The Respondent shall not withdraw his release/consent; and
 6. The Respondent's failure to comply with any of the above terms or conditions including terms or conditions of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) constitutes a violation of this Consent Order.
- ii. MPRP will arrange for any evaluation(s) that MPRP determines are necessary to assess the Respondent's safety to return to the practice of medicine. The Respondent shall submit to the evaluation(s) as directed by MPRP.
 - iii. The Respondent shall successfully complete MPRP and be found safe to practice by MPRP.
 - iv. Within **SIX (6) MONTHS**, the Respondent is required to take and successfully complete a course in professionalism. The following terms apply:
 1. it is the Respondent's responsibility to locate, enroll in and obtain the disciplinary panel's approval of the course before the course is begun;
 2. the disciplinary panel will not accept a course taken over the internet;
 3. the Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the course;
 4. the course may not be used to fulfill the continuing medical education credits required for license renewal;
 5. the Respondent is responsible for the cost of the course.

IT IS FURTHER ORDERED that if, upon the authorization of MPRP, the Respondent transfers to a rehabilitation program in another State, his failure to comply with any term or condition of the out-of-state's rehabilitation program, constitutes a violation of this Order. The Respondent shall also sign any out-of-state written release/consent forms to authorize the Board to exchange with (i.e., disclose to and receive from) the out-of-state program verbal and written information concerning the Respondent, and to ensure that the Board is authorized to receive the medical records of the Respondent, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. The Respondent shall not withdraw the release/consent; and it is further

ORDERED that if MPRP finds and notifies the Board that the Respondent is safe to return to the practice of medicine and the minimum nine (9) months suspension has concluded, the Respondent may submit a written petition to the disciplinary panel to terminate the suspension of the Respondent's license. The Respondent may be required to appear before the disciplinary panel to discuss his or her petition for termination. If the disciplinary panel determines that it is safe for the Respondent to return to the practice of medicine, the suspension will be terminated through an order of the disciplinary panel, and the disciplinary panel may impose any terms and conditions it deems appropriate on the Respondent's return to practice, including, but not limited to, probation and/or continuation of the Respondent's enrollment in MPRP. If the disciplinary panel determines that it is not safe for the Respondent to return to the practice of medicine, the suspension shall be continued through an order of the disciplinary panel for a length of time determined by the

disciplinary panel, and the disciplinary panel may impose any additional terms and conditions it deems appropriate; and it is further

ORDERED that a violation of the suspension constitutes a violation of the Consent Order; and it is further

ORDERED that the Respondent shall not apply for early termination of the suspension; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that, if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If the disciplinary panel determines there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings followed by an exceptions process before a disciplinary panel; and if the disciplinary panel determines there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before a disciplinary panel; and it is further

ORDERED that after the appropriate hearing, if the disciplinary panel determines that the Respondent has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend with appropriate terms and conditions, or revoke the Respondent's license to practice medicine

in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine on the Respondent; and it is further

ORDERED that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board or her designee. The Executive Director or her designee signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order; and it is further

ORDERED that this Consent Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

04/03/2024
Date

Signature On File

Christine A. Farrelly, Executive Director
Maryland State Board of Physicians

CONSENT

I, Daniel D. Dietrick, M.D., acknowledge that I have consulted with counsel before signing this document.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the pending charges. I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered 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 behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand the language and meaning of its terms.

Signature On File

3.28.2021
Date

Daniel D. Dietrick, M.D.


NOTARY

STATE OF Florida

CITY/COUNTY OF Alachua

I HEREBY CERTIFY that on this 28th day of March,
2024, before me, a Notary Public of the State and County aforesaid, personally appeared
Daniel D. Dietrick, M.D., and gave oath in due form of law that the foregoing Consent
Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.



Notary Public

My Commission Expires: 2/24/2025

