

**IN THE MATTER OF**

\*

**BEFORE THE**

**JASON A. CLEM, M.D.**

\*

**MARYLAND STATE**

**Respondent**

\*

**BOARD OF PHYSICIANS**

**License Number: D58701**

\*

**Case Number: 7724-0049B**

\* \* \* \* \*

**CONSENT ORDER**

On April 18, 2024, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged **JASON A. CLEM, M.D.** (the “Respondent”), License Number D58701, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 et seq. (2021 Repl. Vol. & 2023 Supp.).

Specifically, Disciplinary Panel B charged the Respondent under the following provisions of the Act:

**Health Occ. § 14-404. License denial, suspension, or revocation.**

- (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:

....

- (4) Is professionally, physically, or mentally incompetent; [and/or]

....

- (7) Habitually is intoxicated[.]

## **FINDINGS OF FACT**

Panel B finds the following:

### **I. Background/Licensing Information**

1. The Respondent was originally issued a license to practice medicine in Maryland on May 8, 2002, under License Number D58701. The Respondent continuously had his license renewed. The Respondent's license expires on September 30, 2024, subject to renewal.

2. The Respondent is board-certified in Family Medicine.

### **II. The Board Investigation**

3. On or about December 9, 2022, the Board received notice that the facility (the "Facility")<sup>1</sup> where the Respondent was employed had issued a statewide ban<sup>2</sup> for the Respondent's violation of the Facility's Standards of Conduct. The Respondent resigned from his position at the Facility the following day.

4. On September 7, 2023, a Board investigation resulted in disciplinary charges (the "Disciplinary Charges") being issued for violation of Health Occ. § 14-404(a)(3)(ii) – Unprofessional conduct in the practice of medicine, under Board case number 2223-0070B.

5. On or about December 19, 2023, the Respondent voluntarily entered into a Public Consent Order (the "Consent Order") to resolve the Disciplinary Charges. The

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<sup>1</sup> For confidentiality and privacy reasons, the specific information contained in the Evaluations will not be disclosed in this document.

<sup>2</sup> Based on the information received, the Respondent was banned from entering all locations related to the Facility.

Consent Order contains Findings of Fact and Conclusions of Law that the Respondent is guilty of unprofessional conduct in the practice of medicine in violation of Health Occ. § 14-404(a)(3)(ii).

6. Pursuant to the Consent Order, the Respondent was reprimanded; placed on probation for a minimum of two (2) years with the conditions that the Respondent enroll in and successfully complete the Maryland Professional Rehabilitation Program (“MPRP”) and within six (6) months take and complete a Panel-approved course in professionalism/ethics.

7. On or about March 4-5, 2023, the Respondent appeared at an MPRP-affiliated program (the “Health Program”) for an evaluation and was diagnosed with health conditions that concern his ability to safely practice medicine.

8. On or about March 8, 2024, the Respondent signed a practice cessation agreement pursuant to the recommendation by the Health Program.

9. On or about March 20, 2024, the Health Program provided the Board with the result of the evaluations. Medical specialists from the Health Program reviewed the pertinent documents, including, but not limited to, documents contained in the Board’s investigative file from the Disciplinary Charges and the evaluations, and opined in their Safety Assessment that the Respondent “is not currently fit to practice medicine with reasonable skill and safety.”

## CONCLUSIONS OF LAW

Based on the findings of fact, Disciplinary Panel B concludes that Dr. Clem is professionally, physically, or mentally incompetent, in violation of Health Occ. § 14-404(a)(4); and habitually intoxicated, in violation of Health Occ. § 14-404(a)(7).

## ORDER

It is, by an affirmative vote of a majority of the quorum of Disciplinary Panel B, hereby:

**ORDERED** that the Consent Order dated December 14, 2023 is **TERMINATED** as **MOOT**; and it is further

**ORDERED** that the summary suspension of the Respondent's license to practice medicine in Maryland, ordered on April 11, 2024 is **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 in the State of Maryland is **SUSPENDED** for a minimum of **SIX MONTHS**.<sup>3</sup> During the suspension, the Respondent shall comply with the following terms and conditions of suspension:

- I. The Respondent shall remain enrolled in the Maryland Professional Rehabilitation Program ("MPRP") as follows:
  - (a) Within 5 business days, the Respondent shall contact MPRP to schedule an initial consultation for his continued enrollment;
  - (b) Within 15 business days, the Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;

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<sup>3</sup> If Dr. Clem's license expires during the period of probation, the probation and any conditions will be tolled,

- (c) 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;
- (d) 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;
- (e) 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. the Respondent shall not withdraw his release/consent;
- (f) 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 Final Decision and Order;

**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 six (6) month 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 or the suspension may be administratively terminated. 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, that will include probation for **TWO YEARS** and continuation of the Respondent's enrollment in MPRP and any other terms deemed appropriate by the Panel. 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 Final Decision and Order is a **PUBLIC** document pursuant to Health Occ. § 1-607, § 14-411.1(b)(2), and Gen. Prov. § 4-333(b)(6).

07/31/2024  
Date

***Signature On File***

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



## CONSENT

I, Jason Clem, 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.

7/28/24

Date

***Signature On File***

Jason Clem, M.D.

**NOTARY**

STATE OF Ohio

CITY/COUNTY OF Summit

I HEREBY CERTIFY that on this 28<sup>th</sup> day of July,

2024, before me, a Notary Public of the State and County aforesaid, personally appeared Jason Clem, 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.**



Jill C. Cabe, Attorney at Law  
Notary Public, State of Ohio  
My Commission has No Expiration Date  
Section 147.03 R.C.

Jill Cabe  
Notary Public

My Commission Expires: NA