

IN THE MATTER OF

RICHARD M. HUNT, JR., M.D.

Respondent

License Number: D13619

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BEFORE THE

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MARYLAND STATE BOARD

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OF PHYSICIANS

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Case Number: 7720-0060 A

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### ORDER AFTER SHOW CAUSE HEARING

On January 6, 2020, Richard M. Hunt, Jr., M.D. (the "Respondent") and Disciplinary Panel A ("Panel A" or the "Panel") of the Maryland State Board of Physicians (the "Board") entered into a Consent Order to resolve charges Panel A had issued against the Respondent. On December 11, 2020, Panel A issued a Violation of Consent Order and Notice to Show Cause ("Notice to Show Cause") charging the Respondent with violating the terms and conditions of the Consent Order. Specifically, Panel A charged the Respondent with violating the following provisions of the Consent Order:

**ORDERED** that the Respondent shall, within **30 DAYS** from the date of this Consent Order submit to the Board for Board approval:

- (1) a letter to be sent to the complainant patients listed in this Consent Order stating the Respondent closed his medical practice in August 2018 and he has destroyed all medical records that were not already obtained by the patients; and
- (2) a newspaper advertising notice for publication stating that the Respondent closed his medical practice in August 2018 and that he has destroyed all medical records that were not already obtained by patients; and it is further

**ORDERED** that within **30 DAYS** after the approval of the letter and the newspaper advertising notice from the Board, the Respondent shall:

- (1) publish the notice for two consecutive weeks in a daily newspaper that is circulated locally in the area of his former medical practice; and
- (2) send by first class mail to the last known address of the 4 patients who filed complaints with the Board who are referenced in this Consent Order[.]

The Consent Order also contained the following provisions:

**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[.]

The Notice to Show Cause notified the Respondent that a show cause hearing was scheduled for Wednesday, February 10, 2021, at 11:15 a.m. The Notice of Hearing was sent by first-class regular mail to the address the Respondent provided the Board. Prior to the hearing, the Board sent several emails to the Respondent's email of record, notifying the Respondent that the show cause hearing was going to be held by Zoom video-conference and that he was invited for testing to assure that the Zoom platform worked for him. For instance, an email from the Board was sent to the Respondent on January 28,

2021, which stated, "This is an invitation for a Zoom test with the Respondent and/or Counsel for Wednesday, February 10 2021 Hearing meeting." A similar email was sent on February 8, 2021. And an email was again sent to the Respondent on February 9, 2021, notifying him of the hearing on February 10, 2021, with the Zoom link for the hearing, and asking him to sign on to Zoom 10 to 15 minutes before the 11:15 a.m. hearing. None of the emails were returned to the Board as undelivered, indicating that they were sent to the correct email address. The Respondent did not respond to any of the emails.

On February 10, 2021, 11:15 am, the Respondent did not appear for the Zoom video-conference hearing. Panel A waited until 11:48 a.m. for the Respondent, but he was not present. No attorney, nor anyone else, was present to represent the Respondent. The State was represented by an Assistant Attorney General from the Office of the Attorney General, who presented for the State.

## **FINDINGS OF FACT**

Panel A makes the following findings of fact:

### **I. License History**

1. At all relevant times, the Respondent was licensed to practice medicine in the State of Maryland. The Board first licensed the Respondent to practice medicine in Maryland on January 27, 1972, under License Number D13619. The Respondent's medical license was set to expire on September 30, 2020; however, it was extended pursuant to the COVID-19 License Expiration Extension.<sup>1</sup>

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<sup>1</sup> On March 5, 2020, Maryland Governor Larry Hogan proclaimed a state of emergency due to the COVID-19 pandemic. On March 12, 2020, Governor Hogan issued an Executive Order, renewed on June 19, 2020, that ordered that licenses will not expire until 30 days after the state of emergency is lifted. The

2. On September 27, 2019, Panel A charged the Respondent with violating the Maryland Medical Practice Act, specifically Md. Code Ann., Health Occ. § 14-404(a)(3)(ii) (unprofessional conduct in the practice of medicine); (6) (abandons a patient) and (13) (on proper request, and in accordance with the provisions of Title 4, Subtitle 3 of the Health-General Article, fails to provide details of a patient's medical record to the patient, another physician, or hospital) (2014 Repl. Vol. & 2018 Supp.).

## **II. Consent Order**

3. On January 6, 2020, in order to resolve the pending charges, the Respondent and Panel A agreed to a Consent Order (the "Consent Order"), which, among other things, reprimanded the Respondent and ordered that within 30 days from the date of the Consent Order the Respondent submit to the Board for Board approval: (1) a letter to the complainant patients listed in the Consent Order stating that the Respondent closed his medical practice in August 2018 and has destroyed all medical records that were not already obtained by the patients (the "Letter"); and (2) a newspaper advertising notice for publication stating that the Respondent closed his medical practice in August 2018 and that he has destroyed all medical records that were not already obtained by patients (the "Notice"; the Letter and the Notice will collectively be referred to as the "Documents"). The Consent Order further ordered that within 30 days after the approval of the Letter and the Notice from the Board, the Respondent shall: (1) publish the Notice for two consecutive weeks in a daily newspaper that is circulated locally in the area of his former medical

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Respondent's license expiration was, thus, extended. This order terminates the extension given to the Respondent as a result of the discipline imposed.

practice; and (2) send by first class mail to the last known address of the four (4) patients who filed complaints with the Board who are referenced in this Consent Order.

4. By letter dated January 6, 2020, sent to the Respondent's address of record,<sup>2</sup> Board staff, among other things, reiterated the terms of the Consent Order and provided contact information for the Board.

### **III. Violation of Consent Order**

5. The Board did not receive the Documents within thirty (30) days of the Consent Order.

6. By letter dated February 28, 2020, the Board requested the Documents by March 4, 2020. The Respondent did not respond to the letter and the letter was not returned as undeliverable.

7. By email dated March 6, 2020, sent to the Respondent's email address of record,<sup>3</sup> the Board requested that the Respondent send the Documents immediately.

8. On March 6, 2020, Board staff called the Respondent at his phone number of record.<sup>4</sup> Board staff did not speak with the Respondent but left him a voicemail requesting the Documents.

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<sup>2</sup> The Respondent submitted an application to renew his license to practice medicine in Maryland on August 26, 2018 (the "Application"). The Application indicated that the Board would use the address provided by the Respondent for official correspondence. On December 4, 2019 the address of record was updated. All of the Board's mail correspondence was mailed to the Respondent's updated address of record.

<sup>3</sup> The Board emailed the Respondent at the email address provided by the Respondent on the Application. The Application indicated that the Board would use the email address for official correspondence. The Board never received a change of email address from the Respondent and all the Board's email correspondence was sent to the email address provided by the Respondent.

<sup>4</sup> Board staff contacted the Respondent at the phone number the Respondent provided on the Application. The Board never received a change of phone number from the Respondent after he submitted the Application.

9. On or around March 11, 2020, Board staff called the Respondent and spoke with him. The Respondent stated that he had not submitted the Documents but indicated that he would submit the Documents by email on March 13, 2020.

10. On March 19, 2020, the Board received the proposed Documents from the Respondent for the Board's approval in the mail.

11. By letter dated April 8, 2020, the Board notified the Respondent that Panel A approved the Documents. The letter also requested that the Respondent send the Board copies of the Letter mailed to the complainant patients and confirmation of purchased advertising space for the Notice.

12. The Respondent did not respond to the Board's April 8, 2020 letter and the letter was not returned as undeliverable.

13. By letter dated June 2, 2020, Board staff requested proof that the Panel-approved Letter was sent to the complainant patients and the Panel-approved Notice was published, in compliance with the terms of the Consent Order or, in the alternative, Board staff requested the Respondent to provide a written response explaining his noncompliance.

14. The Respondent did not respond to the letter and the letter was not returned as undeliverable.

15. On June 29, 2020 and July 8, 2020, Board staff phoned the Respondent and left voicemails for him. The Respondent did not respond to the voicemails.

16. On or about July 15, 2020, Board staff mailed the Respondent a letter requesting a written response to his failure to comply with the terms and conditions of the Consent Order within ten (10) business days. The Board did not receive a response.

17. As of September 9, 2020, the Respondent has not provided proof that the Panel-approved Letter was sent to the complainant patients and that the Panel-approved Notice was published in a newspaper.

### **CONCLUSIONS OF LAW**

Based upon the findings of fact, the Respondent failed to provide the Board the Documents within thirty days of the Consent Order, the Respondent failed, within thirty days after the Board's approval of the Documents, to mail the Panel-approved Letter to the four complainant patients, and the Respondent failed to publish the Panel-approved Notice for two consecutive weeks in a daily newspaper that is circulated locally in the area of his former practice. These failures on the part of the Respondent constitute violations of the Consent Order.

### **SANCTION**

The Respondent violated the terms and conditions of the Consent Order. Although the Respondent had thirty days to provide the Board with a letter for approval and a newspaper notice for approval, he did not do so in a timely matter. After several requests from the Board, he eventually was able to submit to the Board the required letter and notice and they were approved, but he then failed to send those letters to the four complainant patients nor did he publish the notice in a newspaper. The purpose of this process was to notify his patients that the medical records he maintained (that the patients had not already obtained) had been destroyed. Patients should have been notified of this without the Board's involvement. Nonetheless, the Panel has given the Respondent ample opportunity to fulfill the terms of the Consent Order, but the Respondent has demonstrated to the Panel

that he is either incapable or disinclined to comply the conditions of the Consent Order. Nor has the Respondent offered an explanation to justify the noncompliance. Under these circumstances, the Panel finds that revocation is appropriate.

**ORDER**

It is, thus, by Board Disciplinary Panel A hereby

**ORDERED** that the license of Richard M. Hunt, Jr., M.D. (License Number D13619) to practice medicine in Maryland is revoked; and it is further

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

03/05/2021

Date

*Signature on File*

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