

IN THE MATTER OF
ERNESTO C. TORRES, M.D.

Respondent

License Number: D23651

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case Number: 2219-0183A

* * * * *

**ORDER FOR SUMMARY SUSPENSION
OF LICENSE TO PRACTICE MEDICINE**

Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) hereby **SUMMARILY SUSPENDS** the license of **ERNESTO C. TORRES, M.D.** (the “Respondent”), License Number D23651, to practice medicine in the State of Maryland.

Panel A takes such action pursuant to its authority under Md. Code Ann., State Gov’t § 10-226(c) (2014 Repl. Vol. & 2018 Supp.), concluding that the public health, safety or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS

Based on information received by, and made known to Panel A, and the investigatory information obtained by, received by and made known to and available to Panel A, including the instances described below, Panel A has reason to believe that the following facts are true:¹

¹ The statements regarding Panel A’s investigative findings are intended to provide the Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

I. BACKGROUND

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was originally licensed to practice medicine in Maryland on June 21, 1979, under License Number D23651. The Respondent's license is current through September 30, 2019.

2. The Respondent is board-certified in pediatrics.

3. At all times relevant hereto, the Respondent was a solo-practitioner practicing pediatrics at an office located at 188 Thomas Johnson Drive, Frederick, Maryland 21702.

4. On or about April 30, 2019, the Board opened an investigation of the Respondent after receiving a telephone call from a Frederick Police Department ("FPD") detective (the "Detective")² stating that FPD was conducting a criminal investigation of the Respondent for an alleged sexual offense against a patient (the "Patient").

II. BOARD INVESTIGATION

5. As part of its initial investigation, the Board obtained investigative materials from FPD, including, but not limited to, the Patient's written statement to FPD and the Respondent's audio interview.

6. The investigative materials from FPD revealed that on or about April 28, 2019, the Patient, accompanied by her parents, went to FPD headquarters to report a sex offense. The Patient initially spoke to an officer and later wrote a statement.

² For confidentiality and privacy purposes, the names of individuals and health care facilities involved in this case are not disclosed in this document. The Respondent may obtain the names of all individuals and health care facilities referenced in this document by contacting the administrative prosecutor.

7. The Patient stated that she had scheduled an appointment with the Respondent for a follow up on her anxiety medications for April 26, 2019, at 4:00 p.m.

8. On or about Friday, April 26, 2019, the Patient, who was unaccompanied, arrived at the Respondent's office at approximately 3:57 p.m. After signing in, a nurse brought the Patient to an examination room. The nurse took the Patient's blood pressure and then left the room.

9. Not long after, the Respondent came into the examination room alone. The Respondent examined the Patient's eyes and ears and asked her to lie on her back on the examination table.

10. After examining the Patient's abdomen, the Respondent lowered his hand further down the Patient's legging and began rubbing her vaginal area. According to the Patient, the Respondent used his hand to rub her vaginal area for approximately five minutes, during which he asked the Patient questions about her anxiety and the Patient began crying.

11. The Respondent did not stop rubbing the Patient's vaginal area until the Patient suddenly sat up and asked for a tissue paper to blow her nose. Afterwards, the Respondent gave the Patient a hug and continued to talk to her about various topics for some time.

12. When the appointment concluded, the Patient left the examination room to find that all the staff members had left and that she and the Respondent were alone. The Patient left the Respondent's office at approximately 5:16 p.m.

13. The Patient stated that after she arrived home, she took a shower immediately. She told her mother about what occurred during her appointment with the Respondent the next day on Saturday, April 27, 2019. They both informed her father on the morning of Sunday, April 28, 2019, right before they reported the incident to FPD.

14. On or about May 3, 2019, a Frederick County grand jury returned a three-count indictment against the Respondent for: Second Degree Rape, in violation of Md. Code Ann., Crim. Law (“Crim. Law”) § 3-304; Fourth Degree Sex Offense, in violation of Crim Law § 3-308(b)(1); and Second Degree Assault, in violation of Crim. Law § 3-203. The indictment against the Respondent is pending before the Circuit Court for Frederick County, Maryland.

CONCLUSIONS OF LAW

Based upon the foregoing Investigative Findings, Panel A concludes as a matter of law that the public health, safety, or welfare imperatively requires emergency action, pursuant to Md. Code Ann., State Gov’t § 10-226(c)(2) (2014 Repl. Vol.) and Md. Code Regs. (“COMAR”) 10.32.02.08B(7)(a).

ORDER

It is, by a majority of the quorum of Panel A, hereby:

ORDERED that pursuant to the authority vested in Panel A by Md. Code Ann., State Gov’t § 10-226(c)(2) and COMAR10.32.02.08B(7)(a), the Respondent’s license to practice medicine in the State of Maryland is hereby **SUMMARILY SUSPENDED**; and it is further

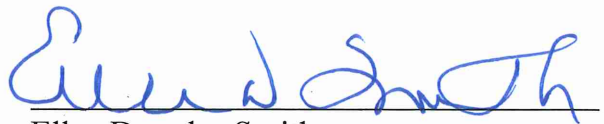
ORDERED that a post-deprivation hearing in accordance with COMAR10.32.02.05B(7) on the summary suspension will be held on **Wednesday, June 12, 2019, at 11:15 a.m.** before Panel A at the Maryland State Board of Physicians, 4201 Patterson Avenue, Baltimore, Maryland 21215-0095; and it is further

ORDERED that at the conclusion of the post-deprivation hearing before Panel A, the Respondent, if dissatisfied with the result of the hearing, may request within ten (10) days an evidentiary hearing, such hearing to be set within thirty (30) days of the request, before an Administrative Law Judge at the Office of Administrative Hearings, Administrative Law Building, 11101 Gilroy Road, Hunt Valley, Maryland 21031-1301; and it is further

ORDERED that a copy of this Order for Summary Suspension shall be filed with the Board in accordance with Health Occ. § 14-407 (2014 Repl. Vol. and 2018 Supp.); and it is further

ORDERED that this is an Order of Disciplinary Panel A, and as such, is a **PUBLIC DOCUMENT**. See Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Provisions § 4-333(b)(6).

5/28/19
Date


Ellen Douglas Smith
Deputy Director
Maryland State Board of Physicians