

IN THE MATTER OF * BEFORE THE
MICHAEL P. VINCENT, M.D. * MARYLAND STATE
Respondent * BOARD OF PHYSICIANS
License Number: D24403 * Case Number: 2221-0018A

CONSENT ORDER

On June 3, 2022, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged **Michael P. Vincent, M.D.** (the “Respondent”) License Number D24403, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-401 *et seq.* (2021 Repl. Vol.); Health Occ. § 1-212; and Code Md. Regs. (“COMAR”) 10.32.17.01 *et seq.*

Panel A charged the Respondent with violating the following statutory and regulatory provisions:

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:
 - (i) Immoral conduct in the practice of medicine; or
 - (ii) Unprofessional conduct in the practice of medicine[.]

Health Occ. § 1-212. Sexual misconduct prohibited; regulations; discipline.

- (a) *Adoption of regulations.* – Each health occupations board authorized to issue a license or certificate under this article shall adopt regulations that:
- (1) Prohibit sexual misconduct; and
 - (2) Provide for the discipline of a licensee or certificate holder found to be guilty of sexual misconduct.
- (b) *Sexual misconduct.* – For the purposes of the regulations adopted in accordance with subsection (a) of this section, “sexual misconduct” shall be construed to include, at a minimum, behavior where a health care provider:
- (1) Has engaged in sexual behavior with a client or patient in the context of a professional evaluation, treatment, procedure, or other service to the client or patient, regardless of the setting in which professional service is provided;
 - (2) Has engaged in sexual behavior with a client or patient under the pretense of diagnostic or therapeutic intent or benefit; or
 - (3) Has engaged in any sexual behavior that would be considered unethical or unprofessional according to the code of ethics, professional standards of conduct, or regulations of the appropriate health occupations board under this article.
- (c) *Violating board regulations.* – Subject to the provisions of the law governing contested cases, if an applicant, licensee, or certificate holder violates a regulation adopted under subsection (a) of this section a board may:
- (1) Deny a license or certificate to the applicant;
 - (2) Reprimand the licensee or certificate holder;
 - (3) Place the licensee or certificate holder on probation; or
 - (4) Suspend or revoke the license or certificate.

COMAR 10.32.17 Sexual Misconduct.

01. Scope.

This chapter prohibits sexual misconduct by health care practitioners.

02. Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Health care practitioner" means an individual licensed under Health Occupations Article, Titles 14 and 15, Annotated Code of Maryland.

...

(3) Sexual contact.

(a) "Sexual contact" means the knowing touching directly or through clothing, where the circumstances surrounding the touching would be construed by a reasonable person to be motivated by the health care practitioner's own prurient interest or for sexual arousal or gratification.

(b) "Sexual contact" includes, but is not limited to:

...

(v) Nonclinical touching of breasts, genitals, or any other sexualized body part.

(4) "Sexual harassment" means an unwelcome sexual advance, request for sexual favor, or other verbal or physical conduct of a sexual nature.

03. Sexual Misconduct

A. Health care practitioners may not engage in sexual misconduct.

- B. Health Occupations Article, §§ 14-404(a)(3) . . . Annotated Code of Maryland, includes, but is not limited to, sexual misconduct.
- C. Sexual misconduct includes, but is not limited to:
 - (1) Engaging in sexual harassment of a patient, key third party, employee, student, or coworker regardless of whether the sexual harassment occurs inside or outside of a professional setting;
 - ...
 - (7) Participating in any form of sexual contact with a patient or key third party;
 - (8) Having nonconsensual sexual contact with a coworker or employee[.]

On August 10, 2022, 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, and Order.

FINDINGS OF FACT

Disciplinary Panel A finds:

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 November 15, 1979, under License Number D24403. The Respondent’s license is current through September 30, 2023.
2. The Respondent is board-certified in plastic surgery.

3. The Respondent is the proprietor and sole practitioner of a plastic surgery practice in Montgomery County, Maryland (the "Practice"). The Respondent also holds privileges at two hospitals in Montgomery County, Maryland.¹ The Respondent had the authority to hire and terminate employees.

II. THE COMPLAINT

4. On or about August 22, 2020, Board staff received a complaint (the "Complaint") from an employee (the "Complainant") who previously worked with the Respondent. In her complaint, the Complainant stated that she was "harassed and sexually assaulted as both an employee, and as a patient" by the Respondent. She stated that she had been mistreated during a surgical procedure during which the Respondent kissed her on her closed eyelids, the side of her face, and her neck. In addition, she complained that the Respondent touched her breasts during the procedure.

5. Following receipt of this Complaint, Board staff opened an investigation.

III. BOARD INVESTIGATION

6. As part of its investigation of the above Complaint, Board staff conducted under-oath interviews with the Complainant, a current employee, and a former employee of the Respondent. In addition, Board staff subpoenaed the Respondent's personnel records from the various institutions at which he has worked and conducted an under-oath interview with the Respondent.

¹ To ensure confidentiality and privacy, the names of individuals and entities involved in this case, other than the Respondent, are not disclosed in this document.

IV. COMPLAINANT'S INTERVIEW

7. On or about February 19, 2021, Board staff conducted an interview with the Complainant under oath. During her interview the Complainant stated that for the first two months of her employment the Respondent did not do anything inappropriate. She described several subsequent non-consensual physical encounters with the Respondent.

8. The Complainant stated that the Respondent frequently called her and texted her outside of office hours, telling her that he missed her and loved her.

9. The Complainant stated that when she and the Respondent were in the office, the Respondent would enter her office and lock the door and attempt to rub her feet, brush her hair, and pull down the zipper of her scrub shirt. She stated that she stopped working at the Respondent's office because of his sexually harassing behavior.

V. RESPONDENT'S INTERVIEWS

10. On or about February 1, 2021, Board staff conducted an interview with the Respondent under oath. The Respondent stated that during the time the Complainant was employed at the Practice she became a patient of the Respondent. The Respondent stated that he examined the Complainant, prescribed medications on at least two occasions and performed a minor procedure to remove a mole.

11. The Respondent stated that he had consensual physical encounters with the Complainant that consisted of hugging, kissing, and touching. He described another encounter where he massaged the Complainant's neck, shoulders, and back and touched her breasts and kissed her upper body.

12. On or about April 21, 2021, the Respondent presented for a second interview under oath. The Respondent stated that his previously attested physical encounters were true but added that there was an additional encounter which went beyond that which he had described in his first interview. The Respondent stated that during one encounter he performed a sexual act on the Complainant. In addition, the Respondent stated that he pulled down the zipper of the Complainant's scrub shirt, as well as rubbed her feet and brushed her hair.

13. The Respondent admitted to having personal communications including texting and phone calls with the Complainant outside of working hours. The Respondent also stated that he and the Complainant met a couple of times after work at a restaurant.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent was guilty of immoral and unprofessional conduct in the practice of medicine in violation of Health Occ. §14-404(a)(3)(i) and (ii) as well as violations of the Board's sexual misconduct regulations promulgated under Health Occ. § 1-212 and COMAR 10.32.17.03.C.7 for participating in any form of sexual contact with a patient. Panel A **dismisses** the charges under COMAR 10.32.17.03(C)(1) and (8) of engaging in sexual harassment of a patient and having nonconsensual sexual contact with a coworker or employee.

ORDER

It is thus by Disciplinary Panel A of the Board, hereby:

ORDERED that the Respondent, Michael P. Vincent, M.D., License No. D24403 is **REPRIMANDED**, and it is further

ORDERED that the Respondent is placed on **PROBATION** for a minimum of **ONE (1) YEAR**.² During probation, the Respondent shall comply with the following terms and conditions of probation:

1. Within **SIX (6) MONTHS**, the Respondent is required to take and successfully complete a course in appropriate workplace boundaries. The following terms apply:
 - (a) 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;
 - (b) the Respondent must provide documentation to the disciplinary panel that the Respondent successfully completed the course;
 - (c) the course may not be used to fulfill the continuing medical education credits required for license renewal;
 - (d) the Respondent is responsible for the cost of the course.

2. Within **ONE (1) YEAR**, the Respondent shall pay a civil fine of **TWENTY FIVE THOUSAND DOLLARS (\$25,000)**. The Payment shall be by money order or bank certified check made payable to the Maryland Board of Physicians and mailed to P.O. Box 37217, Baltimore, Maryland 21297. The Board will not renew or reinstate the Respondent's license if the Respondent fails to timely pay the fine to the Board; and it is further

² If the Respondent's license expires during the period of probation, the probation and any conditions will be tolled.

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

ORDERED that, after the Respondent has complied with all terms and conditions of probation and the minimum period of probation imposed by the Consent Order has passed, the Respondent may submit to the Board a written petition for termination of probation. After consideration of the petition, the probation may be terminated through an order of the disciplinary panel. The Respondent may be required to appear before the disciplinary panel to discuss his or her petition for termination. The disciplinary panel may grant the petition to terminate the probation, through an order of the disciplinary panel, if the Respondent has complied with all probationary terms and conditions and there are no pending complaints relating to the charges; and it is further

ORDERED that a violation of probation constitutes a violation of the Consent Order;

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 Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; 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 this Consent Order is a public document. See Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

08/25/2022
Date

Signature on File

Christine A. Farelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Michael P. Vincent, 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.

8/17/2022
Date

Signature on File

Michael P. Vincent, M.D.
Respondent

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF MONTGOMERY

I HEREBY CERTIFY that on this 17th day of August 2022, before me, a Notary Public of the foregoing State and City/County, personally appeared Michael P. Vincent M.D., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.



Notary Public

My Commission expires: 01/20/2025

