

IN THE MATTER OF	*	BEFORE THE
SERENA R. NOLAN, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D25010		Case Numbers: 2218-0049A & 2219-0085A
* * * * *	*	* * * * *

CONSENT ORDER

On April 8, 2019, Disciplinary Panel A ("Panel A") of the Maryland State Board of Physicians ("the Board") charged **SERENA R. NOLAN, M.D.**, (the "Respondent"), License Number D25010, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2014 Repl. Vol. & 2018 Supp.).

The pertinent provisions of the Act under Health Occ. § 14-404(a) provide as follows:

§ 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:
 - ...
 - (ii) Unprofessional conduct in the practice of medicine;
 - (4) Is professionally, physically, or mentally incompetent[.]

On October 22, 2018, Panel A charged the Respondent under the following provisions of the Act:

- (22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and

surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State[.]

On May 8, 2019, a conference with regard to this matter was held before a panel of the Board's Disciplinary Committee for Case Resolution ("DCCR"). As a result of the DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

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 19, 1980. Her license is scheduled to expire on September 30, 2019. The Respondent holds an inactive license in Michigan.
2. The Respondent is board-certified in internal medicine.
3. Effective April 5, 2019, the Respondent closed her private office for the practice of medicine in Parkville, Maryland.

Disciplinary History

4. On or about August 7, 2017, the Board received a complaint from the family of a patient regarding the Respondent's excessive prescribing of opioids.
5. The Board referred the case for peer review. The peer reviewers found that the Respondent failed to meet the standard of quality care when prescribing opioids.
6. On or about November 2, 2018, the Board received a complaint regarding the Respondent's current health and ability to practice medicine safely.

7. On December 5, 2018, pursuant to Health Occ. § 14-402(a),¹ Panel A directed the Respondent to a Board-approved program (the “Program”) for an evaluation.
8. During her evaluation, the Respondent signed a voluntary cessation of practice agreement.
9. As a result of the Program’s evaluation, on January 17, 2019, the Respondent underwent a psychiatric evaluation.
10. On January 17, 2019, the evaluating psychiatrist (“Evaluator”) issued his report of the Respondent’s evaluation.
11. The Evaluator concluded that given the Respondent’s current clinical picture, she is not presently in a state of health to practice medicine safely and effectively.
12. Effective January 29, 2019, Panel A summarily suspended the Respondent’s license pursuant its authority under Md. Code. Ann, State Gov’t § 10-226(c)(2) and Md. Code Regs, 10.32.02.08B(7), concluding that the public health, safety or welfare imperatively required emergency action.
13. In furtherance of its investigation of the November 2, 2018 complaint, the Respondent’s medication profile was subpoenaed from a pharmacy for the period from January 2017 through November 2018.
14. The medication profile revealed that the Respondent frequently prescribed to herself a variety of medications, none of which were Controlled Dangerous Substances

¹ In reviewing an application for licensure, certification, or registration or in investigating an allegation brought against a licensed physician or any allied health professional regulated by the Board under this title, the Physician Rehabilitation Program may request the Board to direct, or the Board on its own initiative may direct, the licensed physician or any allied health professional regulated by the Board under this title to submit to an appropriate examination.

("CDS"). In addition, one of the Respondent's employees, a nurse practitioner, frequently prescribed to the Respondent a variety of medications, including CDS.

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 Health Occ. § 14-404(a)(3)(ii), is professionally, physically, or mentally incompetent, in violation of Health Occ. § 14-404(a)(4), and failed to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical care, in violation of Health Occ. § 14-404(a)(22).

ORDER

It is, on the affirmative vote of a majority of the quorum of Board Disciplinary Panel A, hereby

ORDERED that the Order of Summary Suspension, issued on January 29, 2019, is terminated; and it is further

ORDERED that the Respondent's license to practice medicine in Maryland is **SUSPENDED** pursuant to this Consent Order; and it is further

ORDERED that the Respondent shall enroll in the Maryland Professional Rehabilitation Program ("MPRP") as follows:

- (a) within **FIVE (5) BUSINESS DAYS** of the effective date of this Consent Order, the Respondent shall contact MPRP to schedule an initial consultation for enrollment;
- (b) within **FIFTEEN (15) BUSINESS DAYS** of the effective date of this Consent Order, the Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;

(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's failure to comply with any term or condition of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) constitutes a violation of this Consent Order;

(e) 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. A failure to, or withdrawal of consent, is a violation of this Consent Order;

(f) 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; 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, 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 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, and not limited to, probation, and the terms and conditions of probation and the continuation of the 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 if the Respondent allegedly fails to comply with any term or condition of probation or this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If 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. If

there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board or Panel A; and it is further

ORDERED that, after the appropriate hearing, if the Board or a disciplinary panel determines that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Board or disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice medicine in Maryland. The Board or disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; and it is further

ORDERED that Respondent is responsible for all costs incurred in fulfilling the terms and conditions of probation and 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. The Executive Director signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order.

ORDERED that 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) (2014 & Supp. 2017).

06/13/2019
Date

Signature on File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Serena R. Nolan, M.D., acknowledge that I have had the opportunity to consult 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 these rights 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.

June 7, 2019
Date

Signature on File

Serena R. Nolan, M.D.

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 7 day of June 2019, before me, a Notary Public of the foregoing State and City/County, personally appeared Serena R. Nolan, M.D., and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

LINDSAY C. WHITLOCK
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires August 1, 2021

Lindsay C. Whitlock
Notary Public

My commission expires: 08/01/21