

IN THE MATTER OF
BERNARD COHEN, M.D.

Respondent

License Number: D26518

*** BEFORE THE**
*** MARYLAND STATE**
*** BOARD OF PHYSICIANS**
*** Case Number: 7723-0002**

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ORDER ON PETITION TO TERMINATE SUSPENSION

On May 18, 2022, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged Bernard Cohen, M.D., a pediatric dermatologist, with being professionally, physically, or mentally incompetent, in violation of Md. Code Ann., Health Occ. (“Health Occ.”) §14-404(a)(4). The charges were based on a March 22, 2022 evaluation (the “March 2022 Evaluation”) that determined that his medical condition “almost certainly precludes his ability to independently practice medicine.”¹

On July 21, 2022, Dr. Cohen signed a Consent Order with Panel B to resolve the charges against him wherein Panel B concluded that Dr. Cohen was professionally, physically, or mentally incompetent. The Panel ordered the suspension of Dr. Cohen’s medical license and ordered Dr. Cohen to undergo a comprehensive evaluation by the Maryland Professional Rehabilitation Program (“MPRP”) to determine his fitness to practice medicine safely. The Consent Order further provided that:

After the evaluation by MPRP and/or its agents is complete, the evaluation shall be reviewed by Panel B. The parties may be required to appear before Panel B to discuss whether the Respondent is fit to practice medicine and, if so, if probationary conditions are necessary. 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 Panel B and Panel B may impose any terms and conditions it

¹ For confidentiality reasons, the specific details and medical diagnoses contained in the reports will not be disclosed in this document.

deems appropriate on the Respondent's return to practice, including, but not limited to, the Respondent's enrollment in MPRP. If the Panel B 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 Panel B under the terms Panel B deems appropriate[.]

MPRP sent Dr. Cohen for a further evaluation on October 19, 2022 (the "October 2022 Evaluation"). The evaluator diagnosed Dr. Cohen with a similar medical condition that was deemed to preclude his ability practice by the previous evaluators, but concluded that he believed Dr. Cohen could still practice as a pediatric dermatologist safely. On November 11, 2022, the medical director of MPRP reviewed Dr. Cohen's lengthy medical history, which included the March 2022 Evaluation, the October 2022 Evaluation, and two other evaluations of clinical neuroscientists, and opined that Dr. Cohen cannot practice medicine safely.

On January 22, 2023, Dr. Cohen submitted a petition to terminate his suspension. On February 21, 2023, the Administrative Prosecutor, on behalf of the State, submitted a response. On March 22, 2023, Panel B met with Dr. Cohen, his counsel, and the Administrative Prosecutor to discuss Dr. Cohen's petition to terminate his suspension.

CONSIDERATION OF PETITION

Dr. Cohen submitted a petition to terminate his suspension, which included a letter from the neurologist who evaluated him at the Cognitive Clinic at Penn Medicine and a letter explaining his conduct that prompted the report to the Board by the Hospital where he was employed.

The State filed a response recommending that the Panel deny Dr. Cohen's petition and not lift the suspension of his license. The State urged the Board to follow the advice of the medical director of MPRP and find that Dr. Cohen is not safe to resume the practice of medicine.

The Panel has reviewed and considered the four evaluations (two neuropsychological evaluations and two neurological evaluations) Dr. Cohen underwent between March of 2020 and

October of 2022 and the opinion of the medical director of MPRP who concluded that Dr. Cohen should not be allowed to return to the practice of medicine. Based on the recommendation from MPRP and its own review of the four evaluations, the Panel finds that it is not safe for Dr. Cohen to return to the clinical practice of medicine. As such, the Panel will not terminate Dr. Cohen's suspension as requested.

ORDER

It is, thus, by Panel B of the Board, hereby:

ORDERED that Dr. Cohen's license to practice medicine in Maryland shall remain **SUSPENDED²**; and it is further

ORDERED that a violation of suspension constitutes a violation of this Order; and it is further

ORDERED that, if Dr. Cohen allegedly fails to comply with any term or condition imposed by this Order, Dr. Cohen 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 followed by an exceptions process before a disciplinary panel; and if there is no genuine dispute as to a material fact, Dr. Cohen shall be given a show cause hearing before a disciplinary panel; and it is further

² During the suspension, Dr. Cohen shall not:

- (a) practice medicine;
- (b) take any actions to hold himself out to the public as a current practitioner of medicine;
- (c) authorize, allow or condone the use of the Respondent's name or provider number by any health care practice or any other licensee or health care provider;
- (d) function as a peer reviewer for the Board or for any hospital or other medical care facility in the State; or
- (e) perform any other act that requires an active medical license.

ORDERED that, after the appropriate hearing, if the disciplinary panel determines that Dr. Cohen has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may reprimand Dr. Cohen, place Dr. Cohen on probation with appropriate terms and conditions, or suspend or revoke Dr. Cohen'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 Dr. Cohen, and it is further

ORDERED that this 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).

04/19/2023
Date

Signature On File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians