

IN THE MATTER OF	*	BEFORE THE
BERNARD COHEN, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D26518	*	Case Number: 2222-0064B
* * * * *	*	* * * * *

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

Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") hereby **SUMMARILY SUSPENDS** the license to practice medicine of **BERNARD COHEN, M.D.** (the "Respondent"), License Number D26518, in the State of Maryland.

Panel B takes such action pursuant to its authority under Md. Code Ann., State Gov't ("State Gov't") § 10-226(c)(2) (2021 Repl. Vol.) and Md. Code Regs. ("COMAR") 10.32.02.08B(7), concluding that the public health, safety or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS

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

¹ The statements regarding the Respondent's conduct are intended to provide the Respondent with reasonable notice of the basis of Panel B's action. 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.

Introduction

1. Panel B is summarily suspending the Respondent's license to practice medicine after a Board investigation determined that he has a health condition that affects his ability to practice medicine safely.

Background/Licensing Information

2. The Respondent was originally issued a license to practice medicine in Maryland on June 17, 1981, under License Number D26518. The Respondent has retained continuous licensure in Maryland since that time. The Respondent's license expires on September 30, 2022, subject to renewal.

3. The Respondent is board-certified in pediatric medicine and dermatology.

4. At all relevant times, the Respondent practiced at a health care facility (the "Facility")² in Maryland.

The Complaint

5. The Board initiated an investigation of the Respondent after reviewing a Mandated 10-Day Report (the "Report") from the Facility, received by the Board on September 21, 2021. The Report stated that effective September 3, 2021, the Respondent "voluntarily resigned his medical staff membership and clinical privileges at [the Facility] while under investigation for concerns raised that he continued to engage in clinical practice while on a medical leave of absence."

² For confidentiality reasons, the name of the health care facility, or any other individuals referenced herein, will not be disclosed in this document. The Respondent may obtain this information from the Board.

Board Investigation

6. As part of its investigation, the Board obtained the Respondent's quality assurance file from the Facility, interviewed several staff members from the Facility, and referred the Respondent for an evaluation.

The Respondent's quality assurance file

7. The Respondent's quality assurance file notes that on or about March 20, 2020, the Facility informed the Respondent that it had received several individual reports about him involving forgetfulness and possible practice irregularities. As a result of these concerns, the Facility referred the Respondent for a fitness-for-duty evaluation. In conjunction with this referral, the Respondent agreed to take a medical leave of absence. On March 23, 2020, the Respondent submitted to the evaluation, after which the evaluator issued a report of his findings.³

8. In or around July 2021, the Facility received information that the Respondent was continuing to practice medicine despite his medical leave of absence. In a letter dated July 26, 2021, the Facility informed the Respondent that he was continuing to provide patient care that included providing medical advice to patients and consultation services to community physicians at other health care facilities, including recommendations for medical and pharmacologic management of inpatients. The Facility further instructed the Respondent to cease and desist from these actions.

³ For confidentiality reasons, the specific information contained in the report will not be disclosed in this document. This information will be disclosed to the Respondent upon request. The Panel was aware of this information at the time it voted to summarily suspend the Respondent's medical license.

9. In a letter dated September 3, 2021, the Respondent informed the Facility that he was resigning his privileges.

10. On or about November 4, 2021, the Facility submitted the evaluation report to the Board. As a result, the Board initiated an investigation of the Respondent.

Respondent's written response

11. After receiving this information, the Board requested that the Respondent address the circumstances of his resignation from the Facility in a written response. By letter dated November 9, 2021, the Respondent acknowledged resigning from the Facility, before which he had been on a leave of absence. The Respondent stated that at the time of his resignation, he was the subject of a Facility inquiry into whether he was engaging in activities that were "not allowed during . . . [his] . . . leave of absence." The Respondent stated that during his leave of absence, he continued to lecture on pediatric dermatology issues to residents, students, and faculty for teaching purposes at various health care facilities but was under the impression that his input was informal and not in the nature of an official consultation.

Board interviews

12. The Board interviewed several former and recent professional colleagues of the Respondent who made observations about the Respondent's clinical actions and behaviors while on staff at the Facility. Those colleagues described instances where the Respondent: expressed confusion about which patient he was seeing; repeated himself; performed procedures without appropriate indication; misused or employed inappropriate treatment modalities; treated patients without an established physician-patient

relationship or without obtaining appropriate informed consent; and made possible billing errors. Senior staff members also stated that they received reports from trainees and staff involving the Respondent's clinical judgment with respect to patient care.

Referral for evaluation and findings

13. As part of the Board's investigation, the Board, pursuant to Health Occ. § 14-402(a),⁴ referred the Respondent to a Board-approved program (the "Program") for an independent evaluation to determine his present competency to practice medicine. On March 22, 2022, at the direction of the Program, the Respondent submitted to an independent evaluation. The evaluator issued a report that the Respondent's medical condition "almost certainly precludes his ability to independently practice medicine."⁵

CONCLUSION OF LAW

Based upon the foregoing Investigative Findings, Panel B of the Board concludes that the public health, safety, or welfare imperatively requires emergency action, and that pursuant to State Gov't § 10-226(c)(2) and COMAR 10.32.02.08B(7), the Respondent's license is summarily suspended.

⁴ Health Occ. § 14-402(a) states: In reviewing an application for licensure or in investigating an allegation brought against a license 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 or a disciplinary panel on its own initiative may direct, the licensed physician or any allied health professional to an appropriate examination.

⁵ For confidentiality reasons, the specific information contained in the report will not be disclosed in this document. This information will be disclosed to the Respondent upon request. The Panel was aware of this information at the time it voted to summarily suspend the Respondent's medical license.

ORDERED that this is an Order of Panel B, and as such, is a public document.

See Health Occ. §§ 1-607; 14-411.1(b)(2) and Md. Code Ann., Gen. Prov. § 4-333(b)(6).

May 11, 2022
Date

Signature on File

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