

Mark D. Noar, M.D.

Date: 12-18-2019

Damean W. E. Freas, D.O., Chair
Disciplinary Panel B
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, MD 21215-2299

RE: Permanent Surrender of License to Practice Medicine
Mark D. Noar, M.D.
License Number: D36351
Case Number: 7719-0080B

Dear Dr. Freas and Members of Disciplinary Panel B,

Please be advised that, pursuant to Md. Code Ann., Health Occ. ("Health Occ.") §14-403 (2014 Repl. Vol. & 2019 Supp.), I have decided to **PERMANENTLY SURRENDER** my license to practice medicine in the State of Maryland, License Number D36351, effective immediately. I understand that upon surrender of my license, I may not give medical advice or treatment to any individual, with or without compensation, and cannot prescribe medications or otherwise engage in the practice of medicine in the State of Maryland as it is defined in the Maryland Medical Practice Act (the "Act"), Health Occ. §§ 14-101 *et seq.* and other applicable laws. In other words, as of the effective date of this Permanent Letter of Surrender, I understand that the surrender of my license means that I am in the same position as an unlicensed individual in the State of Maryland.

I understand that this Permanent Letter of Surrender is a **PUBLIC DOCUMENT**, and upon Disciplinary Panel B's ("Panel B") acceptance, becomes a **FINAL ORDER** of Panel B of the Maryland State Board of Physicians (the "Board").

I acknowledge that the Board initiated an investigation of my practice and on September 3, 2019, Panel B issued disciplinary charges against me under Health Occ. § 14-404(a)(4)(Is professionally, physically, or mentally incompetent) and Violation of Probationary Condition 2 of the March 19, 2019 Order of Panel B. Specifically, Panel B alleged that I am "not safe to practice medicine at this time, as [I][have] not completed the recommended treatment;" and that I failed to continue in the Maryland Physician Rehabilitation Program and my Participant Rehabilitation Plan, which required I complete treatment at a designated facility. A copy of the charges is attached

Damean W. E. Freas, D.O. and Members of Disciplinary Panel B

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as Attachment 1. I have decided to permanently surrender my license in the State of Maryland¹ to avoid further investigation and prosecution of these disciplinary charges.

I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Permanent Letter of Surrender to avoid further prosecution of the disciplinary charges. I acknowledge that for all purposes relevant to medical licensure in Maryland, that the charges will be treated as proven.

I understand that by executing this Permanent Letter of Surrender I am waiving my right to a formal evidentiary hearing to contest the disciplinary charges. In waiving my right to contest the charges, I am also waiving the right to be represented by counsel at the hearing, to confront witnesses, to give testimony, to call witnesses on my own behalf and all other substantive and procedural protections provided by law, including the right to appeal to circuit court.

I understand that the Board will advise the Federation of State Medical Boards, and the National Practitioner Data Bank of this Permanent Letter of Surrender. I also understand that in the event I would apply for licensure in any form in any other state or jurisdiction that this Permanent Letter of Surrender may be released or published by the Board to the same extent as a final order that would result from disciplinary action, pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2019 Repl. Vol.), and that this Permanent Letter of Surrender constitutes a disciplinary action by Panel B.

I affirm that I will provide access to and copies of patient medical records to my patients in compliance with Title 4, subtitle 3 of the Health General Article.

I further recognize and agree that by submitting this Permanent Letter of Surrender, my license in Maryland will remain permanently surrendered. In other words, I agree that I have no right to reapply and will not reapply for a license to practice medicine in the State of Maryland.

I acknowledge that I may not rescind this Permanent Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have been advised of my right to be represented by an attorney of my choice throughout proceedings before Panel B, including the right to consult with an attorney prior to signing this Permanent Letter of Surrender. **I have knowingly and willfully waived my right to be represented by an attorney before signing this letter permanently surrendering my license to practice medicine in Maryland.** I understand both the nature of Panel B's actions and this Permanent Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Permanent Letter of Surrender. I make this decision knowingly and voluntarily.

¹ Upon Panel B's acceptance of this Permanent Letter of Surrender, I acknowledge that the Order for Summary Suspension issued on May 10, 2019 and reaffirmed on May 23, 2019, is terminated as moot.

Damean W. E. Freas, D.O. and Members of Disciplinary Panel B

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Very truly yours,

Signature on File

Mark D. Noar, M.D.

NOTARY

STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 18th day of December, 2019, before me, a Notary Public of the City/County aforesaid, personally appeared Mark D. Noar, M.D., and declared and affirmed under the penalties of perjury that the signing of this Permanent Letter of Surrender was a voluntary act and deed.

AS WITNESS my hand and Notarial seal.



[Handwritten Signature]

Notary Public

My commission expires:

ACCEPTANCE

On behalf of Disciplinary Panel B, on this 6th day of January, 2020, I, Christine A. Farrelly, accept the **PUBLIC PERMANENT SURRENDER** of Mark D. Noar, M.D.'s license to practice medicine in the State of Maryland.

Damean W. E. Freas, D.O. and Members of Disciplinary Panel B

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Signature on File

Christine A. Farrelly, Executive Director
Maryland Board of Physicians

ATTACHMENT 1

IN THE MATTER OF	*	BEFORE THE
MARK D. NOAR, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D36351	*	Case Number: 7719-0080 B
* * * * *		

CHARGES UNDER THE MARYLAND MEDICAL PRACTICE ACT
AND
VIOLATION OF MARCH 19, 2019 ORDER TERMINATING SUSPENSION AND
IMPOSING PROBATION

Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (“the Board”) hereby charges **MARK D. NOAR, M.D.**, (the “Respondent”), License Number D36351, under the Maryland Medical Practice Act (“the Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2014 Repl. Vol. & 2018 Supp.).

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

§ 14-404. Denials, reprimands, probations, suspensions, and revocations.

(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:

...

(4) Is professionally, physically, or mentally incompetent[.]

In addition, Panel B charges the Respondent with violating Condition 2 of the March 19, 2019 Order Terminating Suspension and Imposing Probation (the “March 19, 2019 Order.”)

Condition 2 of the March 19, 2019 Order states:

2. The Respondent shall continue in MPRP [Maryland Physician Rehabilitation Program] and continue his Participant Rehabilitation Plan and all the MPRP requirements as detailed in the January 4, 2019 Consent Order.

ALLEGATIONS OF FACT¹

Panel B of the Board bases its charges on the following facts that it has reason to believe are true:

I. Background of License

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 1988 under license number D36351. The Respondent last renewed his license in or about September 2017, which will expire on September 30, 2019.

2. On May 10, 2019, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2), Panel B ordered the Summary Suspension of the Respondent's license to practice medicine.

3. At the time of the suspension, the Respondent owned a medical practice named, "GI Microsurgery Institute, P.A." and had maintained an outpatient surgery center at an office in Towson, Maryland.

4. Prior to the suspension of his license, the Respondent practiced gastroenterology ("GI") and hepatology.

¹The statements of the Respondent's conduct are intended to provide the Respondent with notice of the asserted facts. 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 the charges.

5. The Respondent is not board-certified in any medical specialty.

II. Disciplinary History

6. On January 11, 2016, the Respondent entered into a Consent Order with Panel B for failure to meet standards of quality medical care by performing an unnecessary GI procedure on a patient, failure to recognize an error in said procedure, and failure to keep adequate medical records, in violation of Health Occ. §§ 14-404(a)(22) and (40), respectively. The Respondent was reprimanded and placed on probation for three years with terms and conditions.

7. On January 4, 2019, while still on probation, the Respondent entered into a second Consent Order with Panel B to resolve charges of unprofessional conduct in the practice of medicine, based on his verbally inappropriate and disruptive behavior with his office administrative and professional staff in violation of Health Occ. § 14-404(a)(3)(ii), and violating the condition of the January 11, 2016, Consent Order which required the Respondent to comply with the Act.

8. The Respondent's violation of the January 11, 2016, Consent Order resulted in the Respondent's license being suspended for 45 days, effective January 26, 2019, and a requirement that the Respondent enroll in and comply with the MPRP.

9. On January 24, 2019, the Respondent enrolled in MPRP and was seen for an initial consultation with MPRP clinical staff.

10. On February 25 and 26, 2019, on the recommendation of MPRP, the Respondent was seen for an independent evaluation by a program specializing in assessing healthcare professionals in the context of behavioral issues (the "Assessment Program").

11. On March 19, 2019, Panel B issued an Order Terminating Suspension and Imposing Probation. The terms of the two-year probation required the Respondent to pay a civil fine of \$15,000 within two years and continue his participant Rehabilitation Plan and to fulfill all requirements of the MPRP, as detailed in the January 4, 2019 Consent Order.

12. On April 10, 2019, the Board received the completed evaluation from the Assessment Program which determined that the Respondent is “unfit to return to practice.” The Assessment Program recommended that the Respondent engage in residential treatment for professionals with boundary violations, followed by an evaluation to determine his fitness for practice.

13. On April 15, 2019, the Respondent signed a “Voluntary Practice Cessation Agreement,” which was accepted by MPRP on April 18, 2019.

14. As previously stated in paragraph 2, on May 10, 2019, Panel B ordered the Summary Suspension of the Respondent’s license to practice medicine, concluding that the public health, safety or welfare imperatively required emergency action, based on the evaluation from the Assessment Program which determined that the Respondent was unfit to return to practice.

15. On May 22, 2019, a show cause hearing was held before Panel B to give the Respondent an opportunity to show cause why the suspension should not be continued.

16. On May 23, 2019, after considering the presentation of the parties at the show cause hearing and the investigative file, Panel B determined that it would continue the summary suspension.

17. The Respondent did not appeal the decision of Panel B; therefore, the Respondent's license to practice medicine remains suspended.

III. Allegations of Professionally, Physically, or Mentally Incompetent

18. On April 29, 2019, the Respondent admitted himself to a ninety-day out-of-state treatment program in a residential facility (the "Facility") which was approved by MPRP. The Facility specializes in treating professionals with boundary violations.

19. On May 1, 2019, MPRP notified the Board that the Facility had informed MPRP that the Respondent decided to leave the Facility on May 1, 2019. MPRP also notified the Board that it had not received any communication from the Respondent about his decision to leave the Facility.

20. In a letter dated May 10, 2019, MPRP notified the Respondent that the Facility had informed MPRP about his withdrawal from treatment against the recommendations of the staff. MPRP further noted that it had received no additional communication from the Respondent. The MPRP informed the Respondent that his case with MPRP was closed on May 3, 2019, and that the Board had been notified of this action.

21. On May 23, 2019, MPRP provided the Board with the discharge summary from the Facility. The discharge summary dated May 1, 2019, states:

As he did not complete the recommended treatment, his prognosis is poor. His prognosis should improve as he follows the recommendations for his aftercare.

22. The discharge summary also contained an "Addendum as of May 21, 2019," stating the Facility staff had contacted the Respondent to determine his plans to return to

the Facility to complete treatment. The Respondent stated that he did not plan to return to the Facility.

23. The Facility included the following discharge follow-up recommendations:

Dr. Noar is not safe to practice medicine at this time, as he has not completed the recommended treatment. It is recommended he complete the recommended professional's treatment prior to any return to work.

IV. Allegations of Violation of Probation

24. Condition 2 of the March 19, 2019 Order states:

The Respondent shall continue in MPRP and continue his Participant Rehabilitation Plan and all the MPRP requirements as detailed in the January 4, 2019 Consent Order.

25. The Respondent failed to continue in MPRP and failed to continue his Participant Rehabilitation Plan, which required that he complete treatment at the Facility.

V. Summary

26. The determination of the Assessment Program that the Respondent is unfit to return to practice, and the determination of the Facility that the Respondent is not safe to practice medicine at this time, is evidence that the Respondent is professionally, physically, or mentally incompetent, in violation of Health Occ. § 14-404(a)(4).

27. The Respondent's unauthorized departure from and failure to complete a residential treatment program for boundary violations is evidence that the Respondent violated Condition 2 of the March 19, 2019 Order, which required the Respondent to comply with this Participant Rehabilitation Agreement with the MPRP.

NOTICE OF POSSIBLE SANCTIONS

If, after a hearing, a disciplinary panel of the Board finds that there are grounds for action under Health Occ. § 14-404(a)(4), it may impose disciplinary sanctions against the Respondent's license in accordance with the Board's regulations under Md. Code Regs. 10.32.02.09 and 10.32.02.10, including revocation, suspension, or reprimand, and may place the Respondent on probation. The panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent.

NOTICE OF DISCIPLINARY COMMITTEE FOR CASE RESOLUTION CONFERENCE, PREHEARING CONFERENCE AND HEARING

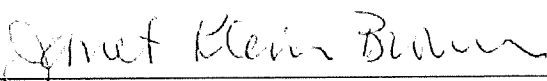
A conference before Disciplinary Panel B, sitting as the Disciplinary Committee for Case Resolution ("DCCR") in this matter, is scheduled for Wednesday October 30, 2019 at 9:00 a.m., at the Board's office, 4201 Patterson Avenue, Baltimore, Maryland 21215. The Respondent must confirm in writing his intention to attend the DCCR. The Respondent should send written confirmation of his intention to participate in the DCCR to Christine A. Farrelly, Executive Director, Maryland State Board of Physicians, 4201 Patterson Avenue, 4th Floor, Baltimore, Maryland 21215. The nature and purpose of the DCCR is described in the attached letter to the Respondent.

If the case cannot be resolved at the DCCR, a pre-hearing conference and a hearing in this matter will be scheduled at the Office of Administrative Hearings, 11101 Gilroy Road, Hunt Valley, Maryland 21031. The hearing will be conducted in accordance with Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§10-201 *et seq.* (2014 Repl. Vol.).

BRIAN E. FROSH
Attorney General of Maryland

Date

9/3/19


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