

IN THE MATTER OF	*	BEFORE THE
MARK D. NOAR, M.D.	*	MARYLAND STATE
Respondent.	*	BOARD OF PHYSICIANS
License Number D36351	*	Case Number 7719-0058
* * * * * * *		* * * * * * *

ORDER TERMINATING SUSPENSION AND IMPOSING PROBATION

On October 5, 2018, Disciplinary Panel B (“Panel B”) of the Maryland State of Physicians charged Mark D. Noar, M.D. (the “Respondent”), with unprofessional conduct in the practice of medicine, in violation of Md. Code Ann. Health Occ. § 14-404(a)(3)(ii), and violating the January 11, 2016 Consent Order based on his inappropriate and disruptive behavior towards employees and patients and his re-use of single-use medical equipment.

On January 4, 2019, the Respondent and Panel B entered into a Consent Order to resolve the charges. Under the terms of the Consent Order, Panel B terminated the probationary conditions of the January 11, 2016 Consent Order and suspended the Respondent’s medical license for 45 days effective January 26, 2019. The Panel ordered that the Respondent not re-use devices that are labeled by the manufacturer for single use only and required him to enroll in the Maryland Professional Rehabilitation Program (“MPRP”) for evaluation and referral for treatment, if necessary. The Consent Order provided that, if the Respondent complies with the terms and conditions of the suspension, the suspension of his license would administratively terminate after 45 days, and he would be placed on probation for a minimum of two years with certain terms and conditions.

Panel B finds that the Respondent has complied with the terms and conditions of the January 4, 2019 Consent Order. It is thus hereby:

ORDERED that the suspension imposed under the Consent Order, dated January 4, 2019, is **TERMINATED**; and it is further

ORDERED that the Respondent shall continue to not re-use devices that are labeled by the manufacturer for single use only; and it is further

ORDERED that the Respondent is placed on **PROBATION** for a minimum of **TWO YEARS**, subject to the following terms and conditions:

1. Within **TWO YEARS**, the Respondent shall pay a civil fine of \$15,000. The payment shall be by money order or bank certified check made payable to the Maryland State 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 he fails to timely pay the fine to the Board;
2. 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;
3. The Respondent shall continue to utilize and independent program (the "Program"), which was approved by the Equal Employment Opportunity Commission ("EEOC"), to provide regular training to the Respondent's employees regarding their rights and the process for making anonymous complaints;
4. The Respondent shall direct the Program, in addition to reporting any complaints it receives to the EEOC, to the State of Maryland Department of Labor;

5. The Respondent shall ensure that the Program makes quarterly reports to the Board regarding the training they have provided and the reports they have received;
6. The Respondent's performance of Endoscopic Retrograde Cholangiopancreatography ("ERCP") shall continue to be subject to a chart and/or peer review conducted by the disciplinary panel or its agenda as follows:
 - a. The Respondent shall cooperate with the peer review process;
 - b. If the Respondent elects to cease performance of ERCP, he shall notify the Board in writing that he is no longer performing ERCP, and the disciplinary panel in its discretion may change the focus of the peer review;
 - c. If the disciplinary panel, upon consideration of the peer review and the Respondent's response, if any, determines that he is meeting the standard of quality care in his practice, the disciplinary panel shall consider the peer review condition of the probation met;
 - d. If the disciplinary panel, upon consideration of the peer review and the Respondent's response, if any, has a reasonable basis to believe that the Respondent is not meeting the standard of quality care in his practice or cannot safely and competently practice, the disciplinary panel may charge the Respondent with a violation of probation and/or under the Medical Practice Act; and

7. The Respondent shall comply with the Maryland Medical Practice Act, Md. Code Ann., Health Occ. § 14-101 – 14-702, and all federal and state laws and regulations governing the practice of medicine in Maryland; and it is further

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 this Order Terminating Suspension and Imposing Probation has passed, the Respondent may submit 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 petition for termination. The disciplinary panel may grant the petition to terminate the probation through an order of the disciplinary panel if there are no pending complaints relating to the charges; and it is further

ORDERED that a violation of probation constitutes a violation of the Order Terminating Suspension and Imposing Probation; and it is further

ORDERED that if the Respondent allegedly fails to comply with any terms or condition imposed by this Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to the 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, the Respondent shall be given a show cause hearing before 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 terms or condition imposed by this Order, the

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 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 effective date of this Order is the date that the Order is signed by the Executive Director of the Board, who signs on behalf of the disciplinary panel; and it is further

ORDERED that this Order is a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.*

03/19/2019
Date

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