

IN THE MATTER OF * **BEFORE THE**
MARK D. NOAR, M.D. * **MARYLAND STATE BOARD**
Respondent * **OF PHYSICIANS**
LICENSE NUMBER: D36351 * **CASE NUMBER: 7719-0080 B**

* * * * *

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

Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) hereby **SUMMARILY SUSPENDS Mark D. Noar M.D.’s** (the “Respondent”) license to practice medicine in the State of Maryland, License Number D36351.

Panel B takes such action pursuant to its authority under Md. Code Ann., State Gov’t (“State Gov’t”) § 10-226(c)(2) (2014 Repl. Vol. and 2018 Supp.), concluding that the public health, safety or welfare imperatively requires emergency action. Panel B bases its conclusion on the following investigative findings.

INVESTIGATIVE FINDINGS¹

Panel A has obtained investigatory information that Respondent’s continued practice of medicine poses a substantial likelihood or risk of serious harm to public health safety and welfare as evidenced by the findings and conclusion of a comprehensive

¹ The statements regarding Respondent’s conduct are intended to provide Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against Respondent regarding this matter.

assessment program (the Assessment Program”)² which concluded that Respondent is “unfit to practice medicine” until he completes a residential treatment program as specified by the Program.³

Based on the investigatory information obtained by Panel B as summarized above, and the specific instances described below, Panel B has reason to believe that the following facts are true and that there is a substantial likelihood of a risk of serious harm to the public health, safety, or welfare by Respondent.

I. Background of License

1. At all times relevant hereto, Respondent was, and is, licensed to practice medicine in Maryland. Respondent was originally licensed to practice medicine in 1988 under license number D36351. He has continuously renewed his license. Respondent last renewed his license in or about September 2017, which will expire on September 30, 2019.

2. Respondent owns a medical practice, “GI Microsurgery Institute, PA,” with offices in Towson and Bel Air, Maryland.⁴ Since approximately 1990, Respondent has maintained an outpatient surgery center at the Towson location. Respondent employs approximately 11 staff persons, including three endoscopy technicians, two nurses, a nurse anesthetist, as well as other clinical staff and administrative staff.

² The name of the Assessment Program is confidential. Respondent is aware of the name of the Assessment Program.

³ Respondent is aware of the type of residential treatment program that has been recommended.

⁴ Previously, Respondent’s practice was called Endoscopic Microsurgery Associates.

3. Respondent practices gastroenterology (“GI”) and hepatology.⁵ Respondent performs endoscopic procedures and does not do general surgery procedures.

4. Respondent holds privileges at four Maryland hospitals.

5. Respondent is not board-certified in any medical specialty. Respondent’s self-designated practice areas are internal medicine and gastroenterology.

6. On January 11, 2016, Respondent entered a Consent Order with Disciplinary Panel B for failure to meet standards of quality care in that he performed unnecessary endoscopic retrograde cholangiopancreatographies (“ERCPs”), failed to recognize the leak of a contrast dye during an ERCP, and failed to keep adequate medical records, in violation of Md. Code Ann., Health Occ. §§ 14-404(a)(22) and (40), respectively. Respondent was reprimanded and placed on probation for three years with terms and conditions.

7. Respondent also holds active medical licenses in New Jersey and New York.

8. On March 7, 2017, New York reprimanded Respondent, assessed a fine, and placed Respondent on probation based on a reciprocal action.

9. On May 15, 2017, New Jersey reprimanded Respondent and placed Respondent on probation based on a reciprocal action.

10. On January 4, 2019, Respondent entered into a Consent Order with Panel B to resolve charges of unprofessional conduct in the practice of medicine, in violation of

⁵ Hepatology is the branch of medicine that incorporates the study of liver, gallbladder, biliary tree, and pancreas as well as management of their disorders.

Health Occ. § 14-404(a)(3)(ii), and violating a condition of the January 11, 2016 Consent Order. Under the terms of the January 4, 2019 Consent Order, Respondent's license was suspended for 45 days, effective January 26, 2019, and he was required to enroll in and comply with the Maryland Physician Rehabilitation Program. ("MPRP"). Respondent was also placed on probation for two years and required to pay a fine of \$15,000 within two years.

11. On March 19, 2019, Panel B issued an Order Terminating Suspension and Imposing Probation. This Order reiterated the requirement of probation for two years, and the requirement that Respondent pay a fine of \$15,000 within the two-year probationary period. In addition, the Order required: that Respondent remain enrolled in and compliant with MPRP; that he continued to utilize an independent EEOC (Equal Employment Opportunity Commission)-approved training program; and that his performance of ERCP procedures be subject to peer and or chart review.

II. Complaint from MPRP

12. On January 25, 2019, Respondent enrolled in MPRP. After an intake evaluation, Respondent was advised by MPRP that he needed to undergo a full evaluation. MPRP approved the Assessment Program to evaluate Respondent to include interviews, appropriate testing, and a specific examination.

13. On February 25 and 26, 2019, Respondent was seen for evaluation by the Assessment Program. Respondent signed releases for collateral contact with MPRP, staff in Respondent's practice, a family member, and a prior treating individual. The Assessment Program also reviewed the January 2019 Consent Order, correspondence

from Respondent's counsel, the January 2015 Consent Order, and a July 2012 press release regarding an EEOC verdict against Respondent's practice.

14. On April 10, 2019, the Board received the completed evaluation from the Assessment Program which states that Respondent "is unfit to return to practice" until he completes a residential treatment program for certain boundary violations at a facility that is acceptable to MPRP.

III. Further Information from MPRP

15. On April 15, 2019, Respondent, at the recommendation of MPRP, Respondent signed a "Voluntary Practice Cessation Agreement", which was accepted by MPRP on April 18, 2019.

16. On April 17, 2019, Respondent notified MPRP that he has completely ceased all activities in the practice of medicine in Maryland .

17. On April 22, 2019, Respondent informed MPRP that he was scheduled to be admitted to a residential treatment program on April 29, 2019.

18. On April 29, 2019, Respondent admitted himself to a ninety-day out-of-state treatment program in a residential facility which is acceptable to MPRP.

19. On May 1, 2019, MPRP notified the Board that the Respondent had decided to leave the residential treatment program as of May 1, 2019, without being properly discharged.

CONCLUSION OF LAW

Based upon the foregoing Investigative Findings, Disciplinary Panel B concludes that the public health, safety, or welfare imperatively requires emergency action, and

that pursuant to Md. Code Ann., State Gov't § 10-226(c)(2) and Md. Regs. Code 10.32.02.08B(7), Respondent's license is immediately suspended.

ORDER

It is, by the affirmative vote of a majority of the quorum of Panel B considering this case:

ORDERED that pursuant to the authority vested in Panel B by Md. Code Ann., State Gov't § 10-226(c)(2) and Md. Regs. Code 10.32.02.08B(7), Respondent's medical license, D36351, to practice as a physician in the State of Maryland be and is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that a post-deprivation hearing in accordance with Md. Regs. Code 10.32.02.08B(7)(c) and E on the Summary Suspension, in which Panel B will determine whether the summary suspension will continue, has been scheduled for **May 22, 2019, at 1:15 p.m.**, at the Maryland State Board of Physicians, 4201 Patterson Avenue, Baltimore, Maryland 21215-0095; and be it further

ORDERED that after the **SUMMARY SUSPENSION** hearing held before Panel B, Respondent, if dissatisfied with the result of the hearing, may request within ten (10) days an evidentiary hearing, such hearing to be held within thirty (30) days of the request, before an Administrative Law Judge at the Office of Administrative Hearings, Administrative Law Building, 11101 Gilroy Road, Hunt Valley, Maryland 21031-1301; and be it further

ORDERED that a copy of this Order of Summary Suspension shall be filed with Panel B in accordance with Md. Code Ann., Health Occ. § 14-407 (2014 Repl. Vol. & 2018 Supp.); and be it further

ORDERED that this is an Order of Panel B, and, as such, is a **PUBLIC DOCUMENT**. See Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2) and Md. Code Ann., Gen. Prov. § 4-333(b) 6).

05/10/2019
Date

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