

Michael J. Quon, M.D.

Date: MAY 9, 2019

Arun Bhandari, Chair
Disciplinary Panel A
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, MD 21215-2299

Re: Surrender of License to Practice Medicine
Michael J. Quon, M.D. License Number: D40253
Case Number: 2218-0298A

Dear Dr. Bhandari and Members of Disciplinary Panel A,

Please be advised that, pursuant to Md. Code Ann., Health Occ. ("Health Occ.") §14-403 (2014 Repl. Vol. & 2018 Supp.), I have decided to **SURRENDER** my license to practice medicine in the State of Maryland, License Number D40253, effective immediately. I understand that upon the 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 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 Letter of Surrender is a **PUBLIC DOCUMENT**, and upon Disciplinary Panel A's ("Panel A") acceptance, becomes a **FINAL ORDER** of Panel A of the Maryland State Board of Physicians (the "Board").

I acknowledge that the Board initiated an investigation of my practice, and on March 26, 2019, Panel A issued an Order for Summary Suspension of my license. Panel A took such action pursuant to its authority under Md. Code Ann., State Gov't § 10-226(c)(2) (2014 Repl. Vol. & 2018 Supp.) concluding that the public health, safety or welfare imperatively required emergency action. A copy of the Order for Summary Suspension is attached as Attachment 1.

In addition, on March 27, 2019, Panel A issued disciplinary charges against me under Md. Code Ann., Health Occ. § 14-404(a)(3)(ii) & (8) (2014 Repl. Vol.

& 2018 Supp.). Specifically, Panel A alleged that I committed unprofessional conduct in the practice of medicine when I prescribed controlled dangerous substances (CDS) to others but ingested them myself, and that I habitually abused CDS. A copy of the charges is attached as Attachment 2. I have decided to surrender my license to practice medicine in the State of Maryland to avoid further prosecution of these disciplinary charges and to resolve the summary suspension.

I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender to avoid further prosecution of the disciplinary charges and to resolve the summary suspension. I acknowledge that for purposes related to medical licensure matters, that the charges will be treated as proven.

I understand that by executing this Letter of Surrender I am waiving my right to a 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 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 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.* (2014), and that this Letter of Surrender constitutes a disciplinary action by Panel A.

I affirm that I will provide access to and copies of 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 Letter of Surrender, my license will remain surrendered unless and until the Board grants reinstatement. In the event that I apply for reinstatement of my Maryland License, I understand that Panel A or its successor is not required to grant reinstatement; and, if it does grant reinstatement, may impose any terms and conditions the disciplinary panel considers appropriate for public safety and the protection of the integrity and reputation of the profession. I further understand that if I file a petition for reinstatement, I will approach Panel A or its successor in the same position as an individual whose license has been revoked.

I acknowledge that I may not rescind this 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 A, including the right to consult with an attorney prior to signing this Letter of Surrender. I was represented by an attorney prior to signing this letter surrendering my license to practice medicine in Maryland. I understand both the nature of Panel A's actions and this Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Letter of Surrender. I make this decision knowingly and voluntarily.

Very truly yours, *A*

Signature of File

Michael J. Quon, M.D.

NOTARY

STATE OF Maryland
CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 9th day of May, 2019 before me, a Notary Public of the City/County aforesaid, personally appeared Michael J. Quon, M.D., and declared and affirmed under the penalties of perjury that the signing of this Letter of Surrender was a voluntary act and deed.

AS WITNESS my hand and Notarial seal.

Reborah Olajenis Jones
Notary Public

My commission expires: October 13, 2019

ACCEPTANCE

On behalf of Disciplinary Panel A, on this 15th day of May, 2019, I, Christine A. Farrelly, accept the **PUBLIC SURRENDER** of Michael J. Quon, M.D.'s license to practice medicine in the State of Maryland.

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

ATTACHMENT 1

IN THE MATTER OF
MICHAEL J. QUON, M.D.

Respondent

License Number: D40253

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case Number: 2218-0298A

* * * * *

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

Disciplinary Panel A ("Panel A") of the Maryland State Board of Physicians (the "Board") hereby **SUMMARILY SUSPENDS** the license of Michael J. Quon, M.D., (the "Respondent"), license number D40253, to practice medicine in the State of Maryland. Disciplinary Panel A takes such action pursuant to its authority under Md. Code Ann., State Gov't § 10-226(c)(2) (2014 Repl. Vol. & 2018 Supp.) concluding that the public health, safety or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS

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

BACKGROUND

1. At all times relevant hereto, the Respondent has been licensed to practice medicine in Maryland. The Respondent was initially licensed to practice medicine in

¹ The statements regarding the Respondent's conduct are intended to provide the 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 the Respondent in connection with this matter.

Maryland on June 27, 1990. His license is scheduled to expire on September 30, 2019.

2. At all times relevant, the Respondent has practiced out of his home office, located at 6916 Rannoch Road, Bethesda, Maryland 20817, and focuses on research and consulting. He currently holds no hospital privileges. He is not currently board-certified in any specialty.
3. On or about July 24, 2018, the Board received a complaint alleging that the Respondent's ability to practice medicine may be impaired.
4. Based on the complaint, the Board began an investigation.

INVESTIGATION

5. In furtherance of the investigation, the Board solicited a response to the complaint from the Respondent. In his written response, the Respondent denied that he was impaired, but he admitted to self-prescribing non-opioid prescription medication. He indicated that his self-prescribing was for renewals and maintenance of medication initially prescribed by his treating physicians to address various health issues, and was done simply for convenience.
6. In furtherance of the investigation, the Board obtained medical records from a Maryland hospital (Hospital A) regarding the Respondent's hospitalization there in April, 2017.
7. In furtherance of the investigation, the Board issued a subpoena to the Prescription Drug Monitoring Program ("PDMP"). The Board also obtained and reviewed the Respondent's pharmacy records and prescriptions for Controlled Dangerous

Substances (“CDS”) for the period beginning on January 1, 2013 until August 24, 2018. The information obtained revealed that the Respondent was prescribing medication including opioid and benzodiazepine CDS to himself and eight (8) other individuals.

8. Specifically, the information obtained also revealed that during that period, the Respondent self-prescribed opioid and benzodiazepine CDS as well as other CDS and non-CDS prescription medication on numerous occasions.
9. On or about January 22, 2019, Board staff sent correspondence to Respondent informing him that he was directed to appear on January 28, 2019 at a Board-approved program (the “Program”) pursuant to § 14-402(a)² of the Health Occupations Article, for an intake evaluation and for the purpose of scheduling a follow-up examination.
10. In response, the Respondent’s attorney stated in correspondence to the Board that the Respondent had enrolled in a seven-day in-patient rehabilitation program.
11. On January 28, 2019, the Respondent was seen for an initial consultation at the Program, at which time the Respondent signed a voluntary cessation agreement, meaning that he voluntarily promised that he would not practice medicine in Maryland until permitted to do so by the Program.
12. A follow-up evaluation was scheduled for February 15, 2019.

² Health Occ. § 14-402(a) states:

In reviewing an application for licensure, certification, or registration or in investigating an allegation brought against a licensed 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 on its own initiative may direct, the licensed physician or any allied health professional regulated by the Board under this title to submit to an appropriate examination.

13. However, on or about February 7, 2019, the Board received notice that the Respondent had been injured in an auto accident on February 6, 2019.
14. On or about February 13, 2019, the Respondent provided medical records substantiating that he had sustained significant injuries in the accident, and requested the follow-up evaluation, originally scheduled for February 15, 2019, be postponed until he recovered.

BOARD INTERVIEW

15. On or about February 14, 2019, the Board investigators conducted an in-person interview with the Respondent under oath. During the interview, the Respondent admitted that he misuses opioid CDS and has done so for several years. He indicated that during that period, he was able to “detox” or abstain from misusing opioids for three short periods but inevitably relapsed within days.
16. During the interview, the Respondent acknowledged that he self-prescribed opioid CDS to maintain his habitual misuse. He also acknowledged prescribing CDS ostensibly in the names of eight (8) individuals that he identified as friends and family members, who would fill the prescriptions, and then transfer the medication to the Respondent, who used it.
17. He stated that for two family members (“Family Member A” and “Family Member B”), the Respondent himself was able to fill the CDS prescriptions he wrote in their names. Therefore, they were not even aware he was prescribing in their names and using the CDS himself.

18. When asked at the interview why he had omitted mention of opioids in his initial written response to the complaint in which he acknowledged self-prescribing, he answered, "Because I knew that would put me in an unfavorable light."
19. At the interview, the Board's investigators requested medical records for eight (8) individuals, plus himself, to whom he had prescribed CDS, according to the PDMP records. However, the Respondent stated that he failed to create or maintain any medical records for these individuals.
20. At the interview, the Respondent acknowledged that he "had a problem" with opioid misuse and had completed the seven-day in-patient rehabilitation program in late January 2019.
21. At the end of the interview, the Respondent stated, "I'm very, very sorry for abusing [opioid CDS]...I'm trying to recover."

CONCLUSION OF LAW

Based on the foregoing investigative findings, Panel A concludes that the public health, safety or welfare imperatively require emergency action in this case, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2) (2014 Repl. Vol. & 2018 Supp.), and Md. Code Regs. 10.32.02.08B(7)(a).

ORDER

Based on the foregoing investigative findings and conclusions of law, it is, by a majority of the quorum of Panel A, hereby:

ORDERED that pursuant to the authority vested by Md. Code Ann., State Gov't § 10-226(c)(2) and Md. Code Regs 10.32.02.08B(7)(a), the Respondent's license to

practice medicine in the State of Maryland be and is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that a post-deprivation Summary Suspension Hearing in accordance with MD Code Regs. 10.32.02.08 B(7)(c) & E has been scheduled for **Wednesday, April 10, 2019, at 11:15 a.m.** before Panel A at the Maryland State Board of Physicians, 4201 Patterson Avenue, Baltimore, Maryland 21215-0095; and be it further

ORDERED that at the conclusion of the post-deprivation Summary Suspension Hearing held before Panel A, the 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 the Board 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 the Board 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).

03/26/2019
Date

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

ATTACHMENT 2

IN THE MATTER OF
MICHAEL J. QUON, M.D.

Respondent

License Number: D40253

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case Number: 2218-0298A

* * * * *
CHARGES UNDER THE MARYLAND MEDICAL PRACTICE ACT

Disciplinary Panel A ("Panel A") of the Maryland State Board of Physicians (the "Board") hereby **CHARGES** Michael J. Quon, M.D., (the "Respondent"), license number D40253, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-401 *et seq.* (2014 Repl. Vol.)

The pertinent provisions of the Act under Health Occ. 14-404(a) provide as follows:

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

(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:

...

(3) Is guilty of:

...

(ii) Unprofessional conduct in the practice of medicine;

...

(8) Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article;

THE AMA CODE OF MEDICAL ETHICS

The American Medical Association ("AMA") Code of Medical Ethics provides in pertinent part:

Opinion 8.19 - Self-treatment or Treatment of Immediate Family Members

Physicians generally should not treat themselves or members of their immediate families. Professional objectivity may be compromised when an immediate family member or the physician is the patient; the physician's personal feelings may unduly influence his or her professional medical judgment, thereby interfering with the care being delivered. Physicians may fail to probe sensitive areas when taking the medical history or may fail to perform intimate parts of the physical examination... When treating themselves or immediate family members, physicians may be inclined to treat problems that are beyond their expertise or training.

...

Concerns regarding patient autonomy and informed consent are also relevant when physicians attempt to treat members of their immediate family. Family members may be reluctant to state their preferences for another physician or decline a recommendation for fear of offending the physician...

...

Except in emergencies, it is not appropriate for physicians to write prescriptions for controlled substances for themselves or immediate family members.

ALLEGATIONS OF FACT¹

Panel A bases its Charges on the following facts it has reason to believe are true:

BACKGROUND

1. At all times relevant hereto, the Respondent has been licensed to practice medicine in Maryland. The Respondent was initially licensed to practice medicine in Maryland on June 27, 1990. His license is scheduled to expire on September 30, 2019.
2. At all times relevant, the Respondent has practiced out of his home office, located at 6916 Rannoch Road, Bethesda, Maryland 20817, and focuses on research and

¹ The statements regarding the Respondent's conduct are intended to provide the Respondent with notice of the basis of the Charges. 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.

consulting. He currently holds no hospital privileges. He is not currently board-certified in any specialty.

3. On or about July 24, 2018, the Board received a complaint alleging that the Respondent's ability to practice medicine may be impaired.
4. Based on the complaint, the Board began an investigation.

INVESTIGATION

5. In furtherance of the investigation, the Board solicited a response to the complaint from the Respondent. In his written response, the Respondent denied that he was impaired, but he admitted to self-prescribing non-opioid prescription medication. He indicated that his self-prescribing was for renewals and maintenance of medication initially prescribed by his treating physicians to address various health issues, and was done simply for convenience.
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8. Specifically, the information obtained also revealed that during that period, the Respondent self-prescribed opioid and benzodiazepine CDS as well as other CDS and non-CDS prescription medication on numerous occasions.
9. On or about January 22, 2019, Board staff sent correspondence to Respondent informing him that he was directed to appear on January 28, 2019 at a Board-approved program (the "Program") pursuant to § 14-402(a)² of the Health Occupations Article, for an intake evaluation and for the purpose of scheduling a follow-up examination.
10. In response, the Respondent's attorney stated in correspondence to the Board that the Respondent had enrolled in a seven-day in-patient rehabilitation program.
11. On January 28, 2019, the Respondent was seen for an initial consultation at the Program, at which time the Respondent signed a voluntary cessation agreement, meaning that he voluntarily promised that he would not practice medicine in Maryland until permitted to do so by the Program.
12. A follow-up evaluation was scheduled for February 15, 2019.
13. However, on or about February 7, 2019, the Board received notice that the Respondent had been injured in an auto accident on February 6, 2019.
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requested the follow-up evaluation, originally scheduled for February 15, 2019, be postponed until he recovered.

BOARD INTERVIEW

15. On or about February 14, 2019, the Board investigators conducted an in-person interview with the Respondent under oath. During the interview, the Respondent admitted that he misuses opioid CDS and has done so for several years. He indicated that during that period, he was able to “detox” or abstain from misusing opioids for three short periods but inevitably relapsed within days.
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18. When asked at the interview why he had omitted mention of opioids in his initial written response to the complaint in which he acknowledged self-prescribing, he answered, “Because I knew that would put me in an unfavorable light.”
19. At the interview, the Board’s investigators requested medical records for eight (8) individuals, plus himself, to whom he had prescribed CDS, according to the

PDMP records. However, the Respondent stated that he failed to create or maintain any medical records for these individuals.

20. At the interview, the Respondent acknowledged that he “had a problem” with opioid misuse and had completed the seven-day in-patient rehabilitation program in late January 2019.
21. At the end of the interview, the Respondent stated, “I’m very, very sorry for abusing [opioid CDS]...I’m trying to recover.”

GROUND FOR DISCIPLINE

The Respondent’s conduct, as described above, in whole or in part, constitutes violations of the above-cited disciplinary grounds under Health Occ. § 14-404(a)(3)(ii) & (8).

NOTICE OF POSSIBLE SANCTIONS

If, after a hearing, a disciplinary panel of the Board finds that there are grounds for action under the Act, 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 & .10, including revocation, suspension, or reprimand, and may place the Respondent on probation, and/or may impose a monetary fine.

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

A conference before Panel A, sitting as the Disciplinary Committee for Case Resolution (DCCR) in this matter, is scheduled for **Wednesday, September 11, 2019, at**


9:00 a.m. at the Maryland State Board of Physicians, 4201 Patterson Avenue, Baltimore, Maryland 21215.

The Respondent must confirm in writing his intention to attend the DCCR. The Respondent should send written confirmation to Christine A. Farrelly, Executive Director, Maryland State Board of Physicians, 4201 Patterson Ave., 4th Fl., 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 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

3/27/2019
Date



Christopher Anderson
Assistant Attorney General
Health Occupations Prosecution &
Litigation Division
Office of the Attorney General
300 W. Preston St., Ste. 201
Baltimore, Maryland 21201