

**IN THE MATTER OF**  
**KENNETH A. CARLE, M.D.**

**Respondent**

**License Number: D42164**

**\* BEFORE THE**  
**\* MARYLAND STATE**  
**\* BOARD OF PHYSICIANS**  
**\* Case Number: 7723-0080**

\* \* \* \* \*

**ORDER TERMINATING SUSPENSION AND IMPOSING PROBATION**

On May 5, 2023, Disciplinary Panel A (the “Panel”) of the Maryland State Board of Physicians (the “Board”) and Kenneth A. Carle, M.D., entered into a Consent Order that suspended Dr. Carle’s medical license, effective June 4, 2023, for a minimum of ten (10) days. Prior to the termination of the suspension, Dr. Carle was required to provide the disciplinary panel with the name, pertinent background information of a potential supervisor, and written notice from the supervisor confirming their acceptance of the supervisory role and that there is no personal or professional relationship between the supervisor and Dr. Carle.

Ten (10) days have passed since the effective date of the suspension and Dr. Carle has proposed a potential supervisor, pursuant to the Consent Order. It is thus hereby:

**ORDERED** that the **SUSPENSION** imposed by the May 5, 2023 Consent Order is **TERMINATED**; and it is further

**ORDERED** that the reprimand remains in effect; and it is further

**ORDERED** that Dr. Carle is placed on **PROBATION** for a minimum of **TWO (2) YEARS** subject to the following terms and conditions:

1. Dr. Carle shall be subject to supervision for **TWO (2) YEARS** (eight (8) quarterly reports) by a disciplinary panel-approved supervisor who is board-certified in pain medicine. Dr. Carle has provided the Board with the name of a potential supervisor for approval.

- a. Dr. Carle's proposed supervisor, to the best of his knowledge, should not be an individual who is currently under investigation and has not been disciplined by the Board within the past five (5) years;
- b. The Panel, in its discretion, may accept the proposed supervisor or request that Dr. Carle submit a name and professional background and written notice of confirmation from a different supervisor;
- c. The supervision begins after the Panel approves the proposed supervisor;
- d. The Panel will provide the supervisor with a copy of the Consent Order and any other documents the Panel deems relevant;
- e. Dr. Carle shall grant the supervisor access to patient records selected by the supervisor from a list of all patients, which shall, to the extent practicable, focus on the type of treatment at issue in Dr. Carle's charges;
- f. If the supervisor for any reason ceases to provide supervision, Dr. Carle shall immediately notify the Board and shall not practice medicine beyond the 30<sup>th</sup> day after the supervisor has ceased to provide supervision and until Dr. Carle has submitted the name and professional background, and written notice of confirmation, from a proposed replacement supervisor to the Panel;
- g. It shall be Dr. Carle's responsibility to ensure that the supervisor:
  - i. Reviews the records of 10 patients each month, such patient records to be chosen by the supervisor and not Dr. Carle;
  - ii. Meets in-person with Dr. Carle at least once each month and discusses in-person with Dr. Carle the care he has provided for those specific patients;
  - iii. Be available to Dr. Carle for consultations on any patient;

- iv. Maintains the confidentiality of all medical records and patient information;
  - v. Provides the Board with quarterly reports which detail the quality of Dr. Carle's practice, any deficiencies, concerns, or needed improvements, as well as any measures that have been taken to improve patient care; and
  - vi. Immediately reports to the Board any indication that Dr. Carle may pose a substantial risk to patients;
  - h. Dr. Carle shall follow any recommendations of the supervisor; and
  - i. If the Panel, upon consideration of the supervisory reports and Dr. Carle's response, if any, has a reasonable basis to believe that Dr. Carle is not meeting the standards of quality care or is failing to keep adequate medical records in his practice, the Panel may find a violation of probation after a hearing;
2. Within **TWO (2) MONTHS** from the beginning of the probationary period, Dr. Carle is required to take and successfully complete two (2) courses: a course in CDS prescribing and a course in medical recordkeeping. The following terms apply:
- a. It is Dr. Carle's responsibility to locate, enroll in, and obtain the Panel's approval of the courses before the courses have begun;
  - b. Dr. Carle must provide documentation to the Panel that he has successfully completed the courses;
  - c. The courses may not be used to fulfill the continuing medical education credits required for license renewal; and
  - d. Dr. Carle is responsible for the cost of the courses;

3. Within **ONE (1) YEAR** of the May 5, 2023 Consent Order, Dr. Carle shall pay a fine of \$7,500.00 by certified check or money order payable to The Maryland Board of Physicians, P.O. Box 37217, Baltimore, Maryland 21297. The Board will not renew or reinstate Dr. Carle's license if he fails to timely pay the fine to the Board; and it is further

**ORDERED** that the Panel may issue administrative subpoenas to the Maryland Prescription Drug Monitoring Program on a quarterly basis for a record of Dr. Carle's Controlled Dangerous Substance ("CDS") prescriptions. The administrative subpoenas will request a record of Dr. Carle's prescriptions from the beginning of each quarter; and it is further

**ORDERED** that, after Dr. Carle has complied with all of the terms and conditions of the probation, he may submit a written petition for termination of the probation. Dr. Carle's probation may be administratively terminated through an order of the Panel if he has complied with all probationary terms and conditions, including receiving eight (8) satisfactory supervisory reports and there are no pending complaints relating to the charges, but will not be terminated unless the Board has received eight (8) satisfactory supervisory reports; and it is further

**ORDERED** that Dr. Carle is responsible for all costs incurred in fulfilling the terms and conditions of this Order Terminating Suspension and Imposing Probation; and it is further

**ORDERED** that, if Dr. Carle allegedly fails to comply with any term or condition imposed by this Order Terminating Suspension and Imposing Probation, including the supervisory reports not demonstrating that he is meeting the appropriate standards of care or keeping adequate medical records, Dr. Carle shall be given notice and an opportunity for a hearing. If the Panel determines that there is a genuine dispute as to a 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 the disciplinary panel determined there is no genuine dispute as to a material fact, Dr. Carle shall be given a Show Cause Hearing before a disciplinary panel; and it is further

**ORDERED** that, after the appropriate hearing, if the disciplinary panel determines that Dr. Carle has failed to comply with any term or condition imposed by this Order Terminating Suspension and Imposing Probation, the disciplinary panel may reprimand Dr. Carle, place him on probation with appropriate terms and conditions, suspend with appropriate terms and conditions, revoke Dr. Carle'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 Dr. Carle; and it is further

**ORDERED** that the effective date of this Order Terminating Suspension and Imposing Probation is the date the Order is signed by the Executive Director of the Board or her designee. The Executive Director or her designee signs the Order Terminating Suspension and Imposing Probation on behalf of the disciplinary panel which has imposed the terms and conditions of this Order; and it is further

**ORDERED** that this Order Terminating Suspension and Imposing Probation is a public document. See Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

06/14/2023  
Date

***Signature On File***

Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians