

IN THE MATTER OF	*	BEFORE THE
WALTER GIANELLE, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D44413	*	Case Number: 7723-0036
* * * * *	*	* * * * *

ORDER TERMINATING SUSPENSION AND IMPOSING PROBATION

On November 10, 2022, Disciplinary Panel A of the Maryland State Board of Physicians issued a Final Decision and Order that suspended the medical license of Walter Gianelle, M.D., effective November 15, 2022, for 30 calendar days, with terms and conditions.

30 calendar days have passed since the effective date of the suspension. It is thus hereby:

ORDERED that the suspension imposed by the November 10, 2022 Final Decision and Order is terminated; and it is further

ORDERED that Dr. Gianelle is placed on **PROBATION** for a minimum period of **THREE (3) YEARS¹** subject to the following terms and conditions:

1. Dr. Gianelle shall remain enrolled in the Maryland Professional Rehabilitation Program (“MPRP”) as follows:
 - a. Dr. Gianelle shall continue his Participant Rehabilitation Agreement (PRA) and Participant Rehabilitation Plan (PRP) with MPRP, or be entered into an amended PRA or PRP, as determined by MPRP;
 - b. Dr. Gianelle shall fully and timely cooperate and comply with all of MPRP’s referrals, rules, and requirements, including, but not limited to, the terms and conditions of the PRA(s) and PRP(s) entered into with MPRP, and shall fully

¹ If Dr. Gianelle’s license expires during the period of probation, the probation and any conditions will be tolled.

participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP;

- c. Dr. Gianelle shall sign and update the written release/consent forms requested by the Board and MPRP, including release/consent forms to authorize MPRP to make verbal and written disclosures to the Board and to authorize the Board to disclose relevant information from MPRP records and files in a public order. Dr. Gianelle shall not withdraw his release/consent;
- d. Dr. Gianelle shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of Dr. Gianelle's current therapists and treatment providers) verbal and written information concerning Dr. Gianelle and to ensure that MPRP is authorized to receive the medical records of Dr. Gianelle, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. Dr. Gianelle shall not withdraw his release/consent;
- e. Dr. Gianelle's failure to comply with any of the above terms or conditions including terms or conditions of the PRA(s) or PRP(s) constitutes a violation of this Order Terminating Suspension and Imposing Probation.

- 2. Within **SIX (6) MONTHS** of the effective date of the Final Decision and Order, Dr. Gianelle is required to take and successfully complete two courses: (1) Ethics; and (2) Professional Boundaries. The following terms apply:

- a. it is Dr. Gianelle's responsibility to locate, enroll in, and obtain the disciplinary panel's approval of the courses before they begin;

- b. Dr. Gianelle must provide documentation to the disciplinary 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;
 - d. Dr. Gianelle is responsible for the cost of the courses.
3. Within **TWO (2) YEARS** of the effective date of the Final Decision and Order, Dr. Gianelle shall pay a civil fine of **FIFTEEN THOUSAND DOLLARS (\$15,000.00)**. The payment shall be by money order or bank certified check made payable to the Maryland Board of Physicians and mailed to P.O. Box 37217, Baltimore, Maryland 21297. the Board will not renew or reinstate Dr. Gianelle's license if he fails to timely pay the fine to the Board; and it is further

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

ORDERED that Dr. Gianelle shall not apply for early termination of probation; and it is further

ORDERED that after a minimum of three (3) years, if Dr. Gianelle has complied with all terms and conditions of the probation, Dr. Gianelle may submit a written petition for the termination of the probation. After consideration of the petition, the probation may be terminated through an order of a disciplinary panel. Dr. Gianelle may be required to appear before a disciplinary panel to discuss his petition to terminate the probation. The disciplinary panel may grant the petition to terminate the probation through an order of the disciplinary panel, if Dr. Gianelle has complied with all of the probationary conditions, and there are no pending complaints related to the charges; and it is further

ORDERED that if Dr. Gianelle allegedly fails to comply with any term or condition imposed by this Order Terminating Suspension and Imposing Probation, Dr. Gianelle shall be given notice and an opportunity for a hearing. If the disciplinary 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. If the disciplinary panel determines that there is no genuine dispute as to a material fact, Dr. Gianelle 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. Gianelle has failed to comply with any term or condition of this Order Terminating Suspension and Imposing Probation, the disciplinary panel may reprimand Dr. Gianelle, place him on probation with appropriate terms and conditions or suspend or revoke his 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 upon Dr. Gianelle; and it is further

ORDERED that Dr. Gianelle 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 the effective date of this Order Terminating Suspension and Imposing Probation is the date that it is signed by the Executive Director of the Board. The Executive Director 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 is a public document.

12/15/2022
Date

Signature On File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians