

IN THE MATTER OF

\*

BEFORE THE

JACKIE ALLEN SYME, JR., M.D.

\*

MARYLAND STATE

Respondent

\*

BOARD OF PHYSICIANS

License Number: D44476

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Case Number: 2222-0100 A

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**CONSENT ORDER**

On March 30, 2022, Disciplinary Panel A ("Panel A") of the Maryland State Board of Physicians (the "Board") charged **JACKIE ALLEN SYME JR., M.D.** (the "Respondent"), License Number D44476, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-101 *et seq.* (2021 Repl. Vol.).

Panel A charged the Respondent with violating the following provisions of the Act:

**§ 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;

(4) Is professionally, physically, or mentally incompetent;

...

(7) Habitually is intoxicated;

(9) Provides professional services:

(i) While under the influence of alcohol [.]

On June 8, 2022, Panel A was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring as a result of this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

### **FINDINGS OF FACT**

Panel A finds:

#### **Background/Licensing Information**

1. At all relevant times, the Respondent was licensed to practice medicine in the State of Maryland. The Respondent was originally licensed to practice medicine in Maryland on May 20, 1993, under License Number D44476. His license has the expiration date of September 30, 2023. The Respondent’s license is currently suspended as of March 29, 2022.<sup>1</sup>

2. The Respondent was formerly board-certified in neurology. The Respondent’s board-certification expired in 2014.

3. At all relevant times, the Respondent practiced medicine at a health care facility (the “Facility”)<sup>2</sup> that has several offices in Maryland.

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<sup>1</sup> On March 29, Panel A issued an Order for Summary Suspension of License to Practice Medicine, pursuant to Md. Code Ann., State Gov’t § 10-226(c)(2). By letter dated April 14, following a post-deprivation hearing held before Panel A on April 13, 2022, Panel A reaffirmed the summary suspension order.

<sup>2</sup> For confidentiality reasons, the names of the facility and individual witnesses will not be identified in this Consent Order.

### **Prior disciplinary history**

4. On or about February 4, 2014, the Board charged the Respondent with violating disciplinary provisions under the Act after its investigation determined that he inappropriately prescribed high doses of opioid medications to patients without appropriate justification or monitoring. The investigation also determined that the Respondent was guilty of unprofessional conduct with respect to his storage of medical records and conditions in his office.

5. The Respondent resolved the Board's charges by entering into a Consent Order, dated April 29, 2014, in which the Board found as a matter of law that the Respondent violated the following provisions of the Act under Health Occ. § 14-404(a): (3) Is guilty of: (ii) Unprofessional conduct in the practice of medicine; (22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State; and (40) Fails to keep adequate medical records as determined by appropriate peer review.

6. Under the Consent Order, the Board reprimanded the Respondent and permanently prohibited him from: practicing physical medicine and rehabilitation or pain medicine; and treating any patients on an ongoing basis with controlled dangerous substances ("CDS") for pain management or for detoxification from CDS. The Board also permanently restricted the Respondent's ability to prescribe Schedule II CDS and imposed a series of non-permanent terms and conditions.

7. Through an Order dated September 29, 2017, the Board terminated the non-permanent conditions that were imposed under the April 29, 2014 Consent Order and continued the above-noted permanent conditions, to which the Respondent is still subject.

### **The Complaint**

8. The Board initiated an investigation of the Respondent after reviewing a complaint, dated February 2, 2022, from a health occupations licensee (the "Complainant") who owns and operates the Facility. The Complainant stated that he formerly employed the Respondent to provide medical services at the Facility. The Complainant stated that the Respondent has an alcohol problem and that his behavior toward patients "was often unprofessional and rude." The Complainant also stated that the Respondent kept poor medical records and at times failed to keep medical records.

### **Board Investigation**

9. As part of its investigation, the Board obtained the Respondent's human resources ("HR") file from the Facility and interviewed the Complainant, the Facility's office manager and the Respondent.

### ***The Respondent's HR file***

10. The Respondent's HR file states that the Facility hired the Respondent to be the Facility's medical director in or around December 2014, and that the Respondent resigned from his position in January 2022. The file indicates that the Facility counseled the Respondent on several occasions for recordkeeping deficiencies and deficiencies in his professional image and attitude toward patients.

11. The HR file contains a document that was signed by the Respondent and the Complainant, dated May 18, 2020, which states, "I, Dr. Jackie Syme, have communicated to the [Complainant] that I have been suffering from alcoholism. I have expressed that I am getting treatment 4 days a week, 3 hours per day in the evening. I am 100% committed to getting healthy and to [the Facility's] requirements of me." The requirements listed included: arriving on time and dressing professionally at work; producing detailed reports; and being "kind and friendly to our patients and staff." The document also authorized the Complainant to talk to the Respondent's therapist at least once per week to ensure that the Respondent was continuing with treatment. The document states, "[The Complainant] is holding on to your money for your benefit at this time. He agrees to pay all your bills to ensure your quality of life. [The Complainant] is doing this to help you, not hurt you."

12. The HR file also contains a series of checks the Complainant signed that he gave to the Respondent in order to help him pay his rent, electric bill, telephone bill and insurance.

### ***Interview of the Complainant***

13. On February 16, 2022, Board staff conducted an under-oath interview of the Complainant. The Complainant is a Maryland health occupations licensee. The Complainant stated that approximately nine years ago, he hired the Respondent to perform medical evaluations at the Facility's offices. The Complainant stated that the Respondent often came to work looking unwell and disheveled and that patients complained that he smelled of alcohol and was rude to them. The Complainant stated that the Respondent's report writing was deficient and that his reports were often weeks late, causing the

Complainant to have “endless” meetings with him in attempts to rectify the Respondent’s late submission of reports.

14. The Complainant stated that he first learned that the Respondent had an alcohol problem about three-to-four years ago when the Respondent collapsed in the office and had to be hospitalized for alcohol abuse and malnutrition. The Complainant stated that after this hospitalization, the Respondent was rehospitalized for alcohol abuse after he collapsed in the office.

15. In addition, the Complainant stated that there was an incident in the office involving loss of a bodily function when the Respondent was treating a patient in the office, requiring the Facility to close the office in order to clean it.

16. The Complainant stated that he wanted to help the Respondent and offered to buy him new clothes, go to Alcoholics Anonymous with him and handle his finances for him. The Complainant stated that he did this so that the Respondent “didn’t have extra money to get himself in trouble.” In addition, the Complainant stated that he counseled the Respondent on a weekly basis and questioned the Respondent if he was drinking while working, which the Respondent denied. The Complainant expressed safety concerns about the Respondent, stating that he required an assistant to be present in the room when the Respondent was with a patient. The Complainant also stated that the Respondent had attendance problems when he was scheduled to work.

17. The Complainant stated that he does not think the Respondent is qualified to be taking care of patients and has concerns about the Respondent’s ability to practice medicine safely, stating, “I wouldn’t send anyone I know to him.”

***Interview of the Facility's office manager***

18. On March 17, 2022, Board Staff conducted an under-oath interview of the Facility's office manager. The office manager confirmed that staff and patients had complained about the Respondent's attitude and reported smelling alcohol on him. The office manager stated that the Respondent looked very bad and appeared dirty most of the time and that she also smelled alcohol on him. The office manager further stated that there was an incident last year in which someone found the Respondent looking unwell in the Facility's lobby and brought him to the Facility's office. The office manager stated that the Respondent did not appear well and could not stand or walk without assistance, so she asked a medical assistant to call an ambulance that then transported the Respondent to a nearby hospital. In addition, the office manager stated that she received reports that the Respondent had loss of bodily control on three separate occasions while at work.

***Interview of the Respondent***

19. On March 18, 2022, Board staff conducted an under-oath interview of the Respondent. In this interview, the Respondent reported that he has had an alcohol problem since approximately 2001 and continues to drink at this time. He stated that he currently drinks either wine or one half-pint of rum a couple nights per week. However, the Respondent stated that when working at the Facility, he was drinking closer to a pint of rum every night. The Respondent also stated that he will sometimes drink until 1:00 a.m. when he has to work the next day.

20. The Respondent acknowledged that he lost bodily control on one occasion at work while treating a patient. In addition, the Respondent acknowledged that a few years

ago, he was hospitalized for malnutrition after he was found in the Facility's lobby appearing unwell and unable to walk.

21. The Respondent also acknowledged that he had a "DUI" in 2015.

22. When questioned about treatment, the Respondent stated that he attended a two-week intensive outpatient rehabilitation program in 2020 via Zoom. In addition, he stated that he now attends twelve-step recovery events on Friday evenings and has a sponsor. The Respondent acknowledged that neither the recovery program nor his sponsor is aware he is still drinking. Board staff asked the Respondent if he has any plans to seek additional treatment to which he stated, "I probably should."

### **CONCLUSIONS OF LAW**

Based on the foregoing findings of fact, Disciplinary Panel A concludes as a matter of law that the Respondent is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii); is professionally, physically or mentally incompetent, in violation of Health Occ. § 14-404(a)(4); habitually is intoxicated, in violation of Health Occ. § 14-404(a)(7); provides professional services while under the influence of alcohol, in violation of Health Occ. § 14-404(a)(9)(i).

### **ORDER**

It is, thus, on the affirmative vote of a majority of the quorum of Disciplinary Panel A of the Board, hereby:

**ORDERED** that the Order for Summary Suspension of the Respondent's license to practice medicine, issued on **March 29, 2022**, pursuant to State Gov't § 10-226(c)(2), is affirmed and is **TERMINATED** as moot; and it is further



**ORDERED** that the Respondent is **REPRIMANDED**; and it is further

**ORDERED** that the Respondent's medical license is **SUSPENDED** for a minimum period of **ONE (1) YEAR**, beginning on the effective date of this Consent Order;<sup>3</sup> and it is further

**ORDERED** that during the suspension, the Respondent shall comply with the following terms and conditions:

(1) The Respondent shall not:

- (a) practice medicine;
- (b) take any actions after the effective date of this Consent Order to hold himself out to the public as a current provider of medical services;
- (c) authorize, allow or condone the use of the Respondent's name or provider number by any health care practice or any other licensee or health care provider;
- (d) function as a peer reviewer for the Board or for any hospital or other medical care facility in the state;
- (e) prescribe or dispense medications;
- (f) perform any other act that requires an active medical license.

(2) The Respondent shall enroll in the Maryland Professional Rehabilitation Program ("MPRP") as follows:

- (a) Within 5 business days of the effective date of this Consent Order, the Respondent shall contact MPRP to schedule an initial consultation for enrollment;

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<sup>3</sup> If the Respondent's license expires during the period of suspension, the suspension and any conditions will be tolled.

- (b) Within 15 business days of the effective date of this Consent Order, the Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;
- (c) The Respondent shall fully and timely cooperate and comply with all MPRP's referrals, rules, and requirements, including, but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP;
- (d) The Respondent 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. The Respondent shall not withdraw his release/consent;
- (e) The Respondent 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 the Respondent's current therapists and treatment providers) verbal and written information concerning the Respondent and to ensure that MPRP is authorized to receive the medical records of the Respondent, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. The Respondent shall not withdraw his release/consent;
- (f) The Respondent's failure to comply with any of the above terms or conditions including terms or conditions of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) constitutes a violation of this Consent Order; and it is further

**ORDERED** that a violation of suspension constitutes a violation of the Consent Order; and it is further

**ORDERED** that, after the minimum period of a **ONE (1) YEAR** suspension has passed, and after the Respondent has complied with all terms and conditions of suspension, and upon a report from MPRP to the Board that the Respondent has complied with all of the requisite referrals and treatment and is safe to resume the practice of medicine, the Respondent may submit a written petition to the Board requesting termination of

suspension. The Respondent may be required to appear before the disciplinary panel to discuss her petition for termination. After consideration of the petition, and if the disciplinary panel determines that it is safe for the Respondent to return to the practice of medicine, the suspension will be terminated through an order of the disciplinary panel, and the disciplinary panel may impose any terms and conditions it deems appropriate on the Respondent's return to the practice of medicine, including, but not limited to, probation and/or continuation of the Respondent's enrollment in MPRP. If the disciplinary panel determines that it is not safe for the Respondent to return to practice of medicine, the suspension shall be continued through an order of the disciplinary panel for a length of time determined by the disciplinary panel, and the disciplinary panel may impose any additional terms and conditions it deems appropriate; and it is further

**ORDERED** that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

**ORDERED** that, if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If the disciplinary panel determines 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 determines there is no genuine dispute as to a material fact, the Respondent 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 the Respondent has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, suspend the Respondent's license with appropriate terms and conditions, 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 the Consent Order is the date the Consent Order is signed by the Executive Director of the Board or her designee. The Executive Director or her designee signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order; and it is further

**ORDERED** that this Consent Order is a public document. *See Health Occ. §§ 1-607, 14-411.1(b)(2)(2021 Repl. Vol.) and Gen. Prov. § 4-333(b)(6)(2019 Repl. Vol.).*

06/22/2022  
Date

*Signature On File*

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

## CONSENT

I, Jackie Allen Syme, M.D., acknowledge that I have consulted with counsel before signing this document.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the pending charges. I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand the language and meaning of its terms.

6/14/22

Date

*Signature On File*

Jackie Allen Syme, M.D.

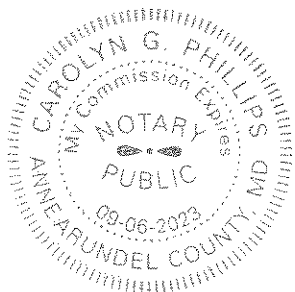
**NOTARY**

STATE OF Maryland

CITY / COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 14<sup>th</sup> day of JUNE 2022,  
before me, a Notary Public of the foregoing State and City/County, personally appeared  
Jackie Allen Syme, M.D. and made oath in due form of law that signing the foregoing  
Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.



[Signature]  
Notary Public

My Commission expires: 9-6-2023