

**IN THE MATTER OF**  
**JASON A. CLEM, M.D.**

**Respondent**

**License Number: D58701**

**\* BEFORE THE**  
**\* MARYLAND STATE**  
**\* BOARD OF PHYSICIANS**  
**\* Case Number: 2223-0070B**

\* \* \* \* \*

**CONSENT ORDER**

On September 7, 2023, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged **JASON A. CLEM, M.D.** (the “Respondent”), License Number D58701, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 et seq. (2021 Repl. Vol. & 2022 Supp.). Panel B charged the Respondent under the following provision of the Act:

**Health Occ. § 14-404. License denial, suspension, or revocation.**

(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[.]

On November 15, 2023, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring as a result of the DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

## FINDINGS OF FACT

Panel B finds:

### **I. INTRODUCTION**

1. The Respondent accessed sexually explicit / pornographic websites in violation of the Standards of Conduct of his employer. The Respondent admitted to acting in this unprofessional manner while on duty as a physician at a health care facility.

### **II. BACKGROUND**

2. The Respondent was licensed to practice medicine in the State of Maryland on May 8, 2002, under License Number D58701. The Respondent's license will expire on September 30, 2024.

3. The Respondent is board-certified in Family Medicine and at all relevant times to these charges practiced at a health care facility<sup>1</sup> (the "Facility") in Maryland.

### **III. THE COMPLAINT**

4. On December 9, 2022, the Facility issued a statewide ban<sup>2</sup> for the Respondent due to allegations of violating the Facility's Standards of Conduct.

5. On December 10, 2022, the Respondent resigned from his position at the Facility effective immediately.

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<sup>1</sup> The names of facilities and individuals in this document are confidential. The Respondent may obtain the names upon request to the Administrative Prosecutor.

<sup>2</sup> Based on the information received, the Respondent was banned from entering all locations related to the Facility.

#### IV. BOARD INVESTIGATION

6. The Facility's Standards of Conduct referenced in the Executive Directive (the "Directive") dated October 1, 2013, directs that "an employee may not use [Facility] computer systems, email or Internet services. . . to transmit, receive, or retain . . . pornographic images, text, or other sexual content."

7. The Directive states that employees shall agree to the terms and conditions of the Facility's Email and Internet Use Agreement (the "Agreement"). "Each time an employee logs on to a [Facility] computer system the employee shall electronically acknowledge acceptance of the terms and conditions of the Agreement before the employee is permitted access to [Facility] computer systems, email and Internet services."

8. On December 7, 2022, the Facility introduced a new security control to monitor web usage.

9. The Facility's internet activity report (the "Report") shows that on or about December 7, 2022 through December 9, 2022, the Respondent attempted to access approximately one hundred and seventeen (117) websites which were blocked due to being "Adult/Sexually Explicit" websites.

10. The Facility's surveillance video shows that on December 8, 2022, the Respondent was in his office when attempts were made to access the "Adult/Sexually Explicit" websites.

11. On March 24, 2023, the Board notified the Respondent that an investigation had been opened.

12. On March 29, 2023, the Respondent provided a written response stating, “I was banned from [the Facility] for violating their Standards of Conduct. My transgression was a violation of their internet usage policy.”

13. On May 16, 2023, Board staff conducted an under-oath interview of the Respondent wherein he admitted that he attempted to access “inappropriate sites of a sexual nature” while in his office alone. The Respondent also admitted that the security controls were not “foolproof” and that he was able to view pornography while on duty at the Facility.

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, Panel B 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).

### **SANCTION**

It is thus by Disciplinary Panel B of the Board, hereby:

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

**ORDERED** that the Respondent is placed on **PROBATION**<sup>3</sup> for a minimum of **TWO (2) YEARS**. During probation, the Respondent shall comply with the following terms and conditions of probation:

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

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

(a) Within 5 business days, the Respondent shall contact MPRP to schedule an initial evaluation to determine whether enrollment is appropriate;

(b) If, after an evaluation, MPRP determines that enrollment is appropriate, the Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP within 15 business days of being informed by 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/her 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/her 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;

2. Within **SIX (6) MONTHS**, the Respondent is required to take and successfully complete a course in professionalism/ethics. The following terms apply:

(a) it is the Respondent's responsibility to locate, enroll in and obtain the disciplinary panel's approval of the course before the course is begun;

(b) the disciplinary panel will not accept a course taken over the internet;

(c) the Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the course;

(d) the course may not be used to fulfill the continuing medical education credits required for license renewal;

(e) the Respondent is responsible for the cost of the course; and it is further

**ORDERED** that the Respondent shall not apply for early termination of probation; and it is further

**ORDERED** that, after the Respondent has complied with all terms and conditions of probation and the minimum period of probation imposed by the Consent Order has passed, the Respondent may submit to the Board a written petition for termination of probation. After consideration of the petition, the probation may be terminated through an order of the disciplinary panel. The Respondent may be required to appear before the disciplinary panel to discuss his or her petition for termination. The disciplinary panel may grant the petition to terminate the probation, through an order of the disciplinary panel, if the Respondent has complied with all probationary terms and conditions and there are no pending complaints relating to the charges; and it is further

**ORDERED** that a violation of probation constitutes a violation of the Consent Order;

**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, or suspend 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 Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; 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) and Gen. Prov. § 4-333(b)(6).

12/19/2023  
Date

## *Signature On File*

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

### CONSENT

I, Jason A. Clem, 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.

12/14/23  
Date

## *Signature On File*

Jason A. Clem, M.D.

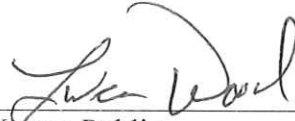


NOTARY

STATE OF Maryland

CITY/COUNTY OF Worcester

I HEREBY CERTIFY that on this 14<sup>th</sup> day of December, 2023, before me, a Notary Public of the foregoing State and City/County, did personally appear Jason Clem, M.D. and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed. AS WITNESSTH my hand and seal.



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Notary Public

My commission expires: 07/26/2027

