

**IN THE MATTER OF**  
**ERNEST M. MYERS, M.D.**  
**Respondent**  
**License Number: D59928**

**\* BEFORE THE**  
**\* MARYLAND STATE**  
**\* BOARD OF PHYSICIANS**  
**\* Case Number: 2220-0265B**

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

Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) hereby **SUMMARILY SUSPENDS** the license of Ernest M. Myers, M.D. (the “Respondent”), License Number D59928, to practice medicine in the State of Maryland. Panel B takes such action pursuant to its authority under Md. Code Ann., State Gov’t § 10-226(c)(2) (2014 Repl. Vol. & 2019 Supp.), having concluded that the public health, safety, or welfare imperatively requires emergency action.

**INVESTIGATIVE FINDINGS<sup>1</sup>**

Panel B has reasonable cause to believe that the following facts are true:

**I. BACKGROUND & LICENSING INFORMATION**

1. At all relevant times, the Respondent was and is licensed to practice medicine in the State of Maryland. The Board initially licensed the Respondent to practice medicine in Maryland on or about March 5, 2003, under License Number D59928. His license is active through September 30, 2021, subject to renewal.

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<sup>1</sup> The statements about the Respondent’s conduct set forth in this document are intended to provide the Respondent with reasonable notice of the basis for 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 action.

2. The Respondent is board-certified in otolaryngology and has self-identified his primary practice area as head and neck surgery. The Respondent is a solo practitioner in Silver Spring, Maryland. Until recently, the Respondent had operating privileges at a hospital in Silver Spring, Maryland (the "Hospital").<sup>2</sup>

## **II. MANDATED 10-DAY REPORT**

3. On or about January 30, 2020, the Board received a Mandated 10-Day Report (the "Report") from the Hospital reporting that the Respondent had "agreed to refrain from exercising his privileges [at the Hospital] while a review of cases is conducted." The Report also explained that between October 2019 and December 2019, the Respondent performed at least two procedures "with outcomes that appear to be outside the standard of care resulting in poor patient outcomes."

## **III. BOARD INVESTIGATION**

4. The Board initiated an investigation of the Respondent based on the Report.

5. On or about May 18, 2020, in response to a Board subpoena, the Hospital provided the Board with the Respondent's Quality Assurance & Risk Management file.

6. The Respondent's file included a letter from the Respondent to the Hospital dated February 24, 2020, in which the Respondent requested a personal leave of absence from the medical staff at the Hospital.

7. The Respondent's file included a report from an external peer review that the Hospital requested on or about January 13, 2020. The peer reviewer ("Physician A"), who

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<sup>2</sup> To maintain confidentiality, the names of all witnesses, facilities, employees, and patients will not be used in this document but will be provided to the Respondent on request.

is licensed to practice medicine in Maryland, board-certified in otolaryngology, and the Section Chief of Otolaryngology at a university-operated hospital, reviewed six records of patients whom the Respondent treated at the Hospital. Physician A noted quality of care concerns with five out of six records he reviewed and summarized his findings as follows:

All of the poor surgical outcomes with these cases are worrisome individually but together are very troubling. Overall, it's my opinion [the Respondent] is not technically competent to perform these surgeries. He doesn't seem to have kept up or been adequately trained in new technology and new surgical techniques which were available for him to use in the operating room for these cases. These cases are extremely concerning and I think patients are in imminent danger and it's unsafe for him to continue to operate.

8. On or about June 16, 2020, Board staff discussed the external peer review report with Physician A. He confirmed his comments and concerns included in the peer review report that he previously submitted to the Hospital. Physician A also opined that the Respondent is not technically competent to perform surgeries on the upper airway such as tonsillectomy or any nasal or sinus surgery that needed to be done under sedation.

9. On or about July 23, 2020, at the direction of a Board-approved program, the Respondent underwent an independent evaluation to determine his present fitness to safely practice medicine. On or about August 24, 2020, the Board received the report from the Evaluator. Based on his comprehensive testing and evaluation, the Evaluator concurred with Physician A's earlier opinion that the Respondent "cannot safely perform the types of operations that resulted in poor surgical outcomes." The Evaluator recommended further testing be done to determine the underlying cause of the Respondent's present condition.

### CONCLUSION OF LAW

Based on the foregoing Investigative Findings, Panel B 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. & 2019 Supp.) and Md. Code Regs. 10.32.02.08B(7)(a).

### ORDER

Based on the foregoing Investigative Findings and Conclusion of Law, it is, by a majority of a quorum of Panel B, hereby:

**ORDERED** that pursuant to the authority vested in the Board by Md. Code Ann., State Gov't § 10-226(c)(2) and Md. Code Regs. 10.32.02.08B(7)(a), the license of the Respondent, Ernest M. Myers, M.D., License Number D59928, to practice medicine in the State of Maryland is **SUMMARILY SUSPENDED**; and it is further

**ORDERED** that a post-deprivation hearing in accordance with Md. Code Regs. 10.32.02.08E has been scheduled for **Wednesday, January 27, 2021, at 11:00 a.m.** before Disciplinary Panel B at the Maryland State Board of Physicians, 4201 Patterson Avenue, Baltimore, Maryland 21215; and it is further

**ORDERED** that at the conclusion of the post-deprivation summary suspension hearing held before Panel B, 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; and it is further

**ORDERED** that this Order for Summary Suspension is an order of Panel B 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).

01/12/2021  
Date

***Signature on File***

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Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians