

IN THE MATTER OF

*** BEFORE THE MARYLAND**

ROBERT S. HANLEY, JR., M.D.

*** STATE BOARD OF**

Respondent.

*** PHYSICIANS**

License No. D66921

*** Case No. 7720-0094B**

*** * * * ***

ORDER AFTER SHOW CAUSE HEARING

On March 24, 2020, Robert S. Hanley, Jr., M.D. entered into a Consent Order with Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”). One of the conditions of the Consent Order required Dr. Hanley to enroll in the Maryland Professional Rehabilitation Program (“MPRP”) and comply with conditions of a Participant Rehabilitation Agreement that he signed on April 10, 2020 with MPRP. On September 28, 2020, Panel B issued a Violation of Consent Order and Notice to Show Cause, charging Dr. Hanley with failure to comply with his Participant Rehabilitation Agreement, in violation of the March 24, 2020 Consent Order. On November 18, 2020, Panel B held a show cause hearing where Dr. Hanley had the opportunity to argue why his medical license should not be subject to further discipline.

FINDINGS OF FACT

Background and Disciplinary Charges

On November 5, 2019, Panel B charged Dr. Hanley with violating provisions of the Health Occupations Article, specifically § 14-404(a)(3)(i) and (ii) (immoral and unprofessional conduct in the practice of medicine); § 1-212(a) (Sexual misconduct prohibited; regulations; discipline); and the Board’s sexual misconduct regulations, COMAR 10.32.17.03A and B (Sexual Misconduct). The charges followed a Board investigation establishing that Dr. Hanley had

engaged in sexual intercourse with a patient on three separate occasions and later prescribed abortive medications to her for a suspected pregnancy.

March 24, 2020 Consent Order

To resolve the disciplinary charges against him, Dr. Hanley agreed to enter into a Consent Order with Panel B, wherein Panel B concluded that Dr. Hanley was guilty of immoral and unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(i) and (ii), and that he violated Health Occ. § 1-212(a) and COMAR 10.32.17.03A and B. Panel B imposed a reprimand, placed Dr. Hanley on probation for a minimum of one year, subject to certain terms and conditions, including requirements that he enroll in the Maryland Professional Rehabilitation Program (“MPRP”) and enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan as follows:

* * *

(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 Agreements(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.

* * *

(f) the Respondent’s failure to comply with any of the above terms or conditions including terms or conditions of the Participant Rehabilitation Agreements(s) and Participant Rehabilitation Plan(s) constitutes a violation of this Consent Order.

The Consent Order further stated:

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 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 determines that 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 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 upon the Respondent.

Violation of March 24, 2020 Consent Order

Following his enrollment in MPRP, Dr. Hanley signed a Participant Rehabilitation Agreement on April 10, 2020. Dr. Hanley agreed to obtain any evaluations as recommended by MPRP, abide by the Rehabilitation Plan, and follow all MPRP recommendations. On July 14, 2020, MPRP notified Board staff that Dr. Hanley's case had been closed for cause and that he had been discharged from the program due to his failure to obtain a specific evaluation, as directed by MPRP. On August 4, 2020, the Board sent a letter to Dr. Hanley requesting, by August 18, 2020, a written response to MPRP's closure of his case for cause. In a written response dated August 18, 2020, Dr. Hanley acknowledged that he had not obtained or completed the evaluation as directed by MPRP.

Show Cause Hearing – November 18, 2020

On September 28, 2020, Panel B issued a Violation of Consent Order and Notice to Show Cause based on this alleged violation. The Panel conducted a show cause hearing on November 18, 2020, at which Dr. Hanley was represented by counsel. At the hearing, Dr. Hanley did not dispute his refusal to comply with MPRP's directive that he complete a specific evaluation. He listed the terms and conditions of his Consent Order with which he had already complied, acknowledged that he had not yet completed the evaluation, and stated that he was now willing to fully comply with MPRP and complete the evaluation. The State emphasized that Dr. Hanley's failure to obtain the evaluation was an intentional choice, and that Dr. Hanley understood the

consequences of failing to comply with the Participant Rehabilitation Agreement and the conditions of his March 24, 2020 Consent Order.

Based upon all of the reports from MPRP and the information presented at the show cause hearing, Panel B finds that Dr. Hanley failed to comply with the conditions of his March 24, 2020 Consent Order and his April 10, 2020 Participation Rehabilitation Agreement.

CONCLUSIONS OF LAW

Panel B concludes that Dr. Hanley violated the terms and conditions of the March 24, 2020 Consent Order by failing to comply with the terms of his MPRP Participant Rehabilitation Agreement.

ORDER

It is, on an affirmative vote of a majority of a quorum of Disciplinary Panel B, hereby

ORDERED that Dr. Hanley is **REPRIMANDED**; and it is further

ORDERED that except as modified by this Order, the March 24, 2020 Consent Order remains in effect; and it is further

ORDERED that the minimum **ONE (1) YEAR** Probation imposed by the March 24, 2020 Consent Order is extended for a minimum of **SIX (6) MONTHS**¹. The minimum six-month extension of Probation commences on March 24, 2021; and it is further

ORDERED that during probation, Dr. Hanley shall comply with the following terms and conditions of probation:

1. Dr. Hanley shall reenroll and remain enrolled in the Maryland Professional Rehabilitation Program ("MPRP") until he fully and satisfactorily complies with and completes all of MPRP's requirements as follows:

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

- (a) Within **5 BUSINESS DAYS** of the effective date of this Order, Dr. Hanley shall contact MPRP to schedule a consultation for reenrollment;
- (b) Within **15 BUSINESS DAYS** of the effective date of this Order, Dr. Hanley shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;
- (c) Following reenrollment, Dr. Hanley shall comply with obtaining and completing the specific evaluation required by MPRP;
- (d) Dr. Hanley 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;
- (e) Dr. Hanley 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. A failure to, or withdrawal of consent, is a violation of this Order;
- (f) Dr. Hanley 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; and
- (g) Dr. Hanley'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 Order; and it is further

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

ORDERED that a violation of probation constitutes a violation of this Order; and it is further

ORDERED that if Dr. Hanley has fully and satisfactorily complied with all terms and conditions of probation, Dr. Hanley may submit a written petition for termination of probation on or after September 24, 2021. After consideration of the petition, the probation may be terminated through an order of a disciplinary panel. Dr. Hanley may be required to appear before the disciplinary panel to discuss his petition for termination. The disciplinary panel may grant the petition to terminate the probation through an order of the disciplinary panel, if Dr. Hanley has successfully complied with all of the probationary terms and conditions and if there are no pending complaints related to the charges that led to the March 24, 2020 Consent Order; and it is further

ORDERED that if Dr. Hanley allegedly fails to comply with any term or condition imposed by this Order, Dr. Hanley 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. If the disciplinary panel determines that there is no genuine dispute as to a material fact, Dr. Hanley 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. Hanley has failed to comply with any term or condition imposed by this Order, the disciplinary panel may reprimand Dr. Hanley, place Dr. Hanley on probation with appropriate terms and conditions, or suspend or revoke Dr. Hanley'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 upon Dr. Hanley; and it is further

ORDERED that Dr. Hanley is responsible for all costs incurred in fulfilling the terms and conditions of this Order; and it is further

ORDERED that the effective date of this Order is the date the Order is signed by the Executive Director of the Board or her designee. The Executive Director or designee signs the Order 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** pursuant to Md. Code Ann., Health Occ. §§ 1-607 and 14-411.1, and Gen. Prov. § 4-333(b) (2014 & 2019 Supp.).

01/06/2021
Date

Signature on File

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