

IN THE MATTER OF * **BEFORE THE MARYLAND**
MYRON GERARD-PAUL * **STATE BOARD OF PHYSICIANS**
SLOBOGEAN, M.D. *

Respondent * **Case Number: 2222-0079A**

License Number: D77606 *

* * * * *

CONSENT ORDER

On December 14, 2022, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged **MYRON GERARD-PAUL SLOBOGEAN, M.D.** (the “Respondent”), License Number D77606, with violating the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2021 Repl. Vol.).

Panel A charged the Respondent with violating the following provisions of Health Occ. § 14-404:

(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 February 8, 2023, Panel A was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on the 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, Order, and Consent.

FINDINGS OF FACT

Disciplinary Panel A finds the following:

I. Background

1. The Respondent was originally licensed to practice medicine in Maryland on April 10, 2014, under License Number D77606. The Respondent has retained continuous licensure in Maryland since that time. The Respondent's license is scheduled to expire on September 30, 2023.

2. The Respondent is board-certified in orthopedic surgery.

3. The Respondent has privileges at two Maryland hospitals.¹

4. At all times relevant hereto, the Respondent practiced orthopedic surgery at a health care institution ("Institution") in Maryland and from 2020, served as a clinical research director at a higher education center in Maryland.

II. The Complaint

5. On or about December 13, 2021, the Board received a complaint (the "Complaint") which alleged that the Institution was investigating the Respondent for inappropriate sexual relationships with two female Institution employees ("Employee 1" and "Employee 2"), in violation of Institution policy. The Complaint was filed by the husband of Employee 1.

¹ To maintain confidentiality, the names of individuals and health care facilities will not be identified in this Consent Order.

III. Board Investigation

6. Board investigators conducted an investigation of the Respondent.

7. As part of its investigation, Board investigators subpoenaed from the Institution the Respondent's quality assurance/risk management file and investigative file, and conducted under-oath interviews of Institution employees, including Employee 1 and Employee 2.² Board investigators also notified the Respondent of the investigation and conducted an under-oath interview of him.

The Institution's Investigation

8. On or around February 6, 2022, the Board received investigative records from the Institution which contained, among other things, the Institution's human resources Policy Concerning Consensual Relationships (the "Policy")³. The Policy states, in part:

I. Prohibited Conduct of Persons in Consensual Relationships

A. Supervisors and Subordinates. No member of [the Institution] community in a leadership, management or supervisory position shall have a consensual romantic, dating, or sexual relationship with a subordinate he or she directly supervises or evaluates, or whose terms or conditions of employment he or she controls directly or indirectly. Term of conditions of employment include promotion, renewal, of appointments or contracts, termination, discipline, compensation, and work assignments.

...

C. Professional Conduct. Consensual relationships must not interfere with an employee's or student's professionalism. Sexual relations and sexual contact are strictly prohibited in workplace or academic

² On February 18, 2022, Board investigators conducted an under-oath interview of Employee 2, who denied having a sexual relationship with the Respondent.

³ The Policy applies to all members of the Institution, including all staff, faculty, students, and trainees.

facilities. Individuals in leadership, management or supervisory positions are expected to conduct themselves with a high standard of professionalism in their workplace and social interactions with subordinates or students.

II. Disclosure Requirements

The [Institution] recognizes that some relationships subject to this Policy may...come into existence..., for example, reporting relationships may change due to promotions, transfers, ...[.] An individual who has a relationship with a member of [the Institution] community that is addressed by this Policy is required to disclose the relationship to the Chief Accountability Office (“CAO”) as soon as practical.

...

III. Investigation, Corrective Action, and Discipline

...

C. Violations of this Policy or failure to adhere to an approved alternate arrangement or conditions of an exception may result in disciplinary action.

9. The investigative records received by the Board on February 6, 2022, also contained a letter, dated December 22, 2021, from a senior administrator (the “Administrator”)⁴ at the Institution to the Respondent referencing the Policy and requiring the Respondent formally disclose his relationship with Employee 1 to the Chief Accountability Officer.

Interview of Employee 1

10. On or around February 24, 2022, Board investigators interviewed Employee 1. In the under-oath interview, Employee 1 stated:

⁴ On or around August 17, 2022, Board investigators conducted an under-oath interview with the Administrator.

- a. She became a registered nurse in 2012. She was subsequently employed as an operating room nurse and, in 2016, she and the Respondent worked together in the operating room.
- b. The Respondent was flirtatious with her and, on multiple occasions, invited her to his office to discuss work-related matters. Once in his office, the Respondent closed the door and, among other things, they kissed and had intimate sexual contact.
- c. In 2019, she accepted a clinical research nurse position at the Institution where she was a research coordinator on a study (the "Research Study") led by the Respondent.
- d. After accepting the position, she and the Respondent kissed and had physical contact in his office.
- e. In October 2021, she and the Respondent attended a work conference (the "Work Conference") out-of-state. While attending the Work Conference, she and the Respondent consumed alcohol together and had sex.
- f. Following the Work Conference, she disclosed her relationship with the Respondent to her husband and the Institution.

The Respondent's Response

11. By letter dated March 2, 2022, the Board notified the Respondent that it had initiated an investigation of the Complaint and directed him to provide a written response to the allegations raised in the Complaint.

12. On or around March 16, 2022, the Board received the Respondent's written response. In his written response the Respondent stated, among other things, that:

- a. In 2016, he and Employee 1 began a flirtatious and physical relationship. Later that year, they mutually ended the relationship to focus on their respective marriages.

- b. In 2018, he initiated the Research Study and Employee 1 was hired as a liaison for the Research Study among the operating room staff.
- c. While attending the Work Conference, he and Employee 1 had sex at a hotel.
- d. He later learned that the relationship was in violation of [the Policy], and he was subsequently counseled by the Institution on [the Policy].

13. On or around July 28, 2022, the Board conducted an under-oath interview of the Respondent. The Respondent provided additional information regarding his relationship with Employee 1, including but not limited to:

- a. In 2016, he and Employee 1 would go to his office during breaks where they, among other things, flirted, embraced, groped each other, and had intimate sexual contact.
- b. The Work Conference occurred over several days during which time he and Employee 1 consumed alcohol together and had sex.
- c. He never disclosed his relationship with Employee 1 to the Institution because he was trying to hide the relationship.

The Institution's Conclusion Regarding the Investigation of the Respondent

14. On or around August 24, 2022, the Board received additional investigative records from the Institution including, but not limited to, an investigative summary conclusion, dated August 23, 2022, which stated, among other things, "there is no dispute that [the Respondent] violated the [the Policy] when he failed to disclose his intimate relationship with [Employee 1]."

CONCLUSIONS OF LAW

Based on the Findings of Fact, Disciplinary Panel A of the Board 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).

ORDER

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

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

ORDERED that the Respondent is placed on **PROBATION** for a minimum period of **ONE (1) YEAR**⁵ from the effective date of this Consent Order. During probation, the Respondent shall comply with the following terms and conditions of probation:

- (1) Within **six (6) months** from the effective date of this Consent Order, the Respondent is required to take and successfully complete a course on professionalism with a focus on appropriate workplace boundaries.
 - (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 Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the course;
 - (c) the course may not be used to fulfill the continuing medical education credits required for license renewal;
 - (d) the Respondent is responsible for the cost of the course.

(2) Within **ONE (1) YEAR** from the effective date of this Consent Order, the Respondent shall pay a civil fine of **FIVE THOUSAND DOLLARS (\$5,000.00)**. 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 the Respondent's license if the Respondent fails to timely pay the fine to the Board; and it is further

⁵ If the Respondent's license expires while the Respondent is on probation, the probationary period, and any probationary conditions, will be tolled.

ORDERED that a violation of probation constitutes a violation of the Consent Order; 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 a written petition for termination of probation. After consideration of the petition, the Respondent's probation may be administratively terminated through an order of the disciplinary panel if the Respondent has satisfactorily complied with all terms and conditions of probation and there are no pending complaints relating to the charges; 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 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 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 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 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 on the Respondent, and it is further

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

03/06/2023

Date

Signature On File

Christine A. Farréllly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Myron Gerard Paul-Slobogean, 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.

1-Mar-2023

Date

Signature On File

Myron Gerard Paul-Slobogean, M.D.
Respondent

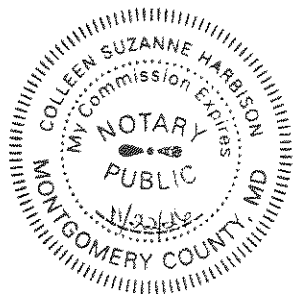
NOTARY

STATE OF Maryland

CITY/COUNTY OF Rockville / Montgomery

I HEREBY CERTIFY that on this 1st day of March 2023, before me, a Notary Public of the foregoing State and City/County, Myron Gerard Paul-Slobogean, M.D., personally appeared 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 notarial seal.



Colleen Harbison
Notary Public

My commission expires: 11/22/24