

IN THE MATTER OF \* BEFORE THE MARYLAND  
KYLE ALEXANDER SMITH, M.D. \* STATE BOARD OF  
Respondent \* PHYSICIANS  
License Number: D80285 \* Case Number: 2220-0065

\* \* \* \* \*

**CONSENT ORDER**

**BACKGROUND**

The Maryland Board of Physicians (the “Maryland Board”) received information that Kyle Alexander Smith, M.D., (the “Respondent”), License Number D80285, was disciplined by the Virginia Board of Medicine (the “Virginia Board”). In a Consent Order entered June 26, 2019, the Virginia Board reprimanded the Respondent and placed conditions on his medical license.

Based on the above referenced Virginia Board sanction, the Maryland Board has grounds to charge the Respondent with violating the following provisions of the Maryland Medical Practice Act (the “Act”), under H. O. § 14-404(a):

- (a) 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:
  - (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veteran’s Administration for an act that would be grounds for disciplinary action under this section,

The Maryland Board has determined that the acts for which the Respondent was disciplined in Virginia would be grounds for disciplinary action under H.O. § 14-404(a).

The grounds for disciplinary action under H.O. § 14-404(a) are as follows:

- (3) Is guilty of:
  - (i) Immoral conduct in the practice of medicine;
  - (ii) Unprofessional conduct in the practice of medicine;

Based on the action taken by the Virginia Board, the Respondent agrees to enter into this Consent Order with the Maryland Board of Physicians, consisting of Procedural Background, Findings of Fact, Conclusions of Law, and Order of reciprocal action.

#### **I. FINDINGS OF FACT**

The Board finds the following:

1. At all times relevant hereto, the Respondent was a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed in Maryland on or about August 19, 2015, and his license was placed on probation on October 31, 2017.

2. By Consent Order entered June 26, 2019, the Virginia Board reprimanded the Respondent and placed conditions on his medical license. The Virginia Board found that the Respondent engaged in conduct of a sexual nature that a reasonable patient would consider lewd and offensive. According to the Virginia Board, on September 5, 2017, the Respondent commented during an examination that Patient A was a “lovely woman.” Subsequent to the appointment, the Respondent began texting Patient A sexually-themed information, such as the fact that he slept naked. A copy of the Virginia Board Consent Order is attached hereto.

## **II. CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Maryland Board concludes as a matter of law that the disciplinary action taken by the Virginia Board against the Respondent was for an act or acts that would be grounds for disciplinary action under Health Occ. §14-404(a)(3)(i) and (ii) had those offenses been committed in this state.

## **III. ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby:



**ORDERED** that the Respondent be and is hereby **REPRIMANDED**, subject to the following terms and conditions:

- a. The Respondent shall comply with the terms and conditions of the June 26, 2019 Virginia Board Consent Order;
- b. The Respondent shall be prohibited from treating any female patients or supervising the treatment of female patients by other health care providers;
- c. If the Respondent fails to comply with any term or condition of this Consent Order, a Board panel, after notice and an opportunity to be heard, may take any action prescribed under Section 14-404(a) of the Maryland Medical Practice Act which includes a reprimand, probation or the suspension or revocation of the Respondent's medical license; and be it further

**ORDERED** that this **CONSENT ORDER** is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§4-101 through 4-601 (2014).

10/23/2019  
Date

***Signature on File***

Christine A. Farrelly    
Executive Director  
Maryland Board of Physicians

**CONSENT**

I, Kyle Alexander Smith, M.D., acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I admit to the Findings of Fact and Conclusions of Law, and I agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into 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 acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Consent Order, and understand its meaning and effect.

10/19/19  
Date

***Signature on File***

Kyle Alexander Smith, M.D.  
Respondent

STATE OF Maryland

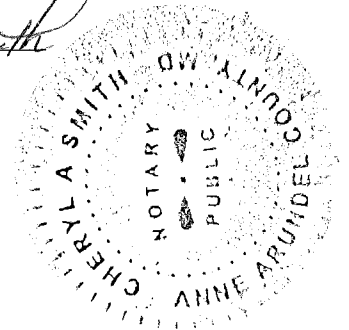
CITY/COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 19 day of OCT, 2019, before me, the subscriber, a Notary Public for the State and City/County aforesaid, personally appeared Kyle Alexander Smith, M.D., and made oath in due form of law that the execution of the foregoing Consent Agreement was his voluntary act and deed.

AS WITNESSETH my hand and my notarial seal

Cheryl A. Smith  
Notary Public

MY COMMISSION EXPIRES: Nov 13, 2022



**BEFORE THE VIRGINIA BOARD OF MEDICINE**

**IN RE: KYLE ALEXANDER SMITH, M.D.**  
**License Number: 0101-261741**  
**Case Numbers: 184557, 187868**

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**CONSENT ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

The Virginia Board of Medicine ("Board") and Kyle Alexander Smith, M.D., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Dr. Smith's license to practice medicine and surgery in the Commonwealth of Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Kyle Alexander Smith, M.D., was issued License Number 0101-261741 to practice medicine and surgery on January 27, 2017, which is scheduled to expire on February 29, 2020.
2. Kyle Alexander Smith, M.D., violated Virginia Code § 54.1-2915(A)(5) in that, by Consent Order dated October 27, 2017, the Maryland State Board of Physicians ("Maryland Board") reprimanded Dr. Smith and placed him on probation for a minimum period of two (2) years. The Maryland Board also mandated Dr. Smith's enrollment and compliance in the Maryland Professional Rehabilitation Program ("MPRP"), as well as completion of a continuing education course in maintaining appropriate physician-patient boundaries. This action was based on findings that, by his own admission, Dr. Smith accessed patients' electronic medical records to obtain their telephone numbers, and subsequently texted explicitly sexual communications to three (3) patients.
3. Dr. Smith violated Virginia Code § 54.1-2915(A)(13) and (14) in that he is unable to practice with reasonable skill or safety due to illness and represents a danger to patients and the public.  
Specifically:
  - a. See Confidential Exhibit.

b. See Confidential Exhibit.

c. Dr. Smith enrolled in the Maryland Physician Health Program in November 2017.

As of September 2018, he was compliant with the requirements of that program.

d. Dr. Smith entered the Virginia Health Practitioners' Monitoring Program (HPMP) (Secondary Monitoring) on May 18, 2018, acknowledging that he may suffer from mental illness that impairs his ability to practice safely.

e. Dr. Smith's diagnoses of Obsessive Compulsive Personality Disorder with Narcissistic Traits, Impulse Control Disorder with Compulsive Sexual Behavior, and Adjustment Disorder with Depressed Mood require ongoing treatment and monitoring.

4. Dr. Smith violated Virginia Code § 54.1-2915(A)(3), (12), (13), (16), (18), (19) and 18 VAC 85-20-100 in that he engaged in conduct of a sexual nature that a reasonable patient would consider lewd and offensive. Specifically, on September 5, 2017, Patient A sought treatment from Dr. Smith while he was practicing in Reston, Virginia, for a rash covering her body. Patient A stated that during the examination, Dr. Smith commented that she was a "lovely woman." Not long after leaving the office Patient A began receiving texts from Dr. Smith that at first addressed her appointment and the diagnosis. He continued texting Patient A and began to intersperse sexually-themed information, such as the fact that he slept naked. Dr. Smith admitted these allegations in a letter dated June 11, 2018, and emailed on August 28, 2018, to an investigator for the Department of Health Professions ("DHP").

5. Dr. Smith is currently practicing at Augusta Correctional Facility, an all-male institution, in Craigsville, Virginia.

## CONSENT

Kyle Alexander Smith, M.D., by affixing his signature to the Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document and am not represented by counsel;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; the right to representation by counsel; and the right to cross-examine witnesses against me;
4. I waive my right to an informal conference;
5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;
6. I consent to the entry of the following Order affecting my license to practice medicine and surgery in the Commonwealth of Virginia.

## ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS as follows:

1. Kyle Alexander Smith, M.D., is REPRIMANDED.
2. Kyle Alexander Smith, M.D., shall remain in HPMP and continue to comply fully with the terms of his contract and any addenda thereto, until he successfully completes the program. In




accordance with Dr. Smith's contract, the Board will be notified of any non-compliance with, or dismissal or resignation from, HPMP.

3. Kyle Alexander Smith, M.D., is prohibited from treating any female patients or supervising the treatment of female patients by other health care providers.

4. Any violation of this Order, or any statute or regulation governing the practice of medicine shall be grounds for further disciplinary action.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

  
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Jennifer Deschenes, J.D., M.S.  
Deputy Executive Director  
Virginia Board of Medicine

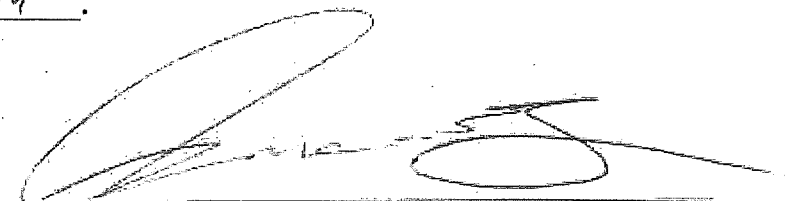
ENTERED: 6/26/2019

SEEN AND AGREED TO:

  
\_\_\_\_\_  
Kyle Alexander Smith, M.D.

~~DISTRICT OF COLUMBIA~~ Virginia JP  
CITY OF Fairfax County TO WIT:

Subscribed and sworn to before me, a notary public in and for the District of Columbia at large, on this  
18 day of July, 2019.

  
\_\_\_\_\_  
Notary Public

My commission expires: 03-31-22

Registration No.: 7777709

