

IN THE MATTER OF	*	BEFORE THE MARYLAND
STEPHEN BANE, M.D.	*	STATE BOARD OF
Respondent	*	PHYSICIANS
License Number: D81854	*	Case Number: 2221-0071

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

The Maryland Board of Physicians (the “Maryland Board”) received information that Stephen Bane, M.D., (the “Respondent”) License Number D81854, was disciplined by the Virginia Board of Medicine (the “Virginia Board”). In an Order dated December 15, 2020, the Virginia Board disciplined the Respondent by reprimand.

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,

Disciplinary Panel A (“Panel A”) 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)(22) are as follows:

- (22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this state,

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

FINDINGS OF FACT

Panel A makes the following findings of fact:

1. At all times relevant hereto, the Respondent was a physician licensed to practice otolaryngology in the State of Maryland. The Respondent was initially licensed in Maryland on or about June 6, 2016.

2. In its December 15, 2020 Consent Order the Virginia Board found the following:

- a. While performing endoscopic sinus surgery on a patient, the Respondent penetrated approximately 2 cm into the base of the patient's skull with an endoscopic shaver, and removed approximately 1 cubic cm of brain tissue.
- b. Following the surgery, the Respondent was informed that there was brain tissue in the patient's pathologic specimen but failed to notify the patient of the abnormal pathology report.

- c. The patient required an emergency revision endoscopic sinus surgery and repair of the skull base defect and cerebrospinal fluid leak.

A copy of the Virginia Board Consent Order is attached hereto.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent is subject to discipline under Health Occ. § 14-404(a)(21) for the disciplinary action taken by the Virginia Board against the Respondent for an act or acts that would be grounds for disciplinary action under Health Occ. §14-404(a)(22).

ORDER

It is, thus, by Panel A, hereby:

ORDERED that the Respondent be and is hereby **REPRIMANDED**; 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, 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).

02/09/2021
Date

Signature on File

Christine A. Farrelly
Executive Director
Maryland Board of Physicians

CONSENT

I, Stephen Bane, M.D., acknowledge that I am aware of my right to consult with and be represented by counsel in considering this Consent Order. I have chosen to proceed without counsel and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

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.

Signature on File

Date 1/27/21

Stephen Bane, M.D.
Respondent

NOTARY

STATE OF Virginia

CITY/COUNTY OF Prince William Co.

I HEREBY CERTIFY that on this 27 day of January, 2021, before me, a Notary Public of the State and City/County aforesaid, personally Stephen Bane,

M.D., and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Clucky S. Ranney

Notary Public

My Commission expires: July 31, 2021

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: STEPHEN MICHAEL BANE, M.D.
License Number: 0101-055871
Case Number: 201399

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Stephen Michael Bane, M.D., was issued License Number 0101-055871 to practice medicine on July 1, 1997, which is scheduled to expire on March 31, 2022.
2. Dr. Bane violated Virginia Code § 54.1-2915(A)(3) in his care and treatment of Patient A, a 53-year-old male who presented with a complaint of chronic sinusitis and who requested a rhinoplasty to reduce a nasal hump and elevate the nasal tip. Specifically:
 - a. On March 7, 2014, while performing endoscopic sinus surgery on Patient A, Dr. Bane penetrated approximately 2 cm into the base of Patient A's skull with an endoscopic shaver, and removed approximately 1 cubic cm of brain tissue.
 - b. Following the surgery, on March 10, 2014, Patient A complained of a sudden, severe headache and watery nasal discharge. On the same date, Dr. Bane was informed that there was brain tissue in Patient A's pathologic specimen. Dr. Bane failed to notify Patient A of the abnormal pathology report.
3. Patient A required an emergency revision endoscopic sinus surgery and repair of the skull base defect and cerebrospinal fluid leak.

4. In a letter to an investigator for the Department of Health Professions dated April 1, 2020, Dr. Bane stated that if presented with the same scenario in the future, he would immediately contact the patient upon learning that a defect occurred during surgery.

CONSENT

Stephen Michael Bane, M.D., by affixing his signature to this Consent Order, agrees to the following:

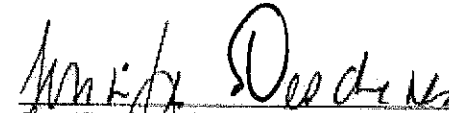
1. I have been advised to seek advice of counsel prior to signing this document and am represented by Susan L. Mitchell, Esq.;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 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; and the right to representation by counsel;
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 in the Commonwealth of Virginia.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS that Stephen Michael Bane, M.D., is REPRIMANDED.

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



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

ENTERED: 12/15/2020

SEEN AND AGREED TO:

Stephen Michael Bane

Stephen Michael Bane, M.D.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Prince William Co., TO WIT:

Subscribed and sworn to before me, a notary public in and for the Commonwealth of Virginia at large,
on this 9th day of December, 2020.

Charles S. Rowley

Notary Public

My commission expires:

July 31, 2021

Registration No.:

7553583