

IN THE MATTER OF	*	BEFORE THE
SPENCER D. THOMAS, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D82725	*	Case Number: 2220-0069A

CONSENT ORDER

On October 9, 2019, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged **Spencer D. Thomas, M.D.** (the “Respondent”), License Number D82725, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2014 Repl. Vol. & 2018 Supp.).

Panel A charges the Respondent under the following provision of the Act:

§ 14-404. Denials, reprimands, probations, suspensions, and revocations – Grounds.

(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:

...

(7) Habitually is intoxicated[.]

On December 4, 2019 Panel A was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on 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, and Order.

FINDINGS OF FACT

Panel A finds:

1. The Board first issued the Respondent a license to practice medicine in the State of Maryland on December 29, 2016, under License Number D82725. The Respondent's license will expire on September 30, 2021.

2. The Respondent completed a residency training program in anesthesiology. He has not reported any board certifications or self-designated practice areas to the Board.

3. On or about January 15, 2019, the Respondent self-reported to the Board that he had been treated for a condition¹ that involved his use of an intoxicating substance.

4. On or about February 12, 2019, the Respondent provided the Board with a discharge summary from his treatment provider that detailed his condition as well as the treatment he received.

5. On or about June 21, 2019, the Board, having obtained the Respondent's prior authorization, obtained a copy of records from the Respondent's treatment provider. These records confirmed a diagnosis of and ongoing treatment for a specific condition that involved the use of an intoxicating substance.

6. By letter dated August 16, 2019, the Board directed the Respondent to contact a Board-approved program (the "Program") by August 26, 2019, and schedule an evaluation with the Program.

7. On or about September 3, 2019, the Program received written notice that the Respondent was unable to complete an evaluation with the Program because was receiving intensive, ongoing treatment in Virginia for a condition involving the use of an intoxicating substance.

¹ To maintain confidentiality, the Respondent's specific condition and treatment that he received for it will not be described in this Consent Order.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes that Respondent was habitually intoxicated, in violation of Health Occ. § 14-404(a)(7).

ORDER

It is thus by Disciplinary Panel A of the Board, hereby:

ORDERED that the Respondent's Summary Suspension is **TERMINATED**; and it is further

ORDERED that the Respondent's license to practice medicine is **SUSPENDED** for a minimum of **SIX MONTHS**.²

ORDERED that during the suspension, the Respondent shall comply with the following terms and conditions of the suspension:

1. The Respondent shall enroll in the Maryland Professional Rehabilitation Program (MPRP) as follows:

- (a) Within 5 business days, the Respondent shall contact MPRP to schedule an initial consultation for enrollment;
- (b) Within 30 business days, the Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;
- (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 Agreement(s) and Participant

² If the Respondent's license expires during the period of the suspension, the suspension and any conditions will be tolled.

Rehabilitation Plan(s) entered with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP;

(d) the Respondent 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. The Respondent shall not withdraw his/her release/consent;

(e) the Respondent 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/her release/consent;

(f) the Respondent'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 Consent Order;

2. During the suspension period, the Respondent shall not:

(a) practice medicine;

(b) take any actions after the effective date of this Order to hold himself or herself out to the public as a current provider of medical services;

- (c) authorize, allow or condone the use of the Respondent's name or provider number by any health care practice or any other licensee or health care provider;
- (d) function as a peer reviewer for the Board or for any hospital or other medical care facility in the state;
- (e) dispense medications; or
- (f) perform any other act that requires an active medical license.

3. The Respondent shall establish and implement a procedure by which the Respondent's patients may obtain their medical records without undue burden and notify all patients of that procedure; and it is further

ORDERED that the Respondent shall not apply for early termination of suspension; and it is further

ORDERED that after the minimum period of suspension imposed by the Consent Order has passed and the Respondent has fully and satisfactorily complied with all terms and conditions for the suspension, the Respondent may submit a written petition to the disciplinary panel for termination of the suspension. The Respondent may be required to appear before the disciplinary panel to discuss his or her petition for termination. If the disciplinary panel determines that it is safe for the Respondent to return to the practice of medicine, the suspension shall be terminated through an order of the disciplinary panel, and the disciplinary panel may impose any terms and conditions it deems appropriate on the Respondent's return to practice, including, but not limited to, probation. If the disciplinary panel determines that it is not safe for the Respondent to return to the practice of medicine, the suspension shall be continued through an order of the disciplinary panel

for a length of time determined by the disciplinary panel, and the disciplinary panel may impose any additional terms and conditions it deems appropriate; 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 or her designee 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 the disciplinary panel determines 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 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 with appropriate terms and conditions, 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* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6); and it is further

01/06/2020
Date

Signature on File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, **Spencer D. Thomas** assert that I am aware of my right to consult with and be represented by counsel in considering this Consent Order and in any proceedings that would otherwise result from the charges currently pending. 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

12/31/19
Date

Spencer D. Thomas, M.D.
Respondent

NOTARY

STATE OF Texas
CITY/COUNTY OF Bexar

I HEREBY CERTIFY that on this 31st day of December 2019, before me, a Notary Public of the foregoing State and City/County, personally appeared Spencer D. Thomas, M.D., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Shannon N. Yost
Notary Public

My Commission expires: 7/13/2022

