

IN THE MATTER OF
DONNA JASPER, D. O.

Respondent

License Number: H53769

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case Number: 2219-0037 B

* * * * *

CONSENT ORDER

On January 2, 2020, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged **Donna Jasper, D.O.**, (the “Respondent”), License Number H53769, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2014 Repl. Vol. and 2019 Supp.).

The pertinent provisions of the Act provide:

Health Occ. § 14-404(a)(3). 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:

(3) Is guilty of:

(i) Unprofessional conduct in the practice of medicine [;]

On February 26, 2020, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring as a result of the DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

Panel B finds:

Background/Licensing Information

1. At all times relevant to these charges, the Respondent was and is a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on July 29, 1998, under License Number H53769. The Respondent's Maryland medical license is active through September 30, 2020.
2. The Respondent is not board-certified in any medical specialty.
3. The Respondent received her doctorate in Osteopathic Medicine from Philadelphia College of Osteopathic Medicine in 1993.
4. The Respondent was a solo practitioner providing obstetrical and gynecological care from June 2001 until September of 2006.
5. From 2006 until early 2015, the Respondent worked at a hospital as an obstetrician/gynecologist hospitalist and then as a surgical first assistant for a health care company.
6. In February 2015, the Respondent was employed at a health care facility located in Baltimore City, Maryland ("the Facility"¹). She was employed at the Facility from February 2015 until September 13, 2018. As part of the terms

¹ The names of facilities and individuals are confidential and will not be disclosed in this Consent Order. The Respondent is aware of the names of facilities and individuals referenced herein.

of her employment, the Respondent signed a Professional Services Employment Agreement.

7. On or about September 19, 2018, the Board received a Mandated 10-Day Report from the Facility, which stated that the Respondent was terminated for cause after she violated the Professional Services Employment Agreement. Specifically, the Facility determined that the Respondent delivered to the home of a former patient (“the Patient” or “the Former Patient”) a hand-written poem and several personal items.

I. The Investigation

8. The Respondent provided the Patient gynecological care starting in 2002.

9. The Respondent saw the Patient on approximately a yearly basis.

10. In 2003, the Patient became pregnant.

11. On January 27, 2004, the Patient was almost 24 weeks pregnant and the Respondent admitted the Patient to a hospital with premature rupture of membranes (early labor).

12. The Patient remained hospitalized to prevent early labor.

13. During this time, the Respondent visited the Patient daily, they discussed shared interests and they started to develop a friendship.

14. On February 4, 2004, the Respondent determined that a cesarean section was medically necessary. The Respondent performed the procedure and delivered a viable infant (“the Child”).

15. The Child was diagnosed with serious medical conditions including, but not limited to, cerebral palsy, severe neurological disease, seizure disorder, severe developmental delay, and legal blindness. In addition, the child was non-verbal and required 24-hour care.

16. The Child remained in the neonatal intensive care unit for approximately 121 days after birth.

17. After the birth, the Respondent provided the Patient medical care until 2006 but the friendship between the Respondent and Patient continued to grow beyond that date.

18. The Respondent joined the Patient's book club that met monthly.

19. The Respondent and the Former Patient had private and personal conversations regarding but not limited to the Child and the Child's medical prognosis.

20. The Respondent learned that the Former Patient was a religious person and they would discuss their prayers for the best outcomes for the Child.

21. The Respondent would discuss the Child's medical care, including medically-necessary surgeries.

22. The Respondent gave the Former Patient and the Child gifts; bibs and a pair of earrings for the Child and a photograph of a religious nature for the Former Patient.

23. The Former Patient also gave the Respondent gifts. The Former Patient gave the Respondent a journal and, when the Respondent opened a

children's gym, the Former Patient gifted her a decorative rock inscribed with the word "giggle."

24. The Former Patient kept a blog where she documented her life with the Child, posted photographs of their activities and shared her most personal thoughts.

25. In 2016, after consulting with an attorney, the Former Patient filed a medical malpractice lawsuit against the Respondent and other individuals involved in the birth of the Child.

26. The Former Patient arranged to meet the Respondent in person. At that meeting, the Former Patient informed the Respondent of the lawsuit.

27. The Lawsuit settled in July of 2018.

28. In September 2018, the Former Patient found on her front porch a knotted bag containing a journal, broken pieces of the inscribed "giggle" rock, and a partially crumpled photograph of a religious nature with jagged black pen markings.

29. On the knotted bag was a Post-It note that stated:

Because I want nothing in my house that reminds me of your betrayal.

30. Inside the journal was the following hand-written poem:

The Cost

We prayed together that she would live.
We prayed together for all the white light.
We prayed together for the best outcomes.
You stopped praying.
I prayed she would die.

I prayed to tell my truth.
Now I pray she lives a long and
burdensome life so you can get your
money's worth.
What are you praying for these days?
It should be for forgiveness.

31. The following page of the journal says:

Psalm 34:19

32. The last page of the journal states:

It hasn't affected my job. It hasn't
affected my insurance, just what your
attorney told you. But it has left a hole in
my heart and a scar on my soul that can
never be repaired.

33. The Respondent's actions were extremely upsetting to the Former
Patient.

II. The Respondent's Interview

34. In her interview with the Board, the Respondent confirmed that she
treated the Former Patient from 2002 until 2006 and that they developed a
friendship after the birth of the Child.

35. The Respondent said that when she learned of the lawsuit, she was
"heartbroken" and "so upset."

36. The Respondent admitted to driving thirty minutes to the Former
Patient's house, writing the poem, scribbling across the religious
photograph, smashing the "giggle" rock, and leaving the items on the
Former Patient's front porch.

37. She explained:

Those things in particular were just really bothering me...I took everything and left it on her doorstep.

38. The Respondent indicated that she created the poem approximately a week prior to leaving it on the Former Patient's porch and wrote it in the journal shortly before she dropped off the items. She further stated:

I know some of the things that I wrote in there were not very kind, but I was very hurt and emotional at the time. And in hindsight, was it not a nice thing to do to your friend, or ex-friend, no, it wasn't very kind, but I never got to say my peace.

39. With respect to the referenced Psalm, the Respondent explained:

[The Former Patient] is a very religious woman...it just rang to me and what the Psalm says is the Lord is close to the broken-hearted and those who are crushed in spirit he saves...again, just wanting her to know where I was going to get my forgiveness and that she hurt me.

40. The Respondent indicated her intent was:

to hurt [the Former Patient's] feelings and let her know my feelings were hurt.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes that the Respondent is guilty of unprofessional conduct in the practice of medicine, in violation of Md. Code Ann., Health Occ. § 14-404(a)(3)(ii).

ORDER

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

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

ORDERED that within **SIX (6) MONTHS** of the effective date of this Consent Order, the Respondent is required to take and successfully complete an intensive ethics course on appropriate physician-patient relationships. The following terms apply:

- (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 disciplinary panel will not accept a course taken over the internet;
- (c) the Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the course;
- (d) the course may not be used to fulfill the continuing medical education credits required for license renewal;
- (e) the Respondent is responsible for the cost of the course; 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 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, 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; and it is further

ORDERED that the Respondent 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. The Executive Director signs the Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Order; and it is further

ORDERED 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).

03/30/2020
Date

Signature on File

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

CONSENT

I, Donna Jasper, D.O., 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.

Signature on File

3/20/20
Date

Donna Jasper, D.O.
Respondent

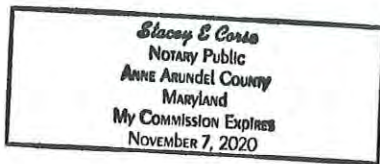
NOTARY

STATE OF Maryland

CITY/COUNTY OF Annapolis/Anne Arundel

I HEREBY CERTIFY that on this _____ day of March 2020, before me, a Notary Public of the foregoing State and City/County, personally appeared Donna Jasper, D.O., and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.



Stacey E. Conis
Notary Public

My Commission expires: 11-7-2020