

IN THE MATTER OF

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BEFORE THE

THOMAS F. FAHEY, JR., R.C.P.

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MARYLAND STATE

Respondent

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BOARD OF PHYSICIANS

License Number: L06311

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Case Number: 7721-0052

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ORDER TERMINATING SUSPENSION AND IMPOSING PROBATION

On May 3, 2018, Thomas F. Fahey, Jr., R.C.P., (the "Respondent") and Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") entered into a Consent Order. Under the terms of the Consent Order, Panel B suspended Mr. Fahey's license to practice respiratory care in Maryland and required him to enroll in the Maryland Professional Rehabilitation Program ("MPRP") and comply with MPRP's requirements. The Consent Order also provided that, upon Mr. Fahey's petition to Panel B to terminate the suspension and Panel B's determination that it was safe for Mr. Fahey to return to the practice of respiratory care, Panel B would terminate the suspension and impose any terms and conditions deemed appropriate by Panel B for Mr. Fahey's return to practice.

On May 6, 2021, Mr. Fahey petitioned the Board for the termination of the suspension. On June 23, 2021, he appeared before Panel B for consideration of his petition.

Panel B finds that Mr. Fahey has complied with the terms and conditions of the Consent Order and it is safe for Mr. Fahey to return to the practice of respiratory care, if certain terms and conditions are imposed. It is, thus, by Panel B, hereby

ORDERED that the suspension of Mr. Fahey's Maryland respiratory care practitioner license, imposed under the May 3, 2018, Consent Order, is **TERMINATED**; and it is further

ORDERED that Mr. Fahey is placed on **PROBATION** for a minimum period of **FIVE YEARS**.¹ During the probationary period, Mr. Fahey shall comply with the following probationary terms and conditions:

Mr. Fahey shall remain enrolled in MPRP and shall:

1. continue his Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP or be entered into an amended Participant Rehabilitation Agreement and amended Participant Rehabilitation Plan as determined by MPRP; and
2. fully and timely cooperate and comply with all of MPRP's referrals, rules, and requirements, including, but not limited to, the terms and conditions of the Participant Rehabilitation Agreement and Participant Rehabilitation Plan entered into with MPRP, and he shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP; and
3. 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. Mr. Fahey shall not withdraw his release/consent; and
4. sign and update the written release/consent forms as requested by the Board and MPRP. Mr. Fahey shall sign the release/consent forms to authorize MPRP to make verbal and written disclosures to the Board, including disclosure of any and all MPRP records and files possessed by MPRP. Mr. Fahey 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 Mr. Fahey's current therapists and treatment providers) verbal and written information concerning Mr. Fahey and to ensure that MPRP is authorized to receive the medical records of Mr. Fahey, including, but not limited to, mental health and drug or alcohol treatment records. Mr. Fahey shall not withdraw his release/consent; and it is further

ORDERED that, after a minimum period of **FIVE YEARS**, and after Mr. Fahey has complied with all terms and conditions of probation, and upon MPRP's determination that Mr. Fahey can practice without additional monitoring, Mr. Fahey may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may

¹ If Mr. Fahey's license expires while he is on probation, the probationary period and any probationary conditions will be tolled.

be terminated through an order of Panel B. Mr. Fahey may be required to appear before Panel B to discuss his petition for termination or the Panel may choose to administratively terminate the probation. Panel B will grant the petition to terminate the probation if Mr. Fahey has complied with all of the probationary terms and conditions, the panel determines that he can practice without additional monitoring, and there are no pending complaints related to the charges; and it is further

ORDERED that, if Mr. Fahey allegedly fails to comply with any term or condition of probation or this Order Terminating Suspension and Imposing Probation, he 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 evidentiary hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings followed by an exceptions process before the disciplinary panel, and, if the disciplinary panel determines there is no genuine dispute as to a material fact, Mr. Fahey shall be given a show cause hearing before Panel B; and it is further

ORDERED that, after the appropriate hearing, if Panel B determines that Mr. Fahey has failed to comply with any term or condition of probation or this Order Terminating Suspension and Imposing Probation, Panel B may reprimand Mr. Fahey, place Mr. Fahey on additional probation with appropriate terms and conditions, or suspend Mr. Fahey's license with appropriate terms and conditions, or revoke Mr. Fahey's license to respiratory care in Maryland. Panel B may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon Mr. Fahey; and it is further

ORDERED that Mr. Fahey shall not apply for early termination of probation; and it is further

ORDERED that Mr. Fahey is responsible for all costs incurred in fulfilling the terms and conditions of this Order; and it is further

ORDERED that, unless stated otherwise in this Order, any time period prescribed in this Order begins when this Order goes into effect. This Order goes into effect upon the signature of the Board's Executive Director or her designee, who signs on behalf of Panel B; and it is further

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

Signature on File

07/09/2021
Date

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