

**IN THE MATTER OF
MICHAEL NERO, R.C.P.
RESPONDENT**

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**BEFORE THE
MARYLAND STATE BOARD
OF PHYSICIANS
Case Number: 7719-0119**

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ORDER TERMINATING SUSPENSION AND IMPOSING PROBATION

On June 13, 2017, the Maryland State Board of Physicians (“Board”) and the Respondent, Michael Nero, R.C.P, entered into a Disposition Agreement, which required that he enroll in the Maryland Professional Rehabilitation Program (“MPRP”). Mr. Nero agreed to comply with all of MPRP’s recommendations and agreed to fulfill all conditions of the Participant Rehabilitation Agreement that he signed with MPRP on June 26, 2017. On multiple occasions in 2018, MPRP reported to the Board that Mr. Nero had failed to comply with the terms and conditions of the Participant Rehabilitation Agreement. On November 18, 2018, Disciplinary Panel A (“Panel A”) of the Board issued a Violation of Board Order and Notice to Show Cause regarding Mr. Nero’s alleged violations of his Disposition Agreement. Panel A held a show cause hearing on December 5, 2018, during which Mr. Nero admitted his violations.

On December 21, 2018, Panel A received another report from MPRP that Mr. Nero had again failed to comply with his Rehabilitation Agreement. On December 31, 2018, the panel received a written acknowledgement of his failure to comply from Mr. Nero. On March 27, 2019, Panel A issued a second Violation of Board Order and Notice to Show Cause and held another show cause hearing on May 8, 2019 at which Mr. Nero had the opportunity to argue why his license should not be subject to further discipline.

Panel A issued the Order After Show Cause Hearings, dated June 4, 2019, which addressed the evidence and presentations before the panel at the show cause hearings held on December 5, 2018 and May 8, 2019, and determined that Mr. Nero had violated his June 13, 2017 Disposition Agreement. The Panel imposed a period of suspension for a minimum of six months with certain terms and conditions, including that Mr. Nero remain enrolled in MPRP, followed by a period of probation for a minimum of five years. Mr. Nero has fully and satisfactorily complied with the terms and conditions of the suspension and has submitted a written petition for termination of the suspension.

It is hereby

ORDERED that the suspension of Mr. Nero's respiratory care license is **TERMINATED**; and it is further

ORDERED that Mr. Nero's respiratory care license is placed on **PROBATION**² for a minimum period of **FIVE (5) YEARS**. During the probationary period, Mr. Nero shall comply with the following terms and conditions:

1. Mr. Nero shall remain enrolled in MPRP and continue in his Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;
2. Mr. Nero shall fully and timely cooperate and comply with all MPRP referrals, rules, and requirements, including, but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP;

² If Mr. Nero's license expires during the period of probation, the probation and any conditions will be tolled.

3. Mr. Nero's failure to comply with any term or condition of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) shall constitute a violation of this Order;
4. Mr. Nero 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. A failure to, or withdrawal of, consent, is a violation of this Order.
5. Mr. Nero 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. Nero's current therapists and treatment providers) verbal and written information concerning Mr. Nero and to ensure that MPRP is authorized to receive the medical records of Mr. Nero, including, but not limited to, mental health and drug or alcohol evaluation and treatment records; and it is further

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

ORDERED that after a minimum of five years has passed and Mr. Nero has fully and satisfactorily complied with all terms and conditions of probation, Mr. Nero may submit a written petition for termination of probation. After consideration of the petition, the probation may be terminated through an order of a disciplinary panel. Mr. Nero may be required to appear before the disciplinary panel to discuss his petition for termination. The disciplinary panel may grant the petition to terminate the probation through an order of the disciplinary panel, if Mr. Nero has successfully complied with all of the probationary terms and conditions and if there are no pending complaints related to the charges; and it is further

ORDERED that if Mr. Nero allegedly fails to comply with any term or condition imposed by this Order, Mr. Nero 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, Mr. Nero 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 Mr. Nero has failed to comply with any term or condition imposed by this Order, the disciplinary panel may reprimand Mr. Nero, placed Mr. Nero on probation with appropriate terms and conditions, or suspend or revoke Mr. Nero's license to practice respiratory care in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon Mr. Nero; and it is further

ORDERED that Mr. Nero 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 of the Order is signed by the Executive Director of the Board or her designee. The Executive Director or designee signs the Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Order; and it is further

ORDERED that this is a **PUBLIC DOCUMENT**.

02/27/2020
Date

Signature on File

Christine A. Farrelly
Executive Director
Maryland Board of Physicians