

Michael Nero, RCP

Date: JULY 06, 2020

Mark D. Olszyk, M.D., Chair
Disciplinary Panel A
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, MD 21215-2299

Re: Surrender of License to Practice Respiratory Care
Michael Nero, RCP License Number: L06765
Case Number: 7720-0083

Dear Dr. Olszyk and Members of Disciplinary Panel A,

Please be advised that, pursuant to Md. Code Ann., Health Occ. ("Health Occ.") §14-5A-16 (2014 Repl. Vol. & 2019 Supp.), I have decided to **SURRENDER** my license to practice respiratory care in the State of Maryland, License Number L06765, effective immediately. I understand that upon surrender of my license, I may not give advice or treatment to any individual, with or without compensation, and cannot engage in the practice of respiratory care in the State of Maryland as it is defined in the Maryland Respiratory Care Practitioners Act (the "Act"), Health Occ. §§ 14-5A-01 *et seq.* and other applicable laws. In other words, as of the effective date of this Letter of Surrender, I understand that the surrender of my license means that I am in the same position as an unlicensed individual in the State of Maryland.

I understand that this Letter of Surrender is a **PUBLIC DOCUMENT**, and upon Disciplinary Panel A's ("Panel A") acceptance, becomes a **FINAL ORDER** of Panel A of the Maryland State Board of Physicians (the "Board").

I acknowledge that, on February 27, 2020, Panel A issued an Order Terminating Suspension and Imposing Probation placing me on probation for a minimum of five years and required that I remained enrolled in the Maryland Professional Rehabilitation Program ("MPRP") and to continue in my participate rehabilitation agreement. A copy of the Order is attached and incorporated herein as Attachment 1. I acknowledge that the Board was notified by MPRP that I violated my Rehabilitation Agreement. The Board requested a written response and I advised the Board of my desire to be removed from the MPRP and surrender my license. I have decided to surrender my license to practice respiratory care in the State of Maryland to avoid further investigation and prosecution of the allegations that I violated the February 27, 2020 Order Terminating Suspension and Imposing Probation. I acknowledge that the Order Terminating Suspension and Imposing Probation remains and will continue to be a valid Final Order of the Board, however, upon acceptance of the Letter of Surrender, I will not be required to comply with the conditions of the Order as long as I do not have or possess a respiratory care license in Maryland.

Mark D. Olszyk, M.D. and Members of Disciplinary Panel A

RE: Michael Nero, RCP

Letter of Surrender

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I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender to avoid the issuance of charges and prosecution for the violation aforementioned. I do not wish to contest these allegations. I understand that by executing this Letter of Surrender I am waiving my right to contest any charges that would issue from Panel A's investigative findings in a formal evidentiary hearing at which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf and all other substantive and procedural protections provided by law, including the right to appeal to circuit court.

I understand that the Board will advise the Federation of State Medical Boards, and the National Practitioner Data Bank of this Letter of Surrender. I also understand that in the event I would apply for licensure in any form in any other state or jurisdiction that this Letter of Surrender may be released or published by the Board to the same extent as a final order that would result from disciplinary action, pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014), and that this Letter of Surrender constitutes a disciplinary action by Panel A.

I further recognize and agree that by submitting this Letter of Surrender, my license will remain surrendered unless and until the Board grants reinstatement. In the event that I apply for reinstatement of my Maryland License, I understand that Panel A or its successor is not required to grant reinstatement; and, if it does grant reinstatement, may impose any terms and conditions the disciplinary panel considers appropriate for public safety and the protection of the integrity and reputation of the profession. I further understand that if I ever file a petition for reinstatement, I will approach Panel A or its successor in the same position as an individual whose license has been revoked.

I acknowledge that I may not rescind this Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have been advised of my right to be represented by an attorney of my choice throughout proceedings before Panel A, including the right to consult with an attorney prior to signing this Letter of Surrender. I understand both the nature of Panel A's actions and this Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Letter of Surrender. I make this decision knowingly and voluntarily.

Very truly yours,

Signature on File

Michael Nero, RCP.

NOTARY

STATE OF MD

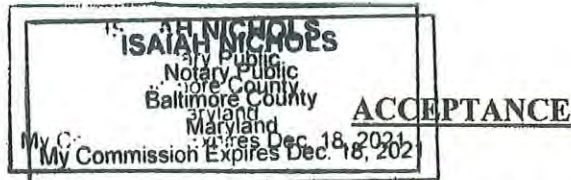
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 6th day of July, 2020 before me, a Notary Public of the City/County aforesaid, personally appeared Michael Nero, RCP, and declared and affirmed under the penalties of perjury that the signing of this Letter of Surrender was voluntary.

AS WITNESS my hand and Notarial seal.


Notary Public

My commission expires: Dec 18, 2021



On behalf of Disciplinary Panel A, on this 13th day of July, 2020, I, Christine A. Farrelly, accept the **PUBLIC SURRENDER** of Michael Nero, RCP's license to practice respiratory care in the State of Maryland.

Signature on File

Christine A. Farrelly, Executive Director
Maryland Board of Physicians

Attachment 1

IN THE MATTER OF * **BEFORE THE**
MICHAEL NERO, R.C.P. * **MARYLAND STATE BOARD**
RESPONDENT * **OF PHYSICIANS**
License Number: L06765 * **Case Number: 7719-0119**

* * * * *

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

