

IN THE MATTER OF  
TOLAND L. ASH, M.D.

Applicant

\* BEFORE THE  
\* MARYLAND STATE  
\* BOARD OF PHYSICIANS  
\* Case Number: 2224-0125B

\* \* \* \* \*

**CONSENT ORDER**

On May 22, 2024, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) issued a notice to Toland L. Ash, M.D. (the “Applicant”), notifying Dr. Ash of Panel B’s intent to deny his application for an initial license to practice medicine in Maryland, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.*

The notice of intent to deny was based upon the following provisions of the Act:

**Health Occ. § 14-205. Miscellaneous powers and duties.**

(b) *Additional powers.*

(3) Subject to the Administrative Procedure Act and the hearing provisions of § 14-405 of this title, a disciplinary panel may deny a license to an applicant . . . for:

(i) Any of the reasons that are grounds for action under § 14-404 of this title[.]

The § 14-404 grounds underlying Health Occ. § 14-205 include the following:

**Health Occ. § 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:

...

(21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veterans' Administration for an act that would be grounds for disciplinary action under this section;

...

(22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State;

...

(27) Sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purposes;

...

(a) (2) After completion of the appellate process if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, a disciplinary panel shall order the revocation of a license on the certification by the Office of the Attorney General.<sup>[1]</sup>

On September 25, 2024, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on the negotiations occurring as a result of this DCCR, the Applicant agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

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<sup>1</sup> The notice of intent to deny was also based upon §§ 14-404(a)(44) and 14-307(b) of the Health Occupations Article, but those grounds are dismissed, as set forth in the Conclusions of Law.

## FINDINGS OF FACT

Panel B makes the following factual findings:

### **I. The Application**

1. At the time the Applicant submitted his Application to the Board on November 1, 2023, he had active medical licenses in 12 States. The Applicant graduated from Meharry Medical College School of Medicine in May 2000. The Applicant is board-certified in family medicine.

2. At all times relevant hereto, the Applicant is not and has never been licensed to practice medicine in the State of Maryland.

3. The Application for initial medical licensure to the Board required the Applicant to answer “YES” or “NO” to a series of questions and provide written explanations for all “YES” responses.

4. The Applicant answered “YES” to the following question on Part 5 – Medical Licensing Exams & History, Licensing History on the Application:

Question c. Has any disciplinary action ever been taken against your license?

5. The Applicant also answered “YES” to the following questions on Part 6 – Character and Fitness on the Application:

Question 1. Has a state licensing or disciplinary board (including Maryland), a comparable body in the armed services, or the Veterans Administration, ever denied your application for licensure, reinstatement, or renewal?

Question 2. Has a state licensing or disciplinary board (including Maryland), a comparable body in the armed services, or the Veterans Administration, ever taken action against

your license? Such actions include, but are not limited to, limitations of practice, required education admonishment or reprimand, suspension, probation or revocation.

Question 3. Has any licensing or disciplinary board in any jurisdiction (including Maryland), a comparable body in the armed services, or the Veterans Administration, ever filed any complaints or charges against you or investigated you for any reason?

6. The Applicant also answered “YES” to the following question on Part 6 – Character and Fitness on the Application:

Question 7. Have you ever pleaded guilty or nolo contendere to any criminal charge, been convicted of a crime, or received probation before judgment because of a criminal charge?

7. The Applicant also answered “YES” to the following question on Part 6 – Character and Fitness on the Application:

Question 8. Have you ever committed an offense involving alcohol or controlled dangerous substances to which you pled guilty or nolo contendere, or for which you were convicted or received probation before judgment? Such offenses include, but are not limited to, driving while under the influence of alcohol or controlled dangerous substances.

8. The Applicant provided a written explanation for his affirmative responses to the Questions on his Application. The Applicant stated in part that in early 2006, he took a Locums-Tenens assignment in the emergency department of a Hospital in Louisiana. On his off days, the Applicant stated he worked for three months at a Medical Center that treated patients with “chronic intractable pain.” When the Applicant decided to leave the Medical Center, he provided patients he evaluated and treated “with four weeks of pre-

written prescriptions, a month's refill of the medications that they were taking, which I felt to be medically justifiable." The Applicant stated that he then left Louisiana and practiced medicine in Georgia and then Florida.

9. The Applicant stated that the Medical Center thereafter was "investigated by the Louisiana medical board," and "several other doctors and I were placed on medical probation by the Louisiana medical board secondary to the pre-written prescriptions." Thereafter, the Applicant stated medical boards in Georgia, Florida and Illinois placed him on "medical probation." The Applicant stated he is "no longer on medical probation in [Louisiana, Georgia and Florida]. I practice medicine via telemedicine, and because of that I have since obtained 8 other unrestricted state licenses." The Applicant stated there is "a condition on my Illinois medical license," which lapsed in July 2005.

10. The Applicant stated he "was given a misdemeanor secondary to the above occurrences, five years later and placed on probation."

11. The Applicant also stated one evening driving home from a restaurant, he "was stopped while driving home. I refused a sobriety test, and subsequently was given a DUI. Since I was on probation at the time, this violated the terms of the probation, and as a result my probation was lengthened as a result of this."

## **II. Board Investigation**

12. After receiving this information, the Board initiated an investigation concerning the disciplinary actions taken against the Applicant's medical licenses, including obtaining licensure files from 12 States, public Consent Orders with State

medical boards, and documents concerning a 2011 criminal indictment and subsequent plea agreement in the United States District Court for Western District of Louisiana.

13. The Board's investigation revealed that on September 17, 2007, the Applicant and the Louisiana State Board of Medical Examiners (the "Louisiana Board") entered into a pre-charge public Consent Order. The Consent Order involved the Applicant's "prescription-writing practices for controlled substances during a two and a half month period during 2006." The Consent Order states that an investigation determined the Applicant "may have issued controlled substances to certain individuals without legitimate medical justification[.]" The Consent Order states that prior to being notified of the Louisiana Board's investigation, the Applicant "had relocated to and established a medical practice in the State of Florida with the intention of never returning to or ever again practicing in the State of Louisiana."

14. The Consent Order in part states that if the Applicant should return to Louisiana to practice medicine, he would be placed on probation for three years, be prohibited from practicing medicine in the field of the management of non-malignant chronic or intractable pain, be prohibited from prescribing any Schedule II, III, IV or V controlled substances during the probationary period, and successfully complete courses in prescribing of controlled substances, and the creation and maintenance of adequate medical records. On February 18, 2013, the Louisiana Board issued a Superseding Order terminating the 2007 Consent Order. The Applicant's Louisiana medical license is inactive.

15. On May 12, 2011, the Applicant was criminally indicted in the United States District Court for the Western District of Louisiana, Lafayette Division. The indictment

was predicated on the same facts that served as the basis for the 2007 Consent Order with the Louisiana Board. The Applicant was charged with conspiracy to dispense controlled substances, and unlawful dispensing of controlled substances.

16. On July 5, 2012, the Applicant entered into a Plea Agreement in which he pleaded guilty to “knowingly and intentionally dispensed some amount of a mixture or substance containing Codeine Preparations (Phenergan-C), a Schedule V controlled substance, outside the scope of professional practice and not for a legitimate medical purpose.” On May 28, 2013, the Applicant was sentenced to supervised probation for a term of 3 years, 100 hours of community service, and fined \$10,000.00.

17. On October 14, 2014, the Applicant was arrested and charged with driving under the influence in Broward County, Florida. On March 4, 2015, the Applicant entered a plea of *nolo contendere* to the charge, and was placed on probation for nine months.

18. As a result of the driving under the influence conviction, on March 9, 2015, it was determined that the Applicant violated the terms of his supervised federal probation, and was sentenced to a new three-year term of supervised probation. On June 2, 2017, the Applicant’s supervised federal probation was terminated.

19. Thereafter, the Applicant applied for and was issued a medical license in the following States:

- Alabama - January 1, 2019
- Colorado - January 20, 2021
- Delaware - May 5, 2021
- District of Columbia - October 13, 2021

- Iowa - June 1, 2022
- Michigan - August 19, 2019
- Missouri - September 22, 2023
- Pennsylvania - September 26, 2023
- Tennessee - July 25, 2023
- Virginia - September 19, 2023

20. On September 2, 2008, the State of Florida Board of Medicine, through a Final Order, took reciprocal action against the Applicant’s medical license and placed the Applicant on probation based on the Louisiana Board’s 2007 Consent Order. The Applicant initially was issued a Florida medical license on October 13, 2005. The Applicant’s Florida medical license is active.

21. On November 6, 2008, the Georgia Composite State Board of Medical Examiners (the “Georgia Board”), through a Consent Order, took reciprocal action against the Applicant’s medical license and placed the Applicant on probation based on the Louisiana Board’s 2007 Consent Order. On May 5, 2011, the Georgia Board terminated the Applicant’s probation. The Applicant’s Georgia medical license is active.

22. On April 23, 2008, the Illinois Division of Professional Regulation refused to renew the Applicant’s medical license that initially was issued on December 31, 2002 based on the Louisiana Board’s 2007 Consent Order.

### **CONCLUSIONS OF LAW**

Under Health Occ. § 14-205(b)(3)(i), a Board disciplinary panel may deny a license for any of the reasons that are grounds for action under Health Occ. § 14-404. The

Applicant's actions, as described above, constitute grounds for a Board disciplinary panel to deny his Application for initial medical licensure, pursuant to Health Occ. § 14-205(b)(3)(i), for violating the following provisions of Health Occ. § 14-404: § 14-404(a)(21), Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veterans' Administration for an act that would be grounds for disciplinary action under this section; § 14-404(a)(22), Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State; § 14-404(a)(27), Sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purposes; and § 14-404(b)(2), After completion of the appellate process if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, a disciplinary panel shall order the revocation of a license on the certification by the Office of the Attorney General. The Panel finds that the Applicant has violated these grounds, but that, under the circumstances of this case, granting his application for a medical license with a reprimand is appropriate.

The Panel dismisses the grounds, under Health Occ. §§ 14-307(b) and 14-404(a)(44).

### **ORDER**

It is, thus, on the affirmative vote of a majority of the quorum of Panel B, hereby:

**ORDERED** that Applicant Toland L. Ash, M.D.'s application for an initial license to practice medicine in Maryland, which was submitted to the Board, on or about November 1, 2023, is **GRANTED**; and it is further

**ORDERED** that the Applicant Toland L. Ash, M.D. is **REPRIMANDED**; and it is further

**ORDERED** that 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).

10/23/2024  
Date

## *Signature On File*

Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians

### **CONSENT**

I, Toland L. Ash, M.D., am aware of my right to consult with and be represented by legal counsel in considering this Consent Order and in any proceedings that would have otherwise resulted from the notice of intent to deny licensure. I have chosen to proceed without legal counsel, and I acknowledge that the decision to proceed without legal 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*

10/21/2024  
Date

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Toland/L. Ash, M.D.  
Applicant

NOTARY

STATE OF Florida

CITY/COUNTY OF Santa Rosa

I HEREBY CERTIFY that on this 21 day of Oct. 2024, before me, a Notary Public of the foregoing State and City/County, Toland L. Ash, M.D., personally appeared and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSTH my hand and notarial seal.

Keith A. James  
Notary Public

My commission expires: 4-11-27

