

IN THE MATTER OF	*	BEFORE THE MARYLAND
McCLELLAN M. WALTHER, M.D.	*	STATE BOARD OF
Applicant for Reinstatement	*	PHYSICIANS
Former License No.: D37713	*	Case No.: 8817-0007
* * * * *	*	* * * * *

**ORDER ON APPLICATION FOR REINSTATEMENT
OF MEDICAL LICENSURE**

INTRODUCTION

On January 4, 2007, McClellan Walther, M.D., a urologist licensed in Maryland since 1988, pled guilty in the United States District Court for the District of Maryland to one felony count of possession of child pornography. The Court sentenced Dr. Walther to 48 months imprisonment, lifetime supervision and registration as a sex offender, and mandatory mental health treatment. On April 9, 2008, the Maryland State Board of Physicians (the “Board”) concluded that Dr. Walther’s conviction for possession of child pornography constituted a crime of moral turpitude and revoked his license to practice medicine in the State of Maryland. On August 29, 2016, Dr. Walther applied for the reinstatement of his license. On May 10, 2017, Disciplinary Panel A of the Board (the “Panel”) met with Dr. Walther to consider his application for the reinstatement of his medical license.

PROCEDURAL AND FACTUAL HISTORY

The stipulated statement of facts in support of Dr. Walther’s plea agreement included information that Dr. Walther purchased child pornography from an Internet website operated by undercover federal agents. In doing so, he sent an e-mail from his work computer at the National Institutes of Health requesting sexually explicit videos. Ultimately, Dr. Walther purchased 7 videos which depicted male and female minors engaged in sexually explicit activity including,

masturbation, anal sex, and oral sex, with other minors. Some of the videos also contained depictions of real male and female minors engaged in sexually explicit conduct with adult males and adult females.

On the day that the videos were delivered to Dr. Walther's home, the U.S. Government executed a search and seizure warrant and seized the videos, Dr. Walther's computer, related software, and external media. In addition to the content depicted in the videos, a forensic analysis conducted of Dr. Walther's computer revealed more than 600 images of minors engaged in sexually explicit conduct, at least one image of a prepubescent minor, and at least one image of a minor engaged in sadistic conduct.

The U.S. District Court sentenced Dr. Walther to 48 months imprisonment, lifetime supervision and registration as a sex offender, and mandatory mental health treatment. The Court prohibited Dr. Walther from possessing or using a computer except with permission of a probation officer, and restricted his use of computer systems, internet-capable devices or similar electronic devices without prior written approval from the U.S. Probation and Pretrial Services Officer. The Court also imposed a fine of \$12,500 and an assessment of \$100.

On April 9, 2008, the Board concluded that Dr. Walther's conviction for possession of child pornography, in violation of 18 U.S.C. § 2252(a)(4)(B), was a crime involving moral turpitude and revoked his license to practice medicine in the State of Maryland.

APPLICATION FOR REINSTATEMENT

On September 7, 2016, the Board received Dr. Walther's application for the reinstatement of his medical license after revocation. The Board sent Dr. Walther a series of questions including the following:

1. What is your understanding of the nature and circumstances of your conduct, which resulted in the revocation of your Maryland license?

2. What is your understanding of the Board's concerns with respect to your conduct?
3. Have you accepted responsibility for the action(s) resulting in the revocation of your license?
4. What steps have you taken to lessen the likelihood of recurrence?
5. What are your plans for returning to the practice of medicine as a physician in the State of Maryland and what is your proposed practice setting?
6. What efforts have you made to maintain your competency to practice medicine in your area of specialty (i.e. continuing education credits)?

In his written response, Dr. Walther admitted that he had a compulsion to viewing erotic material, including child pornography, on the Internet. He stated that he regretted his conduct because his actions contributed to fueling an industry where vulnerable people are abused and hurt. Dr. Walther stated that he recognized the many thinking errors and poor decisions that led to his behavior. He explained that he had learned a lot about himself through the extensive psychological testing conducted by his treating physicians and that he was committed to not repeating his conduct. Dr. Walther acknowledged, however, that even if the Board reinstated his medical license, he likely would not be able to find work as a physician due to his conviction and lifetime registration as a sex offender. He stated that he would like to have the opportunity to volunteer as a physician even if he could not earn a living as a physician and that he would only treat adults over the age of 18.

CONSIDERATION OF APPLICATION

The reinstatement of a physician's medical license after revocation is discretionary. *See* Md. Code Ann., Health Occ. § 14-409. The Panel must consider whether reinstatement after revocation is in the interest of the health and welfare of the general public and consistent with the best interest of the profession. COMAR 10.32.02.06B(7).

Dr. Walther's criminal activity was serious and involved the exploitation of vulnerable minor children. He was sentenced to lifetime supervision and lifetime registration as a sex offender. The conviction, as well as Dr. Walther's lifetime registration as a sex offender, undermines the public trust regarding his fitness to practice medicine and harms the integrity of the medical profession. Dr. Walther's therapist diagnosed him with pornography addiction, and Dr. Walther admitted that he continued to compulsively view pornography even after he was released from incarceration. Perhaps, most concerning is that the Maryland Professional Rehabilitation Program ("MPRP"), after discussion with the entire clinical team, concluded that they could not satisfactorily monitor Dr. Walther should the Board grant him reinstatement and stated that they would decline referral of this case from the Board.

Having considered all of the foregoing information, the Panel concludes that reinstatement is not within the interests of the health and welfare of the general public and is not consistent with the best interest of the profession. The Panel, therefore, denies Dr. Walther's application for reinstatement and will not entertain any further applications for reinstatement.

ORDER

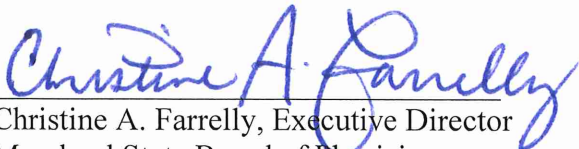
It is thus, by Disciplinary Panel A, hereby

ORDERED that the Application for Reinstatement of Medical Licensure of McClellan Walther, M.D., former license number D37713, is **DENIED**; and it is further

ORDERED that Dr. Walther shall not reapply for reinstatement of his license to practice medicine in Maryland; and it is further

ORDERED that this Order is a public document.

06/08/2017
Date


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