

IN THE MATTER OF
HAMID A. ANHARY, M.D.
Applicant for Reinstatement
after Surrender
License No.: D62771

*** BEFORE THE MARYLAND**
*** STATE BOARD OF**
*** PHYSICIANS**
*** Case No.: 8818-0001**

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ORDER OF REINSTATEMENT OF MEDICAL LICENSE

I. INTRODUCTION

On December 30, 2013, Hamid A. Anhary, M.D. surrendered his license to practice medicine in Maryland. On May 23, 2017, he applied for the reinstatement of his license. On September 27, 2017, Disciplinary Panel B (the “Panel”) of the Maryland State Board of Physicians (the “Board”) met with Dr. Anhary to consider his application for reinstatement.

II. PROCEDURAL AND FACTUAL HISTORY

Dr. Anhary, a board-certified anesthesiologist, was originally licensed to practice medicine in Maryland in 2005. On January 22, 2013, the Board charged Dr. Anhary with fraudulently or deceptively using a license; unprofessional conduct in the practice of medicine; being addicted to, or habitually abusing narcotic or controlled dangerous substance; willfully filing a false report or record in the practice of medicine; willfully making a false representation applying for a for license; and failing to notify the Board with a name or address change. Health Occ. §§ 14-404(a)(2), (3)(ii), (8), (11), (36), and 14-316(f)(1). On May 22, 2013, Dr. Anhary entered into a consent order, which concluded that Dr. Anhary violated the above-stated provisions. Based on these violations, Dr. Anhary’s license was suspended for six months and he was ordered to enroll in the Maryland Professional Rehabilitation Program. After the six-month

period, Dr. Anhary could petition the Board to terminate his suspension and continue with probation. Instead of requesting a termination of suspension, on December 30, 2013, Dr. Anhary surrendered his license in order to focus on completing his rehabilitation with the Medical Society of the District of Columbia Physician Health Program (“MSDC PHP”).

On May 23, 2017, the Board received Dr. Anhary’s application for the reinstatement of his medical license after surrender. As part of his reinstatement application, the Board sent Dr. Anhary a series of questions, to which he responded on August 8, 2017. Dr. Anhary also signed all necessary releases, allowing the Panel to consider all necessary treatment records as part of its evaluation.

III. 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 post-disciplinary reinstatement 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. Anhary has accepted full responsibility for his actions. He has addressed the issues that led to the surrender of his license and is unlikely to repeat the conduct. The Panel concludes reinstatement is within the interests of the health and welfare of the general public and is consistent with the best interest of the profession. The Panel, therefore, grants Dr. Anhary’s application for reinstatement subject to probation and certain probationary conditions.

IV. ORDER

It is thus, by Disciplinary Panel B, hereby

ORDERED that Dr. Anhary's license to practice medicine in Maryland is **REINSTATED**; and it is further

ORDERED that Dr. Anhary is placed on **PROBATION** for a minimum period of **ONE YEAR**. During the probationary period, Dr. Anhary shall comply with the following probationary terms and conditions:

1. Dr. Anhary shall either continue his participation in the Medical Society of the District of Columbia Physician Health Program ("MSDC PHP") or shall enroll in the Maryland Professional Rehabilitation Program ("MPRP"). Dr. Anhary shall inform the Board within **5 business days** whether he will continue in the MSDC PHP or enroll in MPRP;

2. If he continues in the MSDC PHP, Dr. Anhary shall fully participate and comply with all therapy, treatment, evaluations, and toxicology screenings as directed by MSDC PHP;

3. If he continues in the MSDC PHP, Dr. Anhary shall sign a release/consent forms to authorize MSDC PHP to make verbal and written disclosures to the Board, including disclosure of any and all MSDC PHP records and files possessed by MSDC PHP. Dr. Anhary shall also sign any written release/consent forms required by MSDC PHP;

4. If Dr. Anhary is discharged from the MSDC PHP despite continued compliance with the all therapy, treatment, evaluations, and toxicology screenings, he shall enroll within **5 business days** in MPRP for the duration of the probationary period;

5. If he enrolls in MPRP, within **5 business days**, Dr. Anhary shall contact MPRP to schedule an initial consultation for enrollment. Within **15 business days**, Dr. Anhary shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP. Dr.

Anhary shall 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(s) and Participant Rehabilitation Plan(s) entered into with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and toxicology screenings as directed by MPRP;

6. If he enrolls in MPRP, Dr. Anhary shall sign and update the written release/consent forms requested by the Board and MPRP. Dr. Anhary 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. Dr. Anhary 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 Dr. Anhary's current therapists and treatment providers) verbal and written information concerning Dr. Anhary and to ensure that MPRP is authorized to receive the medical records of Dr. Anhary, including, but not limited to, mental health and drug or alcohol treatment records;

7. A positive result shall constitute a violation of any term or condition of Dr. Anhary's probation and this Order of Reinstatement;

8. Dr. Anhary shall comply with the Maryland Medical Practice Act, Md. Code Ann., Health Occ. §§ 14-101—14-702, and all laws and regulations governing the practice of medicine in Maryland; and it is further

ORDERED that upon a satisfactory review by the MSDC PHP or MPRP, Dr. Anhary may submit a written petition to Panel B requesting termination of his **PROBATION** after a minimum period of **ONE YEAR**; and it is further

ORDERED that, upon a written petition to Panel B requesting termination of probation, Dr. Anhary may be required to appear before Panel B to discuss his petition for termination of probation. Panel B will grant the petition to terminate the probation if Dr. Anhary has complied with all of the probationary terms and conditions and there are no pending complaints related to the charges; and it is further

ORDERED that a violation of any term or condition of MSDC PHP or MPRP's Rehabilitation Agreement or the Rehabilitation Plan constitutes a violation of the probation imposed under this Order; and it is further

ORDERED that if Dr. Anhary allegedly fails to comply with any term or condition of probation or this Order of Reinstatement, Dr. Anhary shall be given notice and an opportunity for a hearing. If 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 there is no genuine dispute as to a material fact, Dr. Anhary shall be given a show cause hearing before the Board or Panel B; and it is further

ORDERED that, after the appropriate hearing, if the Board or Disciplinary Panel determines that Dr. Anhary has failed to comply with any term or condition of this probation or this Reinstatement Order, the Board or Disciplinary Panel may reprimand Dr. Anhary, place Dr. Anhary on probation with appropriate terms and conditions, or suspend or revoke Dr. Anhary's license to practice medicine in Maryland. The Board or Disciplinary Panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon Dr. Anhary; and it is further

ORDERED that Dr. Anhary shall not apply for the early termination of probation; and it is further

ORDERED that Dr. Anhary 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 the order, any time period begins when the order goes into effect. This order goes into effect upon the signature of the Board's Executive Director, who signs on behalf of the Panel; and it is further

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

11/06/2017
Date

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