

IN THE MATTER OF MARY EMERY PALMER, M.D. Respondent License Number: D63721	* * * *	BEFORE THE MARYLAND STATE BOARD OF PHYSICIANS Case Number: 2218-0191A
* * * * * * * * * * * *		

CONSENT ORDER

On June 21, 2018, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) notified Mary Emery Palmer, M.D. (the “Respondent”), License Number D63721, of the Board’s Intent to Revoke the Respondent’s license to practice medicine in Maryland pursuant to the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-401 *et seq.*

The pertinent provisions of the Act provide¹:

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:
 - (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
 - (3) Is guilty of:
 - (ii) Unprofessional conduct in the practice of medicine;

¹ By this Consent Order, the following disciplinary grounds are dismissed: Health Occ. § 14-404(a)(1), (3)(ii), (33), and (36).

- (33) Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel;
- (36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine;
- (42) Fails to submit to a criminal history records check under § 14-308.1 of this title[.]

Health Occ. § 14-308.1. Criminal history records check through Central Repository.

- (a) In this section, “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.
- (b) An applicant, a licensee, or a certificate holder shall apply to the Central Repository for a State and national criminal history records check.
- (c) As part of the application required under subsection (b) of this section, an individual shall submit to the Central Repository:
 - (1) Two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;
 - (2) The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and
 - (3) The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

The Respondent, to settle the charges against her, agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

I. FINDINGS OF FACT

Panel A finds as fact the following:

1. The Respondent was initially licensed to practice medicine in Maryland on October 3, 2005, under License Number D63721.
2. On or about September 30, 2017, the Respondent submitted an online application (the "Application") for the renewal of the Respondent's license using the Board's online renewal application process.
3. When a licensee applies online to renew his or her license, a notice appears that informs the licensee that the Board may not renew a license if it has not received the licensee's Criminal History Record Check ("CHRC") information, which includes the licensee's submission of his or her fingerprints to the Criminal Justice Information Services ("CJIS") before attempting to complete the renewal application.
4. The Respondent's signed Application states, "Failure to submit to a [CHRC] may result in disciplinary action." Prior to submitting the online Application, the Respondent checked a box attesting to completing the CHRC.
5. By email dated October 31, 2017, Board staff informed the Respondent that the Board had not received the CHRC. Board staff further informed the Respondent that the Respondent had ten business days to submit the CHRC.
6. The Respondent did not reply to the email.
7. By letter dated January 16, 2018, the Board informed the Respondent that the Board opened a preliminary investigation based upon the failure to obtain a CHRC for license renewal and the attestation that the Respondent submitted to a CHRC.

8. The Respondent did not reply to the letter.

9. By letter dated June 21, 2018, Panel A issued a Notice of Intent to Revoke the Respondent's Medical License. The Notice informed the Respondent that if she did not request a hearing within 30 days, her license would be revoked. The Notice attached the proposed revocation order.

10. Respondent did not send a request for a hearing to the Board.

11. On July 30, 2018, the Board issued a Final Order of Revocation of Medical License, revoking Respondent's license.

12. On August 28, 2018, Respondent filed a Motion for Reconsideration, claiming that she had not received the correspondences and Notice because she was out of the country for the year.

13. On August 29, 2018, Respondent filed a Petition for Judicial Review in Circuit Court for Baltimore City.

14. On February 5, 2019, the Circuit Court held a hearing on Respondent's Petition for Judicial Review.

15. On February 6, 2019, the Board received the completed CHRC report pursuant to Health Occ. § 14-308.1.

16. On February 8, 2019, the Circuit Court Reversed the Board's Final Order of Revocation of Medical License and Remanded the case back to the Board for notice and a hearing.

II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that:

(1) the Respondent violated Health Occ. § 14-404(a)(42) by failing to submit to a criminal history records check under Health Occ. § 14-308.1 and

(2) the charges of Health Occ. § 14-404(a)(1), (3)(ii), (33), and (36) are **DISMISSED**.

III. ORDER

It is, by Board Disciplinary Panel A, hereby

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that, within six (6) months, the Respondent shall pay a civil fine of \$500.00. The payment shall be by money order or bank certified check made payable to the Maryland Board of Physicians and mailed to P.O. Box 37217, Baltimore, Maryland 21297. The Board will not renew or reinstate the Respondent's license if the Respondent fails to timely pay the fine to the Board; and it is further

ORDERED that if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent 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 followed by an exceptions process before a disciplinary panel; and if there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before a disciplinary panel.

ORDERED that after the appropriate hearing, if the disciplinary panel determines that the Respondent has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may reprimand the Respondent, place the

Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice medicine in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine on the Respondent.

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

ORDERED 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).

03/29/2019
Date

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

CONSENT

I, Mary Emery Palmer, acknowledge that I have consulted with counsel before signing this document.

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 these rights 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

March 18, 2019
Date

Mary Emery Palmer, M.D.

NOTARY

STATE/ DISTRICT OF: Virginia

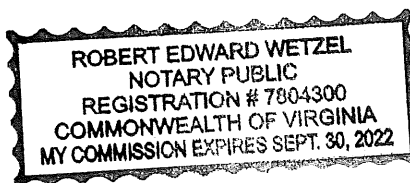
CITY/COUNTY OF: Alexandria

I HEREBY CERTIFY that on this 18th day of March, 2019, before me, a Notary Public of the State/District and County aforesaid, personally appeared Mary Emery Palmer, M.D. and made oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Robert Edward Wetzel

Notary Public



My commission expires: September 30, 2022