

IN THE MATTER OF	*	BEFORE THE
ROBERT STEVEN HANLEY, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D66921	*	Case Number: 2218-0280B

\* \* \* \* \*

**CONSENT ORDER**

On November 5, 2019, Disciplinary Panel B of the Maryland State Board of Physicians (the "Board") charged Robert Steven Hanley, M.D. (the "Respondent"), License Number D66921, with violating the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. § 14-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.).

The pertinent provisions of the Act and COMAR 10.32.17 *et seq.* provide:

**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:

....

- (3) Is guilty of:
  - (i) Immoral conduct in the practice of medicine; or
  - (ii) Unprofessional conduct in the practice of medicine[.]

**Health Occ. § 1-212. Sexual misconduct prohibited; regulations; discipline.**

....

- (a) Adoption of regulations. -- Each health occupations board authorized to issue a license or certificate under this article shall adopt regulations that:
  - (1) Prohibit sexual misconduct; and
  - (2) Provide for the discipline of a licensee or certificate holder found to be guilty of sexual misconduct.

**COMAR 10.32.17.01 Scope.**

This chapter prohibits sexual misconduct against patients or key third parties by individuals licensed or certified under Health Occupations Article, Titles 14 and 15, Annotated Code of Maryland.

**COMAR 10.32.17.02. Definitions.**

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.

....

- (2) Sexual Impropriety.
  - (a) "Sexual impropriety" means behavior, gestures, or expressions that are seductive, sexually suggestive, or sexually demeaning to a patient or a key third party regardless of whether the sexual impropriety occurs inside or outside of a professional setting.
  - (b) "Sexual impropriety" includes, but is not limited to:
    - (iii) Using the health care practitioner-patient relationship to initiate or solicit a dating, romantic, or sexual relationship; and

- (iv) Initiation by the health care practitioner of conversation regarding the health care practitioner's sexual problems, sexual likes or dislikes, or fantasies.
- (3) "Sexual misconduct" means a health care practitioner's behavior toward a patient, former patient, or key third party, which includes:
- (a) Sexual impropriety;
  - (b) Sexual violation; or
  - (c) Engaging in a dating, romantic, or sexual relationship which violates the code of ethics of the American Medical Association, American Osteopathic Association, American Psychiatric Association, or other standard recognized professional code of ethics of the health care practitioner's discipline or specialty.
- (4) Sexual Violation.
- (a) "Sexual violation" means health care practitioner-patient or key third party sex, whether or not initiated by the patient or key third party, and engaging in any conduct with a patient or key third party that is sexual or may be reasonably interpreted as sexual, regardless of whether the sexual violation occurs inside or outside of a professional setting.
  - (b) "Sexual violation" includes, but is not limited to:
    - (i) Sexual intercourse, genital to genital contact;
    - (iv) Kissing in a romantic or sexual manner;
    - (v) Touching the patient's breasts, genitals, or any sexualized body part;

- (vi) Actively causing the patient or key third party to touch the health care practitioner's breasts, genitals, or any sexualized body part;
- (ix) Intentionally exposing the health care practitioner's breasts, genitals, or any sexualized body part.

**COMAR 10.32.17.03. Sexual Misconduct.**

- A. Individuals licensed or certified under Health Occupations Article, Titles 14 and 15, Annotated Code of Maryland, may not engage in sexual misconduct.
- B. Health Occupations Article, §§14-404(a)(3) and 15-314(3), Annotated Code of Maryland, includes, but is not limited to, sexual misconduct.

On February 26, 2020, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring as a result of the DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

Panel B finds:

**I. BACKGROUND**

1. At all times relevant to these charges, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent is board certified in Urology. The Respondent was initially licensed to practice medicine in Maryland on December 14, 2007, and his license is currently scheduled for renewal on September 30, 2020.

2. At all times relevant to these charges, the Respondent was employed at a urology practice (“Medical Center”).<sup>1</sup>

## **II. THE COMPLAINT**

3. On or about June 14, 2018, the Board received a complaint from a patient (the “Patient”) who alleged that after having recently performed an adrenalectomy on the Patient, the Respondent and the Patient engaged in unprotected sex on three separate occasions. The Patient further alleged that after she suspected that she was pregnant, the Respondent prescribed an abortive medication to her.

4. After receiving the complaint, the Board initiated an investigation.

## **III. BOARD INVESTIGATION**

5. On or about December 6, 2018, Board staff notified the Respondent of its investigation, requested a written response to the allegations, and requested a copy of the Patient’s medical records.

6. In furtherance of its investigation, Board staff conducted interviews of witnesses, as well as subpoenaed the Patient’s medical records and prescriptions issued by the Respondent for the Patient.

### **Medical Records**

7. The medical records received for the Patient revealed the following:

a. The Patient saw the Respondent on August 16, 2017, for an evaluation for an adrenal mass.

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<sup>1</sup> In order to maintain confidentiality, the names of patients and facilities will not be identified in this Consent Order. The Respondent is aware of the identities of patients and individuals referenced herein.

- b. The Respondent performed a robotic assisted left adrenalectomy on the Patient on September 14, 2017.
- c. The Respondent saw the Patient on October 31, 2017, at which time, the Respondent documented in the Patient's medical record that she was to "[f]ollow-up in 3 months."

### **Pharmacy Records**

8. The pharmacy records revealed the Respondent telephoned in two prescriptions for Misoprostol<sup>2</sup> 200 mcg tablets on November 24, 2017—one prescription for eight tablets and another prescription for six tablets.

### **Interview of the Patient**

9. On or about July 16, 2018, Board staff interviewed the Patient under oath.

#### **According to the Patient:**

- a. At the end of her appointment with the Respondent on October 31, 2017, the Respondent gave her his Kik<sup>3</sup> username.
- b. She began corresponding with the Respondent outside of a clinical environment on October 31, 2017.
- c. She engaged in sexual intercourse with the Respondent on three separate occasions—November 1, 2017; November 4, 2017; and November 13, 2017.

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<sup>2</sup> Misoprostol (brand name Cytotec) is used to prevent NSAID-associated gastric ulcers. Misoprostol's off-label uses includes labor induction and abortions.

<sup>3</sup> Kik is an instant messenger application that is known for its feature that preserves a user's anonymity.

- d. In or around the Thanksgiving holiday in 2017, the Patient notified the Respondent that she was pregnant with the Respondent's child.
- e. After the Patient notified the Respondent that she was pregnant, the Patient met the Respondent in a parking lot to discuss the situation.
- f. The Respondent called in a prescription for Cytotec for the Patient.
- g. Later that afternoon the Respondent called in a second prescription for Cytotec for the Patient.

#### **Interview of Respondent**

10. On or about January 10, 2019, Board staff interviewed the Respondent under oath. According to the Respondent:

- a. The Respondent stated that he saw the Patient on October 31, 2017, for a routine post-operative check. At the end of the appointment he told the Patient he would see her "back in a couple months." Prior to leaving the appointment, the Patient gave the Respondent her Kik username.
- b. The Respondent admitted that he engaged in sexual intercourse with the Patient on three separate occasions—November 1, 2017; November 4, 2017; and November 13, 2017.
- c. The Respondent asserted that when he met the Patient the first time to have sexual intercourse, he "unequivocally" said to the Patient "that she was no longer my patient, I could not see her as a provider."
- d. Around the 2017 Thanksgiving holiday, the Patient notified the Respondent that she was pregnant. The Patient met the Respondent in a parking lot to

discuss the situation; the Respondent stated he did not “want to go forward with the pregnancy at all. . . . And she was on the fence.”

- e. While they were sitting in the parking lot, the Respondent called one of the gynecologists from the hospital “to confirm that I . . . had the right dosing and that ultimately everything was, you know, as I had, you know, predicted.” And then the Respondent called in a prescription for Cytotec for the Patient.
- f. The Respondent instructed the Patient on how to take the Cytotec, observed the Patient take the first Cytotec prescription, and then the Respondent left.
- g. The Respondent asserted that the Respondent and the Patient “voluntarily” decided that they did not want to “go forward with the claimed pregnancy.”
- h. Throughout the day the Respondent checked in with the Patient.
- i. Later that afternoon the Respondent recommended that the Patient take a second prescription for Cytotec because the Patient “did not have any menses, any bleeding episodes for the four to six-hour time period.”
- j. The Respondent asked his own personal psychiatrist “to see her,” which the Respondent paid for from approximately “December of 2017 to around May or June of 2018.”

### CONCLUSIONS OF LAW

Disciplinary Panel B concludes as a matter of law that the Respondent is guilty of immoral and unprofessional conduct in the practice of medicine in violation of Health Occ.



§ 14-404(a)(3)(i) and (ii); and that the Respondent violated Health Occ. § 1-212(a) and COMAR 10.32.17.03(A) and (B).

**ORDER**

It is thus by Disciplinary Panel B of the Board, hereby:

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

**ORDERED** that the Respondent is placed on probation for a minimum period of **ONE (1) YEAR.**<sup>4</sup> During probation, the Respondent shall comply with the following terms and conditions of probation:

1. The Respondent shall enroll in the Maryland Professional Rehabilitation Program (MPRP) as follows:
  - (a) Within **5 BUSINESS DAYS** of the effective date of this Consent Order, the Respondent shall contact MPRP to schedule an initial consultation for enrollment;
  - (b) Within **15 BUSINESS DAYS** of the effective date of this Consent Order, the Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;
  - (c) The Respondent shall fully and timely cooperate and comply with all 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 with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP;
  - (d) The Respondent 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. The Respondent shall not withdraw his/her release/consent;

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<sup>4</sup> If the Respondent's license expires during the period of probation, the probation and any conditions will be tolled.

- (e) The Respondent 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 the Respondent's current therapists and treatment providers) verbal and written information concerning the Respondent and to ensure that MPRP is authorized to receive the medical records of the Respondent, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. The Respondent shall not withdraw his/her release/consent; and
  - (f) The Respondent's failure to comply with any of the above terms or conditions including terms or conditions of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) constitutes a violation of this Consent Order.
2. Within **SIX (6) MONTHS** of the effective date of this Consent Order, the Respondent is required to take a course in maintaining ethical boundaries in the treatment of patients. The following terms apply:
- (a) It is the Respondent's responsibility to locate, enroll in and obtain the disciplinary panel's approval of the course before the course is begun;
  - (b) The disciplinary panel will not accept a course taken over the internet;
  - (c) The Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the course;
  - (d) The course may not be used to fulfill the continuing medical education credits required for license renewal; and
  - (e) The Respondent is responsible for the cost of the course.
3. Within **TWO (2) YEARS** of the effective date of this Consent Order, the Respondent shall pay a civil fine of \$ 25,000.00. 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 the Respondent shall not apply for early termination of probation; and it is further

**ORDERED** that a violation of probation constitutes a violation of the Consent Order; and it is further

**ORDERED** that, after the Respondent has complied with all terms and conditions of probation and the minimum period of probation imposed by the Consent Order has passed, the Respondent may submit to the Board a written petition for termination of probation. After consideration of the petition, the probation may be terminated through an order of the disciplinary panel. The Respondent 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 the Respondent has complied with all probationary terms and conditions and there are no pending complaints relating to the charges; 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 the disciplinary panel determines 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 the disciplinary panel determines there is no genuine dispute as to a material fact, the Respondent 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 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 with appropriate terms and conditions, 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; and it is further

**ORDERED** that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

**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).

*Signature on File*

Date

03/24/2020

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

## CONSENT

I, Robert Steven Hanley, M.D., 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 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

3/20/20  
Date

Robert Steven Hanley, M.D.  
Respondent

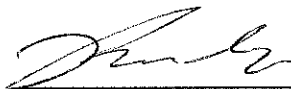
## NOTARY

STATE OF Maryland

CITY/COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 20 day of March 2020, before me, a Notary Public of the foregoing State and City/County, personally appeared Robert S. Hanley, M.D., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

  
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Notary Public

My Commission expires: 10 MAY 2020

RYAN PAUL GILL  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires May 10, 2020