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| **IN THE MATTER OF** | * | **BEFORE THE** |
| **DAVID M. HEYDT, M.D.** | * | **MARYLAND STATE** |
| **Respondent** | * | **BOARD OF PHYSICIANS** |
| **License Number: D71698** | * | **Case Number: 2011-0292** |

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## ORDER FOR SUMMARY SUSPENSION OF LICENSE TO PRACTICE MEDICINE

The Maryland State Board of Physicians (the "Board") hereby **SUMMARILY SUSPENDS** the license of **DAVID M. HEYDT, M.D. (the "Respondent") (D.O.B. 12/31/1968)** License Number D71698, to practice medicine in the State of Maryland. The Board takes such action pursuant to its authority under Md. State Gov't Code Ann. § 10-226(c)(2)(i)(2009 Repl. Vol.) concluding that the public health, safety or welfare imperatively requires emergency action.

## INVESTIGATIVE FINDINGS

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true:[1]

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent's license is current and is scheduled to expire on September 30, 2014.

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[1] The statements regarding the Respondent's conduct are only intended to provide the Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent a completed description of the evidence, either documentary or testimonial, to be offered against the Respondent in this matter.

2. The Respondent is a pathologist and is board-certified in anatomic pathology.

3. At all times relevant hereto, the Respondent was employed at Practice A in Bowie, Maryland.[2]

**Procedural History**

4. The Respondent was initially licensed to practice medicine in the State of Maryland on December 14, 2010, after entering into a non-public Disposition Agreement (the "Disposition Agreement") as a result of his previous history of substance abuse.[3]

5. As a pre-requisite to licensure, on or about December 6, 2010, the Respondent entered into a Participant Rehabilitation Agreement ("PRA") with the Maryland Professional Rehabilitation Program ("MPRP").

6. Pursuant to the Disposition Agreement with the Board, the Respondent's license was subject to summary suspension if he tested positive during any chemical screen or failed to provide a specimen under the terms of the PRA.

**Current Allegations**

7. On or about April 5, 2011, the Respondent failed to provide a specimen in accordance with the terms of the PRA while he was in Florida. Despite having a list of collection sites in Florida, the Respondent failed to provide a specimen due to transportation issues.

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[2] In order to maintain confidentiality, physician, witness and facility names will not be used in this document, but will be provided to the Respondent upon request.

[3] On his Application for Initial Medical Licensure, the Respondent disclosed that during his residency he began abusing prescription pain medications. As a result, he enrolled in the Professional Assistance Program of New Jersey.

8. The Board staff instructed the Respondent to provide a specimen on or about April 11, 2011, but according to the Respondent, he did not receive that message until it was too late to test.

9. The Respondent provided a specimen on April 12, 2011 which was negative.

10. On or about April 20, 2011, the Board issued the Respondent a warning letter reiterating his obligations under the PRA.

11. On or about October 5, 2012, the Board received correspondence from MPRP advising that the Respondent's September 28, 2012 sample was positive for EtG/EtS.[4] The Respondent denied alcohol use.

12. On or about October 5, 2012, MPRP's Medical Review Officer interviewed the Respondent regarding his positive chemical screen. The Respondent denied using alcohol and reported that there were "alcohol vapors and alcohol substances used for slide fixation" in the laboratory where he works.

13. On or about October 12, 2012, the Board received correspondence from MPRP, including a letter of explanation from the Respondent, who admitted to alcohol use. He further acknowledged that he had violated his contract with MPRP.

14. On or about October 15, 2012, MPRP notified the Board that the Respondent's hair sample was positive for EtG.

15. MPRP increased the Respondent's monitoring to the maximum level.

[4] EtG (Ethyl glucuronide) and EtS (Ethyl Sulphate) are alcohol metabolites that indicate whether alcohol has been consumed.

16. On or about October 22, 2012, MPRP notified the Board that a laboratory report dated October 18, 2012 indicated that the Respondent's hair sample tested positive for Hydrocodone.[5]

17. In a statement dated October 19, 2012, the Respondent admitted that he took six Hydrocodone due to severe ankle pain. He further acknowledged that he violated his contracted with MPRP, and disclosed that he enrolled in an outpatient program at Program A. The Respondent stated that the Hydrocodone pills belonged to a close relative.

## CONCLUSIONS OF LAW

Based on the foregoing investigative facts, the Board concludes that the public health, safety or welfare imperatively requires emergency action in this case, pursuant to Md. State Gov't Code Ann. § 10-226(c)(2)(i) and (ii)(2009 Repl. Vol.).

## ORDER

It is this 5th day of December 2012, by a majority of the quorum of the Board:

**ORDERED** that pursuant to the authority vested by Md. State Gov't Code Ann. §10-226(c)(2), the Respondent's license to practice medicine in the State of Maryland be and hereby is **SUMMARILY SUSPENDED;** and be it further

**ORDERED** that a post-deprivation hearing on the Summary Suspension has been scheduled for **Wednesday, December 19, 2012 at 1:15 p.m.** at the Maryland Board of Physicians, 4201 Patterson Avenue, Baltimore, Maryland 21215; and be it further

[5] Hydrocodone is a schedule II controlled dangerous substance.

**ORDERED** that at the conclusion of the **SUMMARY SUSPENSION** hearing held before the Board, the Respondent, if dissatisfied with the result of the hearing, may request within ten (10) days an evidentiary hearing, such hearing to be held within thirty (30) days of the request, before an Administrative Law Judge at the Office of Administrative Hearings, Administrative Law Building, 11101 Gilroy Road, Hunt Valley, Maryland 21031-1301; and be it further

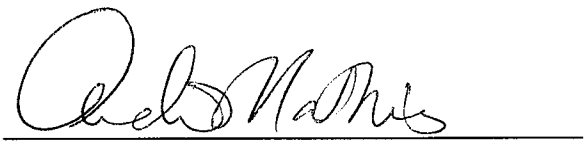
**ORDERED** that on presentation of this Order, the Respondent **SHALL SURRENDER** to the Board the following items:

(1) His original Maryland License No. D71698; and

(2) His current renewal certificate;

**ORDERED** that a copy of this Order of Summary Suspension shall be filed with the Board in accordance with Md. Health Occ. Code Ann. § 14-407; and be it further

**ORDERED** that this is a Final Order of the Board and, as such, is a PUBLIC DOCUMENT pursuant to Md. State Govt. Code Ann., § 10-611 *et seq.*



Andrea Mathias, M.D., Chair
Maryland State Board of Physicians