

BACKGROUND

1

FINDINGS OF FACT

Based on the information known and available to it, the Board finds that:

1. Respondent sought counseling and began treatment with Peter M. Hartmann, M.D. in January 1989. Dr. Hartmann forwarded to the Board monthly reports on his sessions with the Respondent. In a report dated June 7, 1990, Dr. Hartmann indicated that he believes that the therapy with Respondent has been successful. Dr. Hartmann recommended that the Respondent remain in therapy for at least two more years in order to maintain Respondent's progress.

2. Jesse M. Hellman, M.D., a psychiatrist selected by the Board, met with the Respondent on Wednesday, May 30, 1990 and on Monday, June 4, 1990 for interviews totaling three hours. In the report dated June 10, 1990, Dr. Hellman indicated that he believes that the Respondent will behave in an appropriate manner with his patients in the future, and will not repeat the behavior that led to the revocation of Respondent's license.

3. Respondent arranged to take a tutorial medical ethics course with Timothy J. Keay, M.D., M.A.-Theology, Assistant Professor in the Division of Geriatrics, Department of Family Medicine, University of Maryland at Baltimore. The course followed the general outline of the Spring Medical Ethics Course taught to second-year medical students. Dr. Keay reported that the Respondent successfully completed the

tutorial on Medical Ethics.

4. As of June 11, 1990, there are no other cases against the Respondent.

5. There is no evidence that Respondent is a present threat to the public health, safety and welfare.

CONCLUSIONS OF LAW

The Board concludes, as a matter of law, that Respondent has satisfactorily complied with all conditions recommended by the Board as conditions precedent to Respondent's petitioning the Board for reinstatement of his license as set forth in the Order of October 16, 1989.

ORDER

Upon the foregoing Findings of Fact and Conclusions of Law, it is this 11th day of July, 1990 by a majority vote of the full authorized membership of the Board

ORDERED that effective as of the date of this Order that Respondent's license to practice medicine in the state of Maryland be **REINSTATED**; and be it further

ORDERED that Respondent is placed on **PROBATION** subject to the following conditions:

1. Respondent shall be required to remain in psychotherapy with Dr. Hartmann for two (2) years from the effective date of this Order and comply with all reasonable recommendation of Dr. Hartmann;

2. Respondent shall **IMMEDIATELY** sign a release in order to

allow his therapist to submit quarterly reports to the Board and to permit the therapist to report to the Board if Respondent misses an appointment without cause and/or is not following the therapist's reasonable recommendations;

3. Upon discharge from the therapy Respondent shall arrange for the therapist to submit a final report to the Board indicating that Respondent had satisfactorily made progress in treatment and that the therapist has recommended that Respondent be discharged;

4. In the event that the Respondent terminates therapy prior to discharge by the Respondent's therapist, the therapist shall immediately notify the Board that Respondent has left therapy without consent of the therapist; and

5. Respondent shall be evaluated by a Board selected therapist twice during the probationary period, on or about June 1, 1991 and June 2, 1992; and be it further

ORDERED that after **TWO (2) YEARS AFTER THE EFFECTIVE DATE OF THIS ORDER**, the Board will entertain a petition for termination of Respondent's probationary status and reinstatement of Respondent's license to practice medicine in Maryland without any conditions or restrictions whatsoever. If the Respondent has complied with all conditions of probation and if there are no outstanding complaints against Respondent the Board will reinstate the Respondent's license without any conditions or restrictions whatsoever; and be it further

ORDERED that if the Board receives a report that Respondent has had sexual relationship with a patient or that

the therapist reports that Respondent is an imminent danger to the public safety, health or welfare, the Board, WITHOUT PRIOR NOTICE AND AN OPPORTUNITY TO BE HEARD, MAY IMMEDIATELY SUSPEND RESPONDENT'S LICENSE, provided that Respondent is given immediate notice of the charges and an opportunity for a hearing thirty (30) days after requesting same; and be it further

ORDERED that is a Final Order and as such is considered a public document pursuant to the Maryland Public Information Article, State Government Article, Annotated Code of Maryland, §§10-611 et seq., specifically, §10-617(h)(2)(vi).

7/11/90
Date

Israel H. Weiner
Israel H. Weiner, M.D., Chair
Board of Physician Quality
Assurance