

IN THE MATTER OF

SPENCER D. THOMAS, M.D.

Respondent

License Number: D82725

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BEFORE THE

MARYLAND STATE

BOARD OF PHYSICIANS

Case Number: 7720-0061

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ORDER AFTER SHOW CAUSE HEARING

On January 6, 2020, Disciplinary Panel A ("Panel A") of the Maryland State Board of Physicians ("Board") and Spencer D. Thomas, M.D. agreed to a consent order that, among other things, required Dr. Thomas to enroll in the Maryland Professional Rehabilitation Program ("MPRP") and comply with a Participant Rehabilitation Agreement. On July 31, 2020, Panel A charged Dr. Thomas with violating the Participant Rehabilitation Agreement. On September 9, 2020, Panel A held a show cause hearing where Dr. Thomas had the opportunity to argue why his license should not be subject to further discipline. Dr. Thomas did not appear at the show cause hearing.

FINDINGS OF FACT

By a preponderance of the evidence, Panel A makes the following findings of fact:

Background

On October 2, 2019, Panel A summarily suspended Dr. Thomas's license based on his self-report that he was undergoing treatment for a condition that would impact his ability to practice medicine safely. On October 9, 2019, the Board charged Dr. Thomas with violating Md. Code Ann., Health Occ. § 14-404(a)(7) (habitual intoxication).

January 6, 2020 Consent Order

On January 6, 2020, Panel A and Dr. Thomas agreed to a consent order to resolve the disciplinary charges, wherein the Panel found that Dr. Spencer was habitually intoxicated. Health

Occ. § 14-404(a)(7). Pursuant to the Consent Order, Panel A terminated the summary suspension, suspended Dr. Thomas's medical license for a minimum of six additional months, and required Dr. Thomas to enter into and comply with a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP. On or about February 19, 2020, Dr. Thomas enrolled in MPRP and signed a Participant Rehabilitation Agreement and an Addendum to the Rehabilitation Agreement.

The Consent Order stated:

1. The Respondent shall enroll in the Maryland Professional Rehabilitation Program ("MPRP") as follows:

* * *

(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.

* * *

(f) the Respondent's failure to comply with any of the above terms or conditions including terms and conditions of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) constitute a violation of this Consent Order[.]

The Consent Order further stated:

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 a 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 a disciplinary panel determines there is no genuine dispute of 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 of this Consent Order, the disciplinary panel may reprimand the Respondent, place the

Respondent on further 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 upon the Respondent[.]

Violation of January 6, 2020 Consent Order

On April 10, 2020, MPRP notified the Board that Dr. Thomas had violated the terms of his Participant Rehabilitation Agreement.¹ On April 13, 2020, the Board received a follow up email reporting an additional violation. In a letter dated April 20, 2020, Dr. Thomas acknowledged that he violated the Participant Rehabilitation Agreement. On April 28, 2020, MPRP notified the Board that it discharged Dr. Thomas from the program for cause.

Show Cause Hearing

On July 31, 2020, Panel A issued a Violation of Board Order and Notice to Show Cause, alleging a violation of the terms and conditions of the January 6, 2020 Consent Order for failing to comply with the terms of the Participant Rehabilitation Agreement he entered into with MPRP. This Violation of Board Order and Notice to Show Cause was mailed to Dr. Thomas at the address of record he had on file with the Board. The Violation of Board Order and Notice to Show Cause stated: "Panel A has scheduled a show cause hearing on this matter for September 9, 2020, at 1:00 p.m., at the Board's offices, 4201 Patterson Avenue, Baltimore, Maryland 21215."

Due to the COVID-19 pandemic, the hearing was scheduled to be conducted remotely via the Zoom platform or via teleconference. On September 2, 2020, a Board staff member sent emails to Dr. Thomas that invited him to attend a Zoom "test" on September 3, 2020, to allow Dr. Thomas to familiarize himself with the Zoom platform prior to his hearing on September 9, 2020. Dr. Thomas did not respond to the email or join the test call. After Dr. Thomas missed the call, a Board staff member sent Dr. Thomas another email offering him a second opportunity to

¹ The nature of Dr. Thomas's violation is confidential.

participate in a Zoom test call on September 4, 2020. Again, Dr. Thomas did not respond to the emails about the Zoom test and did not appear for either test call.

On September 8, 2020, at 4:12 p.m., Dr. Thomas responded to a July 13, 2020 email from the Board's probation analyst, and stated that he would agree to a letter of surrender and that the letter of surrender was "on the way."² On September 8, at 4:28 p.m., Board staff sent Dr. Thomas an email reminding him about his September 9, 2020 hearing at 1:00 p.m., and provided a link to the Zoom conference and a telephone number for the dial-in option. On September 9, 2020, at 1:07 a.m., Dr. Thomas sent an email in response to the staff member's reminder email stating that he wished to surrender his license. He claimed not to have received any mail and only had received the emails regarding the zoom meeting. He stated "[p]lease let me know what I need to do." On September 9, 2020, at 8:19 a.m., the Board's probation analyst sent Dr. Thomas an email explaining that the letter of surrender was no longer an option because he had not timely responded to the offer for the letter of surrender. The probation analyst reiterated that the Show Cause hearing would be held that day, at 1:00 p.m., and told him to follow the instructions for joining the hearing from the staff member's email. On September 9, 2020, at 1:00 p.m., the time scheduled for the hearing, the administrative prosecutor appeared on behalf of the State. Dr. Thomas did not appear at the show cause hearing. At 1:05 p.m., Panel A proceeded with the Show Cause Hearing. During the hearing, the administrative prosecutor summarized the violation and recommended revocation of Dr. Thomas's license.

² Dr. Thomas was offered a letter of surrender, in June but he did not respond to the offer by the deadlines provided, in mid-July and, as a result, the Notice to Show Cause was subsequently issued on July 31, 2020.

CONCLUSION OF LAW

Panel A concludes that Dr. Thomas violated a condition of the January 6, 2020 Consent Order by failing to comply with the requirements of the Participant Rehabilitation Agreement he entered into with MPRP.

SANCTION

Pursuant to the January 6, 2020 Consent Order, upon a finding of a violation, the Panel may reprimand Dr. Thomas, place Dr. Thomas on further probation with appropriate terms and conditions, suspend, or revoke Dr. Thomas's license to practice medicine in Maryland. Dr. Thomas signed the Participant Rehabilitation Agreement on February 19, 2020, and, less than two months later, he violated the agreement multiple times and MPRP discharged Dr. Thomas from the program for cause. Based on these violations, the Panel revokes Dr. Thomas's license.

ORDER

It is, thus, by Board Disciplinary Panel A, hereby

ORDERED that the license of Spencer D. Thomas, M.D., license number D82725, to practice medicine in Maryland, is **REVOKED**; and it is further

ORDERED that this 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).

10/21/2020
Date

Signature on File

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