

IN THE MATTER OF

\*

BEFORE THE MARYLAND

GERARD J. MOORE

\*

STATE BOARD OF

Respondent

\*

PHYSICIANS

LICENSE NO.: L02597

\*

CASE NO.: 2017-0493

\* \* \* \* \*

**ORDER OF SUSPENSION OF RESPIRATORY CARE PRACTITIONER LICENSE  
FOR DELINQUENT CHILD SUPPORT**

**BACKGROUND**

On or about January 23, 2017, the Maryland State Board of Physicians (the “Board”) received a written request from the Prince George’s County Office of the Child Support Enforcement Administration of the Maryland Department of Human Resources (the “Administration”) to suspend the Respiratory Care Practitioner License held by Gerard J. Moore, (the “Respondent”), License No. L02597, for delinquent child support. This action was to be taken by authority of Md. Code Ann., Fam. Law § 10-119.3 (2012 Repl. Vol.), which provides, in pertinent part:

(e)(2) Except as provided in paragraph (3) of this subsection, upon notification by the Administration under this section, a licensing authority<sup>1</sup> shall:

(i) suspend an individual’s license; or

(ii) deny the license of an individual who is an applicant for a license from the licensing authority.

\* \* \*

(h) *Right to contest identity.* – (1) Except as provided in paragraph (2) of this subsection, prior to the suspension or denial of a license under subsection (e) of this section, a licensing authority shall send written notice of the proposed action to the individual whose license

<sup>1</sup> The Maryland State Board of Physicians is a unit within the Maryland Department of Health and Mental Hygiene, Md. Code Ann., Health-Gen. §§ 2-101 & 2-106(a)(20), and is therefore a “licensing authority” within the meaning of Md. Code Ann., Fam. Law § 10-119.3(a)(3)(i) and (ii)(2).

is subject to suspension or denial, including notice of an individual's right to contest the identity of the individual whose license or application is to be suspended or denied.

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(i) *Appeal; hearing.* —(1)(i) Except as provided in paragraph (2) of this subsection, an individual may appeal a decision of a licensing authority to suspend or deny the individual's license in accordance with Title 10, Subtitle 2 of the State Government Article.

(ii) At a hearing under this paragraph, the issue shall be limited to whether the Administration has mistaken the identity of the individual whose license has been suspended or denied.

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(k) *Reinstatement of license—Duty of licensing authority.* — A licensing authority shall immediately reinstate any license suspended, or process an application for any license denied, under this section if:

- (1) notified by the Administration that the license should be reinstated; and
- (2) the individual otherwise qualifies for the license.

On January 25, 2017, the Board sent an unexecuted copy of this Order of Suspension to the Respondent's last known address of record with the Board and also to the address on the request form that the Board received from the Administration. Accompanying the unexecuted Order of Suspension was a cover letter notifying the Respondent of his right to contest his identity in writing within thirty days of the date of the letter and notifying the Respondent that if he did not submit a signed, written appeal to the Board on or before February 25, 2017, the Board would execute this Order of Suspension as written. The Respondent did not submit a written contest of identity to the Board by February 25, 2017.

#### **FINDINGS OF FACT**

1. The Board issued a license to practice respiratory care to the Respondent on February 27, 1997. His license is currently active and is scheduled to expire on May 30, 2018.

2. On or about January 23, 2017, the Board received a written request from the Administration, entitled “Request to Suspend or Deny License for Delinquent Child Support” (the “Request”), which requested that the Board suspend the Respiratory Care Practitioner License held by the Respondent for delinquent child support under the authority of Md. Code Ann., Fam. Law § 10-119.3. The Request stated that, as of January 1, 2017, the arrearage amount of child support that the Respondent owed was \$7,000, in the Administration’s case numbered 010115932.

3. As noted above, Md. Code Ann., Fam. Law § 10-119.3(e)(2) & (h)(1) requires that the Board suspend the license of the Respondent upon notification by the Administration and after sending written notice to the Respondent of the proposed suspension of his license and of his right “to contest the identity of the individual whose license . . . is to be suspended.”

4. On January 25, 2017, the Board sent an unexecuted copy of this Order of Suspension to the Respondent’s last known address registered with the Board (the same address as that on the Request). Included with the unexecuted Order of Suspension was a letter notifying the Respondent of his right to contest his identity, in writing to the Board, within thirty days of the date of the letter; that is, to contest that he was not the Gerard J. Moore, License No. L02597 named by the Administration as the individual whose license should be suspended for delinquent child support. In addition, the letter also gave Respondent written notice that if he did not submit to the Board a signed, written appeal on or before February 25, 2017, the Board would execute this Order of Suspension as written.<sup>2</sup>

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<sup>2</sup> The letter also notified the Respondent that he could prevent the suspension of his registration by contacting the Administration and arranging to pay the arrears in full within 15 days of the date of the letter.

5. The Respondent did not submit a written contest of identity to the Board by February 25, 2017; nor was the Board notified that the Respondent arranged to pay the arrears in full.

6. Having given the Respondent the statutorily required written notice of the Board's intent to suspend his license and of his right to contest identity pursuant to Md. Code Ann., Fam. Law § 10-119.3(h)(1), and having not received a written response or appeal from the Respondent, the Board is statutorily required to suspend the Respondent's license, pursuant to Md. Code Ann., Fam. Law § 10-119.3(e)(2).

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes that, pursuant to Md. Code Ann., Fam. Law § 10-119.3(e)(2)(i), it is statutorily required to suspend the Respondent's license to practice respiratory care until the Board receives notification from the Administration that the Respondent's license should be reinstated pursuant to Md. Code Ann., Fam. Law § 10-119.3(k)(1)-(2), provided that the Respondent is otherwise qualified for a license.

### **ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

**ORDERED** that the Respiratory Care Practitioner License held by the Respondent, Gerard J. Moore, License No. L02597 is **SUSPENDED**; and it is further,

**ORDERED** that the Respondent's license shall remain suspended until the Board receives notification from the Child Support Enforcement Administration of the Department of Human Resources that the Respondent's license should be reinstated pursuant to Md. Code Ann., Fam. Law § 10-119.3(k)(1)-(2), provided that the Respondent is otherwise qualified for a license; and it is further,

**ORDERED** that this is a Final Order of the Maryland State Board of Physicians and, as such, is a public document and is reportable to any entity to which the Board is obligated by law to report, and is disclosable pursuant to Md. Code Ann., Gen. Prov. §§4-101 through 4-601 (2014).

02/27/2017  
Date

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

**NOTICE OF APPEAL RIGHTS**

The Respondent has a right to appeal this Final Order of the Board pursuant to Fam. Law § 10-119.3(i), which provides as follows:

- (i) *Appeal; hearing.*—(1)(i) Except as provided in paragraph (2) of this subsection, an individual may appeal a decision of a licensing authority to suspend or deny the individual’s license in accordance with Title 10, Subtitle 2 of the State Government Article.
- (ii) At a hearing under this paragraph, the issue shall be limited to whether the Administration has mistaken the identity of the individual whose license has been suspended or denied.