

IN THE MATTER OF

*

BEFORE THE

JAY S. COPELAND, M.D.

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MARYLAND STATE

Respondent

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BOARD OF PHYSICIANS

License Number: D0008592

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Case Number: 2223-0100 B

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CONSENT ORDER

On October 3, 2024, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged **JAY S. COPELAND, M.D.** (the “Respondent”), License Number D0008592, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2021 Repl. Vol. & 2023 Supp.).

Panel B charged the Respondent with violating Health Occ. § 14-404:

- (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:

....

- (4) Is professionally, physically, or mentally incompetent[.]

On November 18, 2024, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on the negotiations occurring as a result of this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel B makes the following findings of fact:

1. At all times relevant, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was originally licensed to practice medicine in Maryland on September 17, 1970, under License Number D08592. The Respondent's medical license expires on September 30, 2026, subject to renewal.

2. The Respondent currently has active licenses to practice medicine in Illinois, Pennsylvania, and Virginia. The Respondent currently has expired licenses to practice medicine in Washington, D.C. and Colorado.

3. The Respondent was employed as a full-time urologist at a medical center (the "Medical Center")¹ in West Virginia from 2008 until on or about November 1, 2022.

4. The Board initiated an investigation of the Respondent after receiving a referral from the Medical Center on or about February 22, 2023, which stated that the Respondent significantly failed to meet generally accepted standards of clinical practice due to inability to perform due to physical limitations.

5. In furtherance of its investigation, the Board obtained the Respondent's state licensing board reporting file from the Medical Center, the Respondent's medical records including medical evaluations, and his written response to the Medical Center's referral. Board staff also conducted under-oath interviews of the Respondent and of two physicians who worked with the Respondent at the Medical Center.

6. Subsequently, the Board submitted its investigative materials to a licensed physician board-certified in urology and surgery (the "Board Reviewer") for review. After

¹ For confidentiality and privacy reasons, the names of individuals and health care facilities are not disclosed in this document.

review, the Board Reviewer issued a report in which he found that the Respondent's medical condition "makes him physically incompetent to perform urologic surgery safely."²

CONCLUSIONS OF LAW

Based on the Findings of Fact, Disciplinary Panel B of the Board concludes as a matter of law that the Respondent is professionally, physically, or mentally incompetent, in violation of Health Occ. § 14-404(a)(4).

ORDER

It is, thus, on the affirmative vote of a majority of the quorum of Panel B, hereby

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

ORDERED that the Respondent shall permanently cease performing urological procedures and surgery; and it is further

ORDERED that on every January 31st thereafter, if the Respondent holds a Maryland medical license, the Respondent shall provide the Board with an affidavit verifying that the Respondent has not performed urological surgery in the past year; and it is further

ORDERED that if the Respondent fails to provide the required annual verification of compliance:

- (1) there is a presumption that the Respondent has violated the permanent condition; and
- (2) the alleged violation will be adjudicated pursuant to the procedures of a Show Cause Hearing; 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 a disciplinary panel determines that there is a genuine dispute

² For confidentiality and privacy reasons, the specific information contained in the Board Reviewer's report will not be disclosed in this document.

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 that 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 further probation with appropriate terms and conditions, impose a suspension of the Respondent's medical license with appropriate terms or 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 this Consent Order shall not be amended or modified, and future requests for amendment or modification will not be considered; and it is further

ORDERED that this Consent Order goes into effect upon the signature of the Executive Director of the Board or her designee. The Executive Director or her designee signs the Consent Order on behalf of Panel B; and it is further

ORDERED that 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

01/15/2025
Date

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

CONSENT

I, Jay S. Copeland, M.D., assert that I am aware of my right to consult with, and be represented by, counsel in considering this Consent Order and in any proceedings that would otherwise result from the charges currently pending. I have chosen to proceed without counsel, and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

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

Date

1-14-25

Jay S. Copeland, M.D.
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 14 day of January 2025, before me, a Notary Public of the foregoing State and City/County, Jay S. Copeland, M.D., personally appeared and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSTH my hand and notarial seal.

DK
Notary Public

My commission expires: May 1, 2027

