

**James S. Kehler, M.D.**

July 19, 2018

Damean W. E. Freas, D.O. Chair  
Disciplinary Panel B  
Maryland State Board of Physicians  
4201 Patterson Avenue, 4<sup>th</sup> Floor  
Baltimore, MD 21215-2299

Re: Permanent Surrender of License to Practice Medicine  
James S. Kehler, M.D. License Number: D08616  
Case Number: 2017-0158B

Dear Dr. Freas and Members of the Disciplinary Panel B,

Please be advised that, pursuant to Md. Code Ann., Health Occ. ("Health Occ.") §14-403 (2014 Repl. Vol. & 2017 Supp.), I have decided to permanently **SURRENDER** my license to practice medicine in the State of Maryland, License Number D08616, effective immediately. I understand that upon surrender of my license, I may not give medical advice or treatment to any individual, with or without compensation, and cannot prescribe medications or otherwise engage in the practice of medicine in the State of Maryland as it is defined in the Maryland Medical Practice Act (the "Act"), Health Occ. §§ 14-101 *et seq.* and other applicable laws. In other words, as of the effective date of this Letter of Surrender, I understand that the surrender of my license means that I am in the same position as an unlicensed individual in the State of Maryland.

I understand that this Letter of Surrender is a **PUBLIC DOCUMENT**, and upon Disciplinary Panel B's ("Panel B") acceptance, becomes a **FINAL ORDER** of Panel B of the Maryland State Board of Physicians (the "Board").

I acknowledge that the Board initiated an investigation of my practice and on May 8, 2018, Panel B issued amended disciplinary charges against me under Health Occ. § 14-404(a)(4). Specifically, Panel B alleged that I underwent a Board ordered neuropsychological examination and the evaluator recommended based on his evaluation that I discontinue the practice of medicine. A copy of the charges is attached as Attachment 1. I have decided to surrender my license to practice medicine in the State of Maryland to avoid further investigation and prosecution of these disciplinary charges and due to my retirement.<sup>1</sup>

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<sup>1</sup> This Letter of Surrender will resolve both the Amended Charges filed on May 8, 2018 and the Order of Summary Suspension issued on February 20, 2018.

Damean W. Freas, D.O. and Members of Disciplinary Panel B

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I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender to avoid further prosecution of the disciplinary charges. I acknowledge that for all purposes related to medical licensure, the charges will be treated as if proven.

I understand that by executing this Letter of Surrender I am waiving my right to a hearing to contest the disciplinary charges. In waiving my right to contest the charges, I am also waiving the right to be represented by counsel at the hearing, to confront witnesses, to give testimony, to call witnesses on my own behalf, and all other substantive and procedural protections provided by law, including the right to appeal to circuit court.

I understand that the Board will advise the Federation of State Medical Boards, the National Practitioner Data Bank, and the Healthcare Integrity and Protection Data Bank of this Letter of Surrender. I also understand that in the event I would apply for licensure in any form in any other state or jurisdiction that this Letter of Surrender may be released or published by the Board to the same extent as a final order that would result from disciplinary action, pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014), and that this Letter of Surrender constitutes a disciplinary action by Panel B.

I affirm that I will provide access to and copies of medical records to my patients in compliance with Title 4, subtitle 3 of the Health General Article.

I further recognize and agree that by submitting this Permanent Letter of Surrender, my license in Maryland will remain permanently surrendered. In other words, I agree that I have no right to reapply and will not reapply for a license to practice medicine in the State of Maryland.

I acknowledge that I may not rescind this Permanent Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have been advised of my right to be represented by an attorney of my choice throughout proceedings before Panel B, including the right to consult with an attorney prior to signing this Permanent Letter of Surrender. I have knowingly and willfully waived my right to be represented by an attorney before signing this letter surrendering my license to practice medicine in Maryland. I understand both the nature of Panel B's actions and this Permanent Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Permanent Letter of Surrender. I make this decision knowingly and voluntarily.

Damean W. Freas, D.O. and Members of Disciplinary Panel B

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**Signature on File**



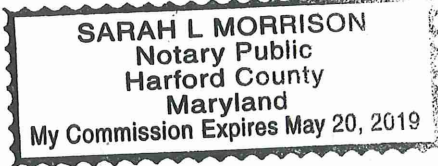
James S. Kehler, M.D.

**NOTARY**

STATE OF Maryland  
CITY/COUNTY OF Harford

I HEREBY CERTIFY that on this 19<sup>th</sup> day of July, 2018 before me, a Notary Public of the City/County aforesaid, personally appeared James S. Kehler M.D., and declared and affirmed under the penalties of perjury that the signing of this Letter of Surrender was a voluntary act and deed.

AS WITNESS my hand and Notarial seal.



Sarah L. Morrison  
Notary Public

My commission expires: 5/20/19

**ACCEPTANCE**

On behalf of Disciplinary Panel B, on this 19<sup>th</sup> day of July, 2018, I, Christine A. Farrelly, accept the **PUBLIC SURRENDER** of James Kehler M.D.'s license to practice medicine in the State of Maryland.

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

# ATTACHMENT 1

IN THE MATTER OF	*	BEFORE THE
JAMES S. KEHLER, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D08616	*	Case Number: 2017-0158B

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**AMENDED CHARGES UNDER THE MARYLAND MEDICAL PRACTICE ACT<sup>1</sup>**

Disciplinary Panel B of the Maryland State Board of Physicians (the “Board”) hereby charges James S. Kehler, M.D., (the “Respondent”), License Number D08616, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.).

The pertinent provisions of the Act under Health Occ. § 14-404(a) provide as follows:

**§ 14-404. Denials, reprimands, probations, suspensions, and revocations – Grounds.**

(a) *In general.* Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel of the Board, 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.

**ALLEGATIONS OF FACT<sup>2</sup>**

Disciplinary Panel B of the Board bases its charges on the following facts that it has reason to believe are true:

1. At all relevant times, the Respondent was and is a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed in Maryland on September 18,

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<sup>1</sup> These Amended Charges Under the Maryland Medical Practice Act supersede the Charges issued on May 2, 2017.

<sup>2</sup> The statements of the Respondent’s conduct herein are intended to provide the Respondent with notice of the alleged charges. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in this matter.

1970. His Maryland license is currently suspended.<sup>3</sup>

2. The Respondent is board-certified in psychiatry and neurology.
3. The Respondent practices medicine at a private practice in Annapolis, Maryland.
4. On September 8, 2016, the Board received a complaint from a former patient ("Patient A") of the Respondent alleging that the Respondent routinely fell asleep and slurred his words during her appointments. Patient A also alleged concerns regarding the Respondent's care and billing practices.
5. On September 16, 2016, the Board notified the Respondent of the complaint and its preliminary investigation and requested a written response within 10 business days.
6. By letter dated January 10, 2017, the Board notified the Respondent that it had opened a full investigation.
7. By letter dated December 15, 2017, the Board notified the Respondent that the Board required him to attend an examination pursuant to Health Occ. II § 14-402(a), specifically a neuropsychological examination.
8. On January 3, 2018 and January 9, 2018, the Respondent underwent a neuropsychological examination with a licensed psychologist ("Evaluator"), who is board-certified in clinical neuropsychology.
9. The Evaluator, in a written report dated January 20, 2018, concluded that the Respondent is "unable to practice medicine competently and safely." The Evaluator determined that based on the results of the examination, the Respondent lacks the ability to "diagnose patients, prescribe medication and engage in psychotherapy effectively."

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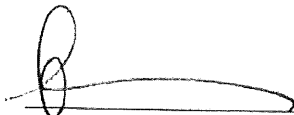
<sup>3</sup> On February 20, 2018, Panel B issued an Order of Summary Suspension, summarily suspending the Respondent's license to practice medicine based on the same facts. On April 25, 2018, Panel B conducted a post-deprivation hearing regarding the Order of Summary Suspension and voted to continue the Order of Summary Suspension.

**NOTICE OF POSSIBLE SANCTIONS**

If, after a hearing, a disciplinary panel of the Board finds that there are grounds for action under Health Occ. § 14-404(a)(4), the Board may impose disciplinary sanctions against Respondent's license, including revocation, suspension, reprimand and/or probation. The panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent.

**BRIAN E. FROSH  
ATTORNEY GENERAL OF MARYLAND**

5/8/2018  
Date

  
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