



IN THE MATTER OF

RECEIVED

BEFORE THE BOARD OF

25 FEB 92 \* 12 35

SPENCER A. WARD, M.D.

PHYSICIAN QUALITY ASSURANCE

LICENSE NUMBER: D13919

BOARD OF PHYSICIAN  
QUALITY ASSURANCE

CASE NUMBER: 91-0148

OF THE STATE OF MARYLAND

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CONSENT DECREE

BACKGROUND

On June 11, 1991 the Board of Physician Quality Assurance (the "Board") charged SPENCER A. WARD, M.D. LICENSE NUMBER D13919, CASE NUMBER 91-0148, ("RESPONDENT") under the Maryland Medical Practice Act ( the "Act"), MD HEALTH OCC. CODE ANN. Section 14-401 et. seq.

The pertinent provisions of the Act are as follows:

Section 14-404 Denials, reprimands, probations, suspensions and revocations---Grounds.

(a) In general.---Subject to the hearing provisions of Section 14-405 of this subtitle, the Board, on the affirmative vote of a majority of its full authorized membership, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

(21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veteran's Administration for an act that would be grounds for disciplinary action under this section;

The grounds underlying the charges of this section are that Respondent:

(3) Is guilty of immoral or unprofessional conduct in the practice of medicine.

(22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State

On October 23, 1991, a Settlement Conference of the Board (the "Conference") was held. Attending the Conference were: John F. Strahan, M.D., Chief Settlement Officer; Frank A. Gunther, Jr., Vice Chair of the Board; J. Andrew Sumner, M.D., Board Member; Peter E. Dans, M.D., Executive Secretary; C. Frederick Ryland, Assistant Attorney General, Counsel to the Board; Darlene A. Fleischmann, Esquire, Chief of Compliance; Stephen H. Johnson, Chief Case Manager; Pamela J. LoPreato, Secretary to Chief of Compliance; Geneva E. Goode, Secretary; John Grad, Esquire and Spencer A. Ward, M.D. As a result of the Conference, the Respondent and the Board agreed to enter into the following Consent Decree, which includes Findings of Fact, Conclusions of Law and a Final Order.

#### FINDINGS OF FACT

1. At all times relevant to these charges the Respondent was and is licensed to practice medicine in the State of Maryland;

2. Appropriate peer review includes the review of a physician's practice by a licensing or disciplinary authority of another jurisdiction.

3. Appropriate peer review includes the review of a physician's practice by specialty societies recognized by a licensing or disciplinary authority of a jurisdiction in which the physician practices;

4. On March 1, 1990, Respondent entered into a Consent Order with the Commonwealth of Virginia, Exhibit 1, attached hereto, in which Respondent admitted to the following:

1. Between December 1982 and February 9, 1984, during the course of individual psychotherapy with Patient A for depressive neurosis, Dr. Ward failed to recognize and respond in an appropriate therapeutic manner to an erotic or dependent transference/countertransference relationship. Further, on June 4 and June 5, 1983, Dr. Ward invited Patient A to spend the night at his residence, and engaged in inappropriate sexual conduct with the patient.

2. Based upon the above alleged conduct, the Greater Washington Psychiatric Society of the American Psychiatric Association suspended Dr. Ward's membership for a period of three years for unethical conduct.

5. In his Consent Order of March 1, 1990, Respondent agreed that his license was SUSPENDED but that the suspension was STAYED based upon his compliance with the conditions of probation, as detailed in Exhibit 1, attached hereto.

6. On August 29, 1991, Respondent entered into a subsequent Consent Order ordering that the STAYED SUSPENSION upon

Respondent's license be LIFTED and his license be CONTINUED on PROBATION upon the conditions of probation, as detailed in Exhibit 2, attached hereto.

7. Entering into a sexual relationship with a patient is immoral or unprofessional conduct in the practice of medicine;

8. Failing to recognize and respond in an appropriate manner to an erotic or dependent transference/countertransference is a failure to meet appropriate standards of care;

9. Suspension of Respondent's license and being placed on probation by the Board of Medicine of the Commonwealth of Virginia is being disciplined by a licensing or disciplinary authority.

CONCLUSIONS OF LAW

Respondent committed the following prohibited acts:

1. Respondent was

Disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veteran's Administration for an act that would be grounds for disciplinary action under this section;

MD HEALTH OCC. CODE ANN. Section 14-404 (a) (21)

2. The underlying grounds for this disciplinary action were Respondent's failure

To meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State.

MD HEALTH OCC. CODE ANN. Section 14-404 (a) (22), and

that Respondent was

Guilty of immoral or unprofessional conduct  
in the practice of medicine.  
MD HEALTH OCC. CODE ANN. Section 14-404 (a) (3)

ORDER

It is this 26 day of February, 1992, by an  
affirmative vote of a majority of the full authorized membership  
of those members of the Board who considered this case,

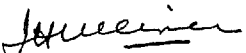
ORDERED, that Respondent's license to practice medicine in  
the State of Maryland is SUSPENDED. Said suspension is STAYED  
provided that Respondent complies with the following conditions  
of probation:

1. Respondent must comply with all conditions of his probation with the Commonwealth of Virginia as set forth in Exhibit 2 attached hereto; and
2. Respondent shall undergo psychotherapy under the supervision of Lawrence I. Sank, Ph.D. in Bethesda, Maryland at a frequency and place to be determined by Dr. Sank;
3. Respondent shall sign all necessary releases to allow the Board to obtain reports summarizing his participation in psychotherapy, his compliance with attending scheduled psychotherapy session, his prognosis, his ability to continue in active medical practice and his ability to continue in the active practice of psychiatry at the conclusion of his probation; and
4. Respondent shall sign all necessary releases to allow the Board to obtain reports from the Chief of Credentialing and the Medical Director at Spring Grove Hospital summarizing Respondent's performance in the practice of medicine and psychiatry and be it further

ORDERED, that upon satisfactory completion of the requirements of the terms of his probation with the State of Maryland Respondent may petition the Board for reinstatement of his license in the State of Maryland without any conditions one (1) year after the execution of this Consent Decree; and be it further

ORDERED, that the stay of Respondent's suspension shall be lifted if Respondent fails to comply with any of the terms of this Final Order; and be it further

ORDERED, that this is a Final Order and as such will be considered a public document pursuant to MD STATE GOV'T CODE ANN. Section 10-611 et.seq. (1989 Cum. Supp.)

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

2/26/92  
\_\_\_\_\_  
Date

CONSENT

By this Consent, I hereby admit to the Findings of Fact contained in this Order. I hereby agree to be bound by the foregoing Consent Decree and its conditions and restrictions.

I am entering into this Consent Decree for the purpose of resolving the charges initiated by the Board of Physician Quality Assurance against my license to practice medicine as defined in

# The Washington Psychiatric Society

A DISTRICT BRANCH OF THE AMERICAN PSYCHIATRIC ASSOCIATION

OFFICERS 1991-92

June 10, 1991

Avin Golub  
Executive Director

Judith A. Nowak, M.D.  
President

Carol C. Kleinman, M.D.  
President-Elect

Lucie S. Greenblum, M.D.  
Secretary

Leonard S. Goldstein, M.D.  
Treasurer

Harold L. Est, M.D.  
Immediate Past President  
APA Public Affairs Representative

Lawrence Y. Kline, M.D.  
Assembly Representative

Irvin D. Milawa, M.D.  
Assembly Representative

Lawrence C. Sack, M.D.  
Assembly Representative

Roy M. Coleman, M.D.  
Assembly Executive Committee

Jerry M. Wiener, M.D.  
APA Trustee At Large

Raion E. Witenberg, M.D.  
WPS Public Affairs Representative

Edward C. Kirby, Jr., M.D.  
WPS Legislative Affairs  
Representative (Federal)

Bernardo Hirschman, M.D.  
Councilmember

Louise Y. Postman, M.D.  
Councilmember

Eliel Sorel, M.D.  
Councilmember

James W. Voell, M.D.  
Councilmember

Raymond F. Paterson, M.D., Chair  
D.C. Chapter

Robert I. Kurcz, M.D., Chair  
Suburban Maryland Psychiatric  
Society

Joseon J. Palombi, M.D., Chair  
Northern Virginia Chapter  
WPS Legislative Affairs  
Representative (State)

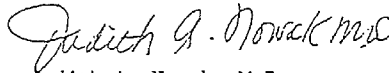
Roger Penie, M.D.  
APA Board of Trustees  
Parliamentarian

Spencer A. Ward, M.D.  
11204 Angus Place  
Potomac, Maryland 20854

Dear Dr. Ward:

At its May 20, 1991 meeting, Executive Council of the Washington Psychiatric Society approved reinstatement of your membership status from that of Member-In-Suspension (May, 1988 through May, 1991) to that of General Member in good standing of both the WPS and the American Psychiatric Association.

Sincerely,



Judith A. Nowak, M.D.  
President

cc: APA Ethics Committee  
Edward Kirby, M.D.

COPY

200 K Street, N.W., Suite 202  
Washington, D.C. 20005  
Tel: (202) 582-6270



SEEN AND AGREED TO:

Spencer A. Ward

COUNTY/CITY OF Washington D.C., to wit:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the District of Columbia at large, this 17<sup>th</sup> day of August, 1991 by Spencer A. Ward, M.D.

Martha B. Byrd  
Notary Public

My commission expires ~~1993~~ Commission Expires April 14, 1993

RECEIVED: September 5, 1991

Bernard L. Henderson, Jr.  
Bernard L. Henderson, Jr., Director  
Department of Health Professions

LM:AB071001:ORDERS

WITNESSES

A TRUE COPY, TESTE:

Karen Waldron  
KAREN WALDRON, DEPUTY EXECUTIVE DIRECTOR  
VIRGINIA STATE BOARD OF MEDICINE

2. Within one year upon entry of this Order, Dr. Ward shall meet with the Board's psychiatric consultants who will submit a report to the Board for review. Thereafter, Dr. Ward shall be noticed to reappear before the informal conference committee. Said committee shall provide the ongoing monitoring of Dr. Ward's probation, determine the frequency of further appearances by Dr. Ward before it, and shall serve as the instrument of the Board responsible for approving and reviewing all information relative to the terms and conditions of this Consent Order.

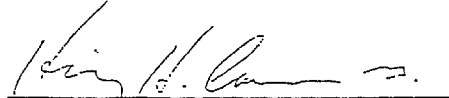
3. Dr. Ward shall notify the Board immediately of any change in employment status.

4. Dr. Ward shall maintain a course of conduct in his practice of medicine commensurate with the requirements of Chapter 29, Title 54.1 of the Code.

Violation of this Consent Order shall constitute grounds for the revocation of the license of Spencer A. Ward, M.D. In the event Dr. Ward violates any of the terms and conditions of this Consent Order, a formal administrative hearing shall be convened to determine whether the license of Spencer A. Ward, M.D. shall be revoked.

Pursuant to Section 9-6.14:14 of the Code, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD:

  
Hilary H. Connor, M.D.  
Executive Director  
Virginia Board of Medicine

ENTERED: 9-29-91

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Committee concludes that Dr. Ward is properly before it and that Dr. Ward is in compliance with the terms and conditions of probation, as set forth in a Consent Order of the Board entered March 5, 1990.

CONSENT

I, Spencer A. Ward, M.D. by affixing my signature hereto, acknowledge that:

1. I have been specifically advised to seek the advice of counsel prior to signing this document;
2. I am aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, Section 9-6.14:1 et seq., of the Code;
3. I have the following rights, among others: the right to a formal fact finding hearing before the Board, to reasonable notice of said hearing, to representation by counsel, and to cross-examine witnesses against me;
4. I waive all such rights to a formal hearing;
5. I admit to the foregoing Findings of Fact; and
6. I consent to the entry of this Consent Order affecting my license to practice medicine in the Commonwealth of Virginia.

ORDER

WHEREFORE, it is hereby ORDERED that the STAYED SUSPENSION upon the license of Spencer A. Ward, M.D. be LIFTED and that his license be CONTINUED on PROBATION upon the following terms and conditions:

1. Dr. Ward shall continue in psychotherapy with Lawrence I. Sank, Ph.D. and shall authorize him to submit reports to the Board every six months which will be reviewed by the Board's psychiatric consultants. The Board shall be notified immediately of any change in therapy status.

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: SPENCER A. WARD, M.D.

CONSENT ORDER

Pursuant to Sections 9-6.14:11 and 54.1-2919 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Dr. Ward on July 9, 1991 in Fredericksburg, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the informal conference committee ("Committee") were: Catherine S. Casey, M.D., Chairman; David E. Brown, D.C.; and F. J. Pepper, M.D. Dr. Ward was present and represented by counsel, John D. Grad, Esq. The Board was represented by Clyde W. Mathews, Jr., Assistant Attorney General. The purpose of the informal conference was to review Dr. Ward's compliance with the terms and conditions of probation imposed upon his license to practice medicine in Virginia, as set forth in a Consent Order of the Board entered March 5, 1990.

FINDINGS OF FACT

Now, having properly considered the evidence presented, the Committee makes the following findings of fact:

1. On May 20, 1991, the Executive Council of the Washington Psychiatric Society lifted Dr. Ward's suspension and reinstated his membership in good standing for both the Washington Psychiatric Society and the American Psychiatric Society.
2. Dr. Ward is in compliance with all the terms and conditions of probation, as set forth in a Consent Order of the Board entered March 5, 1990.
3. Between July 1990 and June 1991, Dr. Ward earned 58 hours of Category I continuing medical education credits.

EXHIBIT 2

Pursuant to Section 9-6.14:14 of the Code, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD:

Hilary H. Connor  
Hilary H. Connor, M.D.  
Executive Director  
Virginia Board of Medicine

ENTERED: 3-5-90

SEEN AND AGREED TO:

Spencer A. Ward  
Spencer A. Ward, M.D.

COMMONWEALTH OF VIRGINIA  
~~COUNTY~~/CITY OF ALEXANDRIA, to wit:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia at large, this 1<sup>st</sup> day of MARCH, 1990 by Spencer A. Ward, M.D.

Margie Stokes  
Notary Public

My commission expires: 5-30-92

RECEIVED: March 6, 1990

Bernard L. Henderson, Jr.  
Bernard L. Henderson, Jr., Director  
Department of Health Professions

LM:bi011601.med

2. Dr. Ward shall continue in psychotherapy with Lawrence I. Sank, Ph.D. and shall authorize him to submit reports to the Board every six months which will be reviewed by the Board's Psychiatric Consultants. The Board shall be notified immediately of any change in therapy status.

3. Dr. Ward shall authorize Paul D. Sullivan, M.D. and Thomas F. Krajewski, M.D., supervisors under the terms of the American Psychiatric Association suspension, to submit reports to the Board every six months which will be reviewed by the Board's Psychiatric Consultants. The Board shall be notified immediately of any change in said supervisory arrangements.

4. At the end of the first year of probation and upon receipt of the required reports as stated in paragraphs two (2) and three (3) above, Dr. Ward will be scheduled to meet with the Board's Psychiatric Consultants.

5. Dr. Ward shall notify the Board immediately of any change in employment status.

6. At intervals specified by the Board, Dr. Ward shall appear before the informal conference committee. Said committee shall provide the ongoing monitoring of Dr. Ward's probation, determine the frequency of further appearances by Dr. Ward before it, and shall serve as the instrument of the Board responsible for approving and reviewing all information relative to the terms and conditions of this Consent Order.

7. Dr. Ward shall maintain a course of conduct in his practice of medicine commensurate with the requirements of Chapter 29, Title 54.1 of the Code.

Violation of this Consent Order shall constitute grounds for the revocation of the license of Spencer A. Ward, M.D. In the event Dr. Ward violates any of the terms and conditions of this Consent Order, a formal administrative hearing shall be convened to determine whether the license of Spencer A. Ward, M.D. shall be revoked.

2. Based upon the above alleged conduct, the Greater Washington Psychiatric Society of the American Psychiatric Association suspended Dr. Ward's membership for a period of three years for unethical conduct.

#### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Committee concludes that Dr. Ward has violated Section 54.1-2915.A(3) as further defined in Section 54.1-2914.A(9), (10) and (13) of the Code.

#### CONSENT

I, Spencer A. Ward, M.D., by affixing my signature hereto, acknowledge that:

1. I have been specifically advised to seek the advice of counsel prior to signing this document;

2. I am aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, Section 9-6.14:1 et seq., of the Code;

3. I have the following rights, among others: the right to a formal fact finding hearing before the Board, to reasonable notice of said hearing, to representation by counsel, and to cross-examine witnesses against me;

4. I waive all such rights to a formal hearing;

5. I admit to the foregoing Findings of Fact; and

6. I consent to the entry of this Consent Order affecting my license to practice medicine in the Commonwealth of Virginia.

#### ORDER

WHEREFORE, it is hereby ORDERED that the license of Spencer A. Ward, M.D. to practice medicine in the Commonwealth of Virginia be, and hereby is, SUSPENDED with said suspension STAYED and his license be placed on probation for not less than two years upon the following terms and conditions:

1. Dr. Ward shall continue to abide by all the terms of his June 1988 suspension by the American Psychiatric Association.

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VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: SPENCER A. WARD, M.D.

CONSENT ORDER

Pursuant to Sections 9-6.14:11 and 54.1-2919 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Spencer A. Ward M.D., on January 11, 1990, in Fredericksburg, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the informal conference committee ("Committee") were: Catherine S. Casey, M.D., Chairperson; Tony C. Butera, D.P.M.; and Franklin J. Pepper, M.D. Dr. Ward was present and represented by counsel, John D. Grad, Esquire. The Board was represented by Clyde W. Mathews, Jr., Assistant Attorney General. The purpose of the informal conference was to inquire into allegations that Dr. Ward may have violated certain laws governing the practice of medicine in Virginia, as set forth in the Board's notice of informal conference dated December 12, 1989.

FINDINGS OF FACT

Now, having properly considered the evidence presented, the Committee makes the following findings of fact:

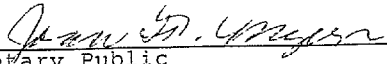
1. Between December 1982 and February 9, 1984, during the course of individual psychotherapy with Patient A for depressive neurosis, Dr. Ward failed to recognize and respond in an appropriate therapeutic manner to an erotic or dependent transference/countertransference relationship. Further, on June 4 and June 5, 1983, Dr. Ward invited Patient A to spend the night at his residence, and engaged in inappropriate sexual conduct with the patient.

*AK*

EXHIBIT 1

his voluntary act and deed.

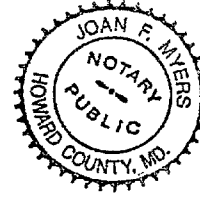
As witness my hand and notarial seal.

  
\_\_\_\_\_  
Notary Public  
Joan F. Myers

My Commission Expires:

2/1/1994

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the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Order and the legal authority of the Board of Physician Quality Assurance to issue and enforce this Order.

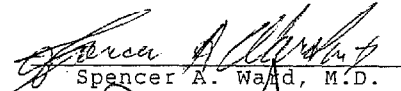
I hereby waive any right to appeal this matter under §14-408 of the Health Occupations Article, Annotated Code of Maryland.

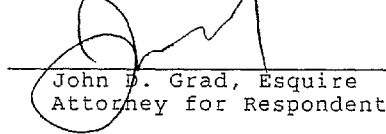
I understand that if I fail to abide by the conditions of this Order, I may suffer disciplinary action against my license to practice medicine in the State of Maryland.

I sign and consent to this Order after having an opportunity to consult with my counsel and with full understanding of the meaning and terms of the Order.

2/24/92  
Date

2/12/92  
Date

  
Spencer A. Ward, M.D.

  
John D. Grad, Esquire  
Attorney for Respondent

STATE OF MARYLAND

~~CITY~~/COUNTY OF: HOWARD

I HEREBY CERTIFY that on this 24 day of February, 1992, before me, a Notary Public of the State and City aforesaid, personally appeared Spencer A. Ward, M.D., and made oath in due form of law that the execution of the foregoing Consent Order is