

IN THE MATTER OF * BEFORE THE BOARD OF PHYSICIAN
BRUCE HENRY SKLAREW, M.D. * QUALITY ASSURANCE OF MARYLAND
LICENSE #D12951 * CASE # 96-0380

CONSENT ORDER

Based on the information received by the State Board of Physician Quality Assurance (the "Board"), pursuant to its authority under Md. Health Occ. Code Ann. §14-401, et. seq., performed an investigation of a complaint against Bruce Sklarew, M.D., (the Respondent) (D.O.B. July 23, 1932), License No. D12951. As a result of this investigation, the Board has determined that sufficient evidence exists to conclude that the Respondent violated the Maryland Medical Practice Act, (the "Act"), Md. Health Occ. Code Ann. (H.O.) §14-404 (1991 Replacement Volume).

The pertinent provisions of the Act provide:

- (a) Subject to the hearing provisions of §14-405 of this subtitle, the Board, on the affirmative vote of the majority of its full authorized membership, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license, if the licensee:
 - (3) Is guilty of... unprofessional conduct in the practice of medicine.

On July 23, 1997, the Board voted to charge the Respondent with the above violation. On October 8, 1997, the Board held a Case Resolution Conference ("CRC"). As a result of the CRC and negotiations with Respondent's Counsel, a proposed resolution of this matter was presented to the Board at its meeting on Wednesday, November 21, 1997. On an affirmative vote of a majority of its full authorized membership, the Board agreed to enter into the following Consent Order.

FINDINGS OF FACT

1. The Respondent has been licensed as a physician in the State of Maryland since November 8, 1963.
2. The Respondent is and has been engaged in the practice of psychiatry in Chevy Chase, Maryland, at 5480 Wisconsin Avenue since on or about 1971.
3. Patient A sought psychiatric care from Respondent in September, 1976, and continued to receive therapy from Respondent until December, 1978.
4. In the summer of 1978, Respondent initiated inappropriate conduct with Patient A which included kissing, sexual physical contact, and discussion of Respondent's personal and private issues with Patient A.
5. Thereafter and until December, 1978, Respondent engaged in such conduct during portions of sessions at his office with Patient A.
6. Patient A terminated in December, 1978.
7. On November 8, 1995, Patient a filed a complaint against the Respondent with the Board of Physician Quality Assurance.

CONCLUSIONS OF LAW

Based upon the above findings of fact, and in reaching this consent order, the Board concludes as a matter of law, that the Respondent is guilty of unprofessional conduct in the practice of medicine in violation of MD. CODE ANN., H.O. 14-404 (a)(3) (1991).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 6th day of May, 1998, by the State Board of Physician Quality Assurance:

ORDERED that the Respondent is hereby **REPRIMANDED** ; and

IT IS FURTHER ORDERED that the Respondent's license to practice medicine in the State of Maryland is hereby **ON PROBATION** for a period of two (2) years beginning from the date of this Order; and

IT IS FURTHER ORDERED that while on probation:

1. On or before July 1, 1998, the Respondent shall submit to a psychiatric evaluation to be conducted by a Board approved psychiatrist, and Respondent shall follow all recommendations made by the evaluating psychiatrist. The Respondent shall be responsible for all costs of this evaluation.

2. If therapy is recommended, Respondent shall participate in therapy with a Board approved psychotherapist. The Respondent shall ensure that quarterly reports are sent to the Board as to attendance, and Respondent shall not terminate psychotherapy until such time as it is authorized by the Board or its designated sub-committee. The Respondent may apply to the Board or its designated sub-committee to terminate psychotherapy upon his filing of a written statement from his treating psychiatrist that continuing psychotherapy is no longer necessary. In the event the Respondent terminates therapy prior to receipt of the Board's approval, the treating psychiatrist shall immediately notify the Board that Respondent has terminated therapy.

3. The Respondent shall sign a release permitting Board staff to release information

contained in the Board file to the evaluating psychiatrist and the psychotherapist.

4. Prior to the Respondent petitioning for termination of probation and reinstatement of his registration to practice medicine without conditions or restrictions, the Respondent shall be reevaluated by a Board approved psychiatrist and shall follow all the recommendations made by the Board approved psychiatrist.

5. The Respondent shall perform five hundred (500) hours of community service, in a setting to be approved by the Board, and provide verification as requested by the Probation Unit of the Board.

6. Respondent shall enroll in and successfully complete a Board approved medical ethics course within one year from the effective date of this Order.

7. The Respondent shall be responsible for all costs for additional training, activities, supervision, and psychiatric therapy he is to obtain during probation.

8. At any time during the probationary period, the Board may request a peer review to be conducted by the Peer Review Committee of the Maryland Psychiatric Society, and Respondent shall follow any recommendations of the Peer Review Committee that are endorsed by the Board.

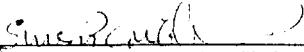
Failure on the part of the Respondent to comply with any of the foregoing conditions of probation constitutes a violation of probation. If the Respondent violates any of the foregoing conditions of probation, the Board, after notification and a hearing, may impose any additional disciplinary sanctions, if deemed appropriate.

In the event Respondent should apply for termination of probation, Respondent must appear before the Case Resolution Conference prior to the granting of termination.

IT IS FURTHER ORDERED that the Respondent shall be responsible for all costs

incurred in this Consent Order;

AND BE IT FURTHER ORDERED that this Consent Order and its attachments is considered a public document pursuant to Maryland State Gov't. Code Annotated §10-611.



Suresh C. Gupta, M.D., Chair
Board of Physician Quality Assurance

5-6-98
Date

THE REST OF THIS PAGE IS BLANK.

CONSENT

By this Consent, I hereby agree and accept to be bound by the foregoing order and its conditions and restrictions consisting of 7 pages.

1. By this Consent, I submit to the foregoing order as a resolution of the complaint brought against me. By signing this Consent, I waive any rights I may have had to contest the Findings of Facts and Conclusions of Law. I submit to the foregoing order as a resolution of this case.

2. I acknowledge the validity of this order as if it were made after a hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf and to all other substantial procedural protections provided by law.

3. I recognize that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing. By this Consent, I waive all such rights.

4. I sign this order after having an opportunity to consult with my attorney, without reservation, and I fully understand its meaning and effect.

5. I have been represented throughout these proceedings by my attorney, William W. Taylor, III, Esquire, and I have fully discussed each and every aspect of the charges against me, the Findings of Fact, Conclusions of Law, the conditions of the suspension and probation with him.

6. I understand that failure to comply with any of the conditions of probation enumerated above may result in an action against my license.

7. I have had an opportunity to review this order with my attorney. I voluntarily sign this order understanding its meaning and effect.

Bruce Sklarew, M.D.
Bruce Sklarew, M.D.

4/16/98
Date

William W. Taylor III, Esq.
William W. Taylor, III, Esquire
Counsel to Respondent

4-24-98
Date

STATE OF MARYLAND
CITY/COUNTY OF Prince Georges

I HEREBY CERTIFY that on the 16 day of April, 1998, before me, a Notary Public of the State and City aforesaid, personally appeared **Bruce Sklarew, M.D.** and made oath in due form of law that the execution of the foregoing Consent Order is his voluntary act and deed.

As witness my hand and notarial seal.

Sarah B. Sanford
Notary Seal

SARAH B. SANFORD

NOTARY PUBLIC STATE OF MARYLAND
MY COMMISSION EXPIRES 12-1-99

My Commission Expires on