

**BEFORE THE VIRGINIA BOARD OF MEDICINE**

**IN RE: KYLE ALEXANDER SMITH, M.D.**  
**License Number: 0101-261741**  
**Case Numbers: 184557, 187868**

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**CONSENT ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

The Virginia Board of Medicine ("Board") and Kyle Alexander Smith, M.D., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Dr. Smith's license to practice medicine and surgery in the Commonwealth of Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Kyle Alexander Smith, M.D., was issued License Number 0101-261741 to practice medicine and surgery on January 27, 2017, which is scheduled to expire on February 29, 2020.

2. Kyle Alexander Smith, M.D., violated Virginia Code § 54.1-2915(A)(5) in that, by Consent Order dated October 27, 2017, the Maryland State Board of Physicians ("Maryland Board") reprimanded Dr. Smith and placed him on probation for a minimum period of two (2) years. The Maryland Board also mandated Dr. Smith's enrollment and compliance in the Maryland Professional Rehabilitation Program ("MPRP"), as well as completion of a continuing education course in maintaining appropriate physician-patient boundaries. This action was based on findings that, by his own admission, Dr. Smith accessed patients' electronic medical records to obtain their telephone numbers, and subsequently texted explicitly sexual communications to three (3) patients.

3. Dr. Smith violated Virginia Code § 54.1-2915(A)(13) and (14) in that he is unable to practice with reasonable skill or safety due to illness and represents a danger to patients and the public.  
**Specifically:**

a. See Confidential Exhibit.

b. See Confidential Exhibit.

c. Dr. Smith enrolled in the Maryland Physician Health Program in November 2017.

As of September 2018, he was compliant with the requirements of that program.

d. Dr. Smith entered the Virginia Health Practitioners' Monitoring Program (HPMP) (Secondary Monitoring) on May 18, 2018, acknowledging that he may suffer from mental illness that impairs his ability to practice safely.

e. Dr. Smith's diagnoses of Obsessive Compulsive Personality Disorder with Narcissistic Traits, Impulse Control Disorder with Compulsive Sexual Behavior, and Adjustment Disorder with Depressed Mood require ongoing treatment and monitoring.

4. Dr. Smith violated Virginia Code § 54.1-2915(A)(3), (12), (13), (16), (18), (19) and 18 VAC 85-20-100 in that he engaged in conduct of a sexual nature that a reasonable patient would consider lewd and offensive. Specifically, on September 5, 2017, Patient A sought treatment from Dr. Smith while he was practicing in Reston, Virginia, for a rash covering her body. Patient A stated that during the examination, Dr. Smith commented that she was a "lovely woman." Not long after leaving the office Patient A began receiving texts from Dr. Smith that at first addressed her appointment and the diagnosis. He continued texting Patient A and began to intersperse sexually-themed information, such as the fact that he slept naked. Dr. Smith admitted these allegations in a letter dated June 11, 2018, and emailed on August 28, 2018, to an investigator for the Department of Health Professions ("DHP").

5. Dr. Smith is currently practicing at Augusta Correctional Facility, an all-male institution, in Craigsville, Virginia.

## CONSENT

Kyle Alexander Smith, M.D., by affixing his signature to the Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document and am not represented by counsel;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; the right to representation by counsel; and the right to cross-examine witnesses against me;
4. I waive my right to an informal conference;
5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;
6. I consent to the entry of the following Order affecting my license to practice medicine and surgery in the Commonwealth of Virginia.

## ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS as follows:

1. Kyle Alexander Smith, M.D., is REPRIMANDED.
2. Kyle Alexander Smith, M.D., shall remain in HPMP and continue to comply fully with the terms of his contract and any addenda thereto, until he successfully completes the program. In


accordance with Dr. Smith's contract, the Board will be notified of any non-compliance with, or dismissal or resignation from, HPMP.

3. Kyle Alexander Smith, M.D., is prohibited from treating any female patients or supervising the treatment of female patients by other health care providers.

4. Any violation of this Order, or any statute or regulation governing the practice of medicine shall be grounds for further disciplinary action.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this 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

  
Jennifer Deschenes, J.D., M.S.  
Deputy Executive Director  
Virginia Board of Medicine

ENTERED: 6/26/2019

SEEN AND AGREED TO:

  
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Kyle Alexander Smith, M.D.

~~DISTRICT OF COLUMBIA~~ Virginia 59  
CITY OF Fairfax County, TO WIT:

Subscribed and sworn to before me, a notary public in and for the District of Columbia at large, on this  
18 day of June, 2019.

  
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Notary Public

My commission expires:

02-31-22

Registration No.:

7777709

