

IN THE MATTER OF * BEFORE THE MARYLAND
MILIND S. GADGIL, M.D. * STATE BOARD OF
Respondent * PHYSICIANS
Maryland License Number: D0097307 * Case Number: 2224-0147

* * * * *

ORDER

PROCEDURAL BACKGROUND

The Maryland Board of Physicians (the “Maryland Board”) received information that Milind S. Gadgil, M.D. (the “Respondent”), Maryland License Number D0097307, a physician licensed to practice medicine in Maryland via the Interstate Medical Licensure Compact (the “Compact”), was disciplined by the Nebraska Board of Medicine and Surgery (the “Nebraska Board”). In an Order on Agreed Settlement, dated March 20, 2024, the Nebraska Board suspended the Respondent’s license for a period of six (6) months, with reinstatement at the discretion of the Nebraska Board.

Based on the above mentioned Nebraska Board sanction, the Maryland Board is authorized to discipline the Respondent, pursuant to the following:

Health Occ. §14-3A-01 Section 10 Disciplinary Actions provides:

- (a) Any disciplinary action taken by any member board against a physician licensed through the Compact shall be deemed unprofessional conduct that may be subject to discipline by other member boards, in addition to any violation of the Medical Practice Act or regulations in that state.
.....
- (c) If disciplinary action is taken against a physician by a member board not in the state of principal license, any other member board may deem the action conclusive as to matter of law and fact decided; and
 - (1) Impose the same or lesser sanction(s) against the physician so long as such sanctions are consistent with the Medical Practice Act of that state[.]

Maryland Board Disciplinary Panel B (“Panel B”) has determined that the acts for which the Respondent was disciplined in Nebraska would be grounds for disciplinary action under H.O. § 14-404(a)(7) and (9)(i). Pursuant to Health Occ. § 14-3A-01 Section 10(a), the grounds for disciplinary action under H.O. § 14-404(a) are as follows:

- (3) (ii) Is guilty of:
 - Unprofessional conduct in the practice of medicine.
- (7) Habitually is intoxicated;
- (9) Provides professional service:
 - (i) While under the influence of alcohol [.]

FINDINGS OF FACT

Panel B makes the following findings of fact and deems it conclusive as a matter of fact decided pursuant to Health Occ. § 14-3A-01 Section 10(c):

1. The Respondent was licensed to practice in Maryland on or about April 25, 2023, under License Number D0097307 pursuant to the Compact.
2. In its Order on Agreed Settlement, the Nebraska Board found that, in April 2023, the Respondent began displaying concerning behavior while employed at a Nebraska clinic, including regularly arriving late for work, laughing at inappropriate times, and other abnormal behavior. Coworkers reported the Respondent smelled like alcohol at times.
3. On May 1, 2023, upon arrival at work, the Respondent’s co-workers reported that he smelled of alcohol, so the Respondent was scheduled for a for-cause drug screen. Two alcohol breathalyzer tests yielded positive blood alcohol contents of .222 and .259.

4. By Order dated March 20, 2024, the Nebraska Board suspended the Respondent's license for six months, with reinstatement at the discretion of the Nebraska Board.

A copy of the Nebraska Order is attached hereto.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, based the Nebraska Order, and Health Occ. §14-3A-01 Section 10(a) and (c), Panel B concludes as a matter of law that the Respondent is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii); is habitually intoxicated, in violation of Health Occ. § 14-404(a)(7); and provided professional services while under the influence of alcohol, in violation of Health Occ. § 14-404(a)(9)(i).

ORDER

It is, thus, by Panel B, pursuant to Health Occ. § 14-3A-01 Section 10(c)(1), hereby:

ORDERED that the Respondent's license to practice medicine in Maryland is **SUSPENDED** until such time as his license is reinstated by the Nebraska Board; and it is further

ORDERED that during the suspension period, the Respondent, in Maryland, shall not:

- i. Practice medicine;
- ii. Take any actions after the effective date of this Order to hold himself or herself out to the public as a current provider of medical services;
- iii. Authorize, allow or condone the use of the Respondent's name or provider number by any health care practice or any other licensee or health care provider;

iv. Function as a peer reviewer for the Board or for any hospital or other medical care facility in the State;

v. Prescribe or dispense medications; or

vi. Perform any other act that requires an active medical license; and it is further

ORDERED that a violation of the suspension constitutes a violation of this Order; and it is further

ORDERED that the Respondent shall not apply for early termination of the suspension; and it is further

ORDERED that the suspension will be terminated through an order of the Maryland disciplinary panel, and the disciplinary panel may impose any terms and conditions as imposed by the Nebraska Board on the Respondent's return to practice, including, but not limited to, probation; and it is further

ORDERED that the effective date of this Order is the date this Order is signed by the Executive Director of the Board or her designee. The Executive Director or her designee signs this Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Order; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Order; and it is further

ORDERED that, if the Respondent allegedly fails to comply with any term or condition imposed by this Order, the Respondent shall be given notice and an opportunity for a hearing. If the disciplinary panel determines there is a genuine dispute 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 the disciplinary panel determines 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 Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend Respondent's license with appropriate terms and conditions, or revoke the Respondent's license. 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 this Order is a public document. *See* Health Occ. §§1-607, 14-411.1(b)(2) and Gen. Prov. §4-333(b)(6).

04/03/2024
Date

Signature On File

Christine A. Farrelly
Executive Director
Maryland Board of Physicians

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Health Occ. §14-408, the Respondent has the right to seek judicial review of this Order. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Order. The cover letter accompanying this Order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't §10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Respondent files a petition for judicial review, the Board is a party and should be served with the court's process as the following address:

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, Maryland 21215

Notice of any petition should also be sent to Board Counsel at the following address:

David Finkler
Assistant Attorney General
Maryland Office of the Attorney General
Maryland Department of Health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201

ATTACHMENT

STATE OF NEBRASKA
DEPARTMENT OF HEALTH AND HUMAN SERVICES

MAR 20 2024

STATE OF NEBRASKA ex rel. MICHAEL T. HILGERS, Attorney General,)
Plaintiff,)
vs.)
GADGIL, MILIND,)
Defendant.)

240055 MD

ORDER ON
AGREED SETTLEMENT

A proposed Agreed Settlement was filed with the Department on March 19, 2024.

ORDER

1. The Agreed Settlement is adopted, attached hereto and incorporated by reference.
2. The facts as set out in the Petition are taken as true and adopted herein.
3. The parties shall comply with all of the terms of the Agreed Settlement.

Date: 03/20/2024



Timothy Tesmer, MD
Chief Medical Officer
Division of Public Health
Department of Health and Human Services

Civil penalty, if imposed, should be mailed to: DHHS, Division of Public Health, Licensure Unit, ATTN: Diane Pearson, P.O. Box 94986, Lincoln, NE 68509.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was sent on the date below by certified United States Mail, postage prepaid, return receipt requested, and/or electronically to the following:

MARK NOVOTNY
ATTORNEY AT LAW
10308 REGENCY PARKWAY DR
OMAHA NE 68114
MINDY LESTER
ASSISTANT ATTORNEY GENERAL
AGO.HEALTH@NEBRASKA.GOV

Date: 3/20/24



DHHS Hearing Office
P.O. Box 98914
Lincoln, NE 68509-8914
P. (402) 471-7237 F. (402) 742-2376
dhhs.hearingoffice@nebraska.gov

9589 0710 5270 1411 3698 06

**STATE OF NEBRASKA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH**

STATE OF NEBRASKA ex rel. MICHAEL)
T. HILGERS, Attorney General,)

Plaintiff,)

vs.)

MILIND S. GADGIL, M.D.,)

Defendant.)

AGREED SETTLEMENT

The Plaintiff and the Defendant, Milind S. Gadgil, M.D., in consideration of the mutual covenants and agreements contained herein, agree as follows:

1. The Defendant, Milind S. Gadgil, M.D. is the holder of a physician license (#35227) issued by the Nebraska Department of Health and Human Services Division of Public Health ("Department").
2. The Defendant acknowledges service of a copy of the Petition for Disciplinary Action and waives the need for further service of the Petition upon him.
3. Before disciplinary measures may be taken against the Defendant's Nebraska physician license, the Defendant is entitled to a hearing as provided by law. The Defendant waives the right to a hearing. The Defendant also waives any right to judicial review of a disciplinary order which approves the terms of this Agreed Settlement.
4. No coercion, threats, or promises, other than those stated herein, were made to the Defendant to induce him to enter into this Agreed Settlement.
5. The Defendant acknowledges that he holds licenses to practice as a physician in Colorado, Tennessee, Minnesota, and Wisconsin.

6. The Defendant acknowledges that he has read the Petition filed by the Attorney General's Office and neither admits nor denies the allegations contained in the Petition.

7. The Plaintiff and the Defendant consent to the entry of a final disciplinary order by the Nebraska Chief Medical Officer which finds the allegations in the Petition are true and suspends the Defendant's Nebraska physician license for a period of six (6) months, effective ten (10) days from the date the Chief Medical Officer signs the Order on Agreed Settlement. The Defendant shall not engage in any activity which constitutes the practice of medicine and surgery in the State of Nebraska during the period of suspension.

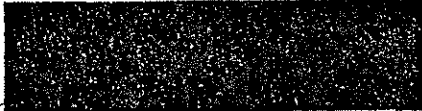
8. The Defendant acknowledges that reinstatement of his Nebraska physician license after the six (6) month suspension is complete is at the discretion of the Department and upon the approval of the Nebraska Board of Medicine and Surgery.

9. The Defendant would like to maintain his Academy of Psychiatry and Neurology Dual Board Certifications. The Defendant acknowledges the present matter is separate and distinct from that certification and that no assurances have been provided to him regarding the effect of the above captioned matter on the certification.

10. The Nebraska Attorney General's Office has given notice of this Agreed Settlement to the Board of Medicine and Surgery and has received their input in accordance with Neb. Rev. Stat. § 38-190 (Reissue 2016).

11. If this Agreed Settlement is not approved by the Chief Medical Officer, this Agreed Settlement shall become null and void and will not be admissible for any purpose at any hearing that may be held on this matter.

AGREED TO:

BY: 
Milind S. Gadgil, M.D.
Defendant

State of NC
County of Wake County } ss.


This Agreed Settlement is acknowledged before me Milind S. Gadgil, M.D., on this 12 day of March, 2024.

JAIRO ARIAS-PAREJA
NOTARY PUBLIC
Wake County, North Carolina
My Commission Expires Oct 27, 2028



Notary Public
My Commission Expires: 10/27/2028

STATE OF NEBRASKA, ex rel.
MICHAEL T. HILGERS, Attorney
General,
Plaintiff,

BY: MICHAEL T. HILGERS, #24403
Attorney General

BY: 
Mindy L. Lester, #24421
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68508-8020
(402) 471-1815
Attorneys for the Plaintiff.

APPROVED AS TO FORM:

BY: 
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LAMSON, DUGAN & MURRAY, LLP
10306 Regency Parkway Drive
Omaha, NE 68114
(402) 397-7300
mnovotny@ldmlaw.com
Attorney for Defendant.

STATE OF NEBRASKA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH

JAN 16 2021

STATE OF NEBRASKA ex rel. MICHAEL)
T. HILGERS, Attorney General,)

Plaintiff,)

vs.)

MILIND S. GADGIL, M.D.,)

Defendant.)

PETITION FOR DISCIPLINARY
ACTION

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

The Plaintiff alleges as follows:

1. Jurisdiction is based on Neb. Rev. Stat. §§ 38-176 (Reissue 2016) and 38-186 (2020 Cum. Supp.).
2. At all times relevant herein, the Defendant, Milind S. Gadgil, M.D., has been the holder of a physician license (#35227), issued by the Department of Health and Human Services Division of Public Health ("Department").
3. The Department is the agency of the State of Nebraska authorized to enforce the provisions of the Uniform Credentialing Act regulating the practice of medicine and surgery.
4. The Nebraska Board of Medicine and Surgery considered the investigation of this matter and made a disciplinary recommendation to the Attorney General, which recommendation has been considered. Such matters are privileged pursuant to Neb. Rev. Stat. §§ 38-1,105 and 38-1,106 (Reissue 2016).

5. At all times relevant herein, the Defendant was employed at R.W.M.C., Scottsbluff, Nebraska. The Defendant began his employment on or about March 6, 2023.

6. In April 2023, Defendant began displaying concerning behavior at R.W.M.C., including regularly arriving late for work, laughing at inappropriate times, and other abnormal behavior. Coworkers reported the Defendant smelled like alcohol at times.

7. On May 1, 2023, R.W.M.C. scheduled the Defendant for a for-cause drug screen. Upon his arrival at work, the Defendant's coworkers reported he smelled of alcohol. The Defendant was taken for breathalyzer testing. The Defendant's first alcohol breathalyzer test at 07:32 a.m. yielded a positive blood alcohol content of .222. The Defendant's second alcohol breathalyzer test at 07:48 a.m. yielded a blood alcohol content of .259.

8. The Defendant was terminated from his employment at R.W.M.C. due to the positive alcohol screen.

9. The Defendant advised a Department Investigator of the following:

- a. The Defendant began a new job but was terminated from it after a short time;
- b. He sought treatment from a provider who placed him on a Valium Taper to address excessive alcohol use; and
- c. The Defendant agreed to provide the Department documentation of his substance use evaluation and/or treatment.

FIRST CAUSE OF ACTION

10. Paragraphs 1 through 9 are hereby incorporated herein by reference.

11. Neb. Rev. Stat. § 38-178(7) (2022 Cum. Supp.) provides that a professional license may be disciplined for the practice of the profession while the ability to practice is

Impaired by alcohol, controlled substances, drugs, mind-altering substances, physical disability, mental disability, or emotional disability.

12. The Defendant's practice of the profession while impaired is grounds for discipline.

SECOND CAUSE OF ACTION

13. Paragraphs 1 through 9 are hereby incorporated herein by reference.

14. Neb. Rev. Stat. § 38-178(3) (2022 Cum. Supp.) provides that a professional license may be disciplined for abuse of, dependence on, or active addiction to alcohol, any controlled substance, or any mind-altering substance.

15. The Defendant's active addiction to alcohol constitutes unprofessional conduct and is grounds for discipline.


PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that the Chief Medical Officer set this matter for hearing, order appropriate disciplinary action pursuant to Neb. Rev. Stat. 38-196 (Reissue 2016), and tax the costs of this action to the Defendant.

STATE OF NEBRASKA, ex rel.
MICHAEL T. HILGERS, Attorney
General, Plaintiff,

BY: MICHAEL T. HILGERS, #24483
Attorney General

BY:


Mindy L. Lester, #24421
Assistant Attorney General
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Attorneys for the Plaintiff.