

IN THE MATTER OF

*** BEFORE THE**

GERALD F. DANESHVAR, M.D.

*** MARYLAND STATE**

Applicant

*** BOARD OF PHYSICIANS**

*** Case Number: 2222-0042B**

*** * * * ***

CONSENT ORDER

On April 26, 2022, Disciplinary Panel B of the Maryland State Board of Physicians (the “Board”) issued **GERALD F. DANESHVAR, M.D.** (the “Applicant”) a Notice of Intent to Deny Application for Initial Medical Licensure under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2021 Repl. Vol.).

The pertinent provisions of the Act provide:

Health Occ. § 14-205. Miscellaneous powers and duties.

(b) *Additional powers.*

(3) Subject to the Administrative Procedure Act and the hearing provisions of § 14-405 of this title, a disciplinary panel may deny a license to an applicant for...

(i) Any of the reasons that are grounds for action under § 14-404... of this title, as applicable[.]

Health Occ. § 14-404. Denials, reprimands, suspensions, and revocations – Grounds.

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

- (3) Is guilty of:
 - (ii) Unprofessional conduct in the practice of medicine;
[and]
- (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 Veterans' Administration for an act that would be grounds for disciplinary action under this section[.]¹

(b) *Crimes involving moral turpitude.*

- (1) On the filing of certified docket entries with the Board by the Office of the Attorney General, a disciplinary panel shall order the suspension of a license if the licensee is convicted of or pleads guilty or nolo contendere with respect to a crime involving moral turpitude, whether or not any appeal or other proceedings is pending to have the conviction or plea set aside.

Health Occ. § 14-307. Qualifications of applicants.

- (b) *Moral character.* -- The applicant shall be of good moral character.

On August 24, 2022, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on the negotiations occurring as a result of this DCCR, the Applicant agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Disciplinary Panel B makes the following Findings of Fact:

I. The Application

¹ The underlying grounds for disciplinary action under Health Occ. § 14-404(a)(21) include Health Occ. § (3)(ii) and Health Occ. § 14-404(b).

The Application

1. At all times relevant, the Applicant is not and has never been licensed to practice medicine in the State of Maryland.

2. The Applicant was licensed to practice medicine in the State of Michigan by the Michigan Board of Medicine (the "Michigan Board") in August 2012. By order dated February 4, 2019, the Michigan Board revoked the Applicant's license.

3. On July 26, 2021, the Board received an *Application for Initial Medical Licensure* (the "Application"), dated July 20, 2021, from the Applicant.

4. In the Application under Part 4, which is entitled "Postgraduate Training," the Applicant answered "YES" to the following question:

C. During your years of postgraduate training, was any action taken against you by any training program, hospital, medical board, licensing authority, or court? Such actions include but are not limited to investigations, limitations of privileges or special conditions, requirements imposed for academic incompetence, disciplinary actions, probationary actions, etc.

5. In his written explanation, the Applicant stated "at [Internal Medicine Training] I was placed on 3 months probation in order to see if I could be promoted to 2nd year. The program director suggested I go to a smaller program, and so I took his advice and went to a smaller program."

6. In the Application under Part 6, which is entitled "Character and Fitness," the Applicant answered "YES" to the following questions:

2. Has a state licensing or disciplinary board (including Maryland), a comparable body in the armed services, or the Veterans Administration, ever taken action against your license? Such actions include, but are not limited to, limitation

of practice, required education admonishment or reprimand, suspension, probation or revocation.

7. Have you ever pleaded guilty or nolo contendere to any criminal charges, been convicted of a crime, or received probation before judgment because of a criminal charge?

7. In a written explanation to question 2, the Applicant stated in relevant part, “In my first job, I fell victim to a scheme where the CEO upcoded. I was not aware of it, yet lost my license...”

8. In a written explanation to question 7, the Applicant stated in relevant part, “I was charged in 2015 with 3 counts over my 2012 employment. I was found innocent of fraud but guilty of conspiracy. I went to prison, and am now free, and I continue to appeal this decision as at no time was I ever aware or involved in criminal activity...”

9. Based on the Applicant’s affirmative responses in his Application, the Board initiated an investigation of the Applicant.

II. Board Investigation

10. As part of its investigation, Board staff obtained the Applicant’s residency file from his residency program (the “Residency”), records from the Michigan Board of Medicine (the “Michigan Board”) and records from the United States District Court for the Northern District of Illinois.

A. Conviction - Conspiracy to Commit Health Care Fraud

11. By *First Superseding Indictment* (the “Indictment”) dated May 5, 2016, a grand jury for the United States District Court, Eastern District of Michigan, Southern Division, charged the Applicant in *United States of America v. Dr. Gerald Daneshvar et*

al., Case Number 15-CR-20362, with one (1) count of Conspiracy to Commit Health Care Fraud, in violation of 18 U.S.C. § 1349, and six (6) counts of Health Care Fraud in violation of 18 U.S.C. §§ 1347 and 2.

12. The Indictment alleged that from approximately May 2011 through August 2013, the Applicant, along with several co-conspirators, worked as a physician for a health care facility (the “Facility”) conducting home visits for Medicare beneficiaries who did not qualify for such services. The Facility would then bill Medicare for these fraudulently coded higher-level services and receive higher reimbursements than what was allowable by length of visit and level of care involved. The Applicant and his co-conspirators, through the Facility, caused the submission of false and fraudulent Medicare claims amounting to approximately \$17,100,000.

13. On or about January 25, 2018, the Applicant was convicted of Count (1) One - Conspiracy to Commit Health Care Fraud, a felony, in violation of 18 U.S.C. § 1349. The Applicant was sentenced to serve 24 months in the United States Bureau of Prisons, followed by three years of supervised release, with terms, and ordered to pay restitution of \$900,000.

14. On or about May 17, 2018, the Applicant filed an appeal of his conviction to the United States Court of Appeals for the Sixth Circuit. In an opinion dated May 30, 2019, the Court affirmed the Applicant’s conviction. On or about December 11, 2019, the Applicant filed a Motion to Vacate Sentence, which was denied by a District Judge on April 26, 2021. On or about May 17, 2021, the Applicant filed a Notice of Appeal of the denial of his Motion to Vacate Sentence, which is currently pending.

B. Michigan Revocation of License

15. On or about April 19, 2018, the Michigan Board summarily suspended the Applicant's Michigan medical license and charged him with various violations of the Michigan Public Health Code based on his actions which led to his January 25, 2018, conviction for Conspiracy to Commit Health Care Fraud.

16. The alleged violations included: Count 1 - violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results, in violation of MCL 333.16221(a); Count 2 - a departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for the health profession, whether or not actual injury to an individual occurs, in violation of MCL 333.16221(b)(i); Count 3 - a lack of good moral character, in violation of MCL 333.16221(b)(vi); Count 4 - conviction of a felony involving fraud in obtaining or attempting to obtain fees related to the practice of a health profession, in violation of MCL 333.16221(b)(ix); Count 5 - fraud or deceit in obtaining or attempting to obtain third party reimbursement, in violation of MCL 333.16221(d)(iii); and Count 6 - misrepresentation to a consumer or patient or in obtaining or attempting to obtain third party reimbursement in the course of professional practice, in violation of MCL 333.16221(e)(i).

17. Subsequent to a hearing, on February 4, 2019, the Michigan Board issued a Final Order concluding that the Applicant violated all six counts contained in the charges and revoked his license and issued a fine of \$50,000.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Disciplinary Panel B concludes as a matter of law that the Applicant's conviction for Conspiracy to Commit Health Care Fraud in the United States District Court for the Eastern District of Michigan, Southern Division, Case Number 15-CR-20362, on January 25, 2018, constitutes: being convicted of a crime involving moral turpitude, in violation of Health Occ. § 14-404(b); and being guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii), which are grounds for denial of his Application under Health Occ. § 14-205(b)(3)(i).

The Michigan Board's revocation of the Applicant's medical license on February 4, 2019, based on his actions which led to his criminal conviction for Conspiracy to Commit Health Care Fraud, constitutes being disciplined by a licensing or disciplinary authority for an act that would be grounds for disciplinary action under the Board's disciplinary statute, in violation of Health Occ. § 14-404(a)(21), with underlying grounds Health Occ. §§ 14-404(a)(3)(ii) and 14-404(b), which are grounds for denial of his Application under Health Occ. § 14-205(b)(3)(i).

The Applicant's actions, which led to his criminal conviction for Conspiracy to Commit Health Care Fraud and the revocation of his medical license by the Michigan Board, constitute lacking in good moral character, a requisite for licensure under Health Occ. § 14-307(b).

ORDER

It is, by Disciplinary Panel B, hereby

ORDERED that the application of Gerald F. Daneshvar, M.D. for a license to practice medicine in Maryland, filed on July 26, 2021, is hereby **DENIED**, and it is further

ORDERED that Dr. Daneshvar shall not reapply for a license to practice medicine in Maryland until after **TWO YEARS** from the effective date of this Consent Order. If Dr. Daneshvar reapplies after two years, he should be prepared to demonstrate to a Board disciplinary panel clinical competency in the practice of medicine; and it is further

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

ORDERED that this Consent Order is a public document. *See* Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

09/27/2022
Date

Signature On File

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

CONSENT

I, Gerald F. Daneshvar, M.D., am aware of my right to consult with and be represented by counsel in considering this Consent Order and in any proceedings that would otherwise result from the charges currently pending. I have chosen to proceed without counsel, and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the notice of intent to deny application. I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order. I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand the language and meaning of its terms.

9/21/22
Date

Signature On File

Gerald F. Daneshvar, M.D.
Applicant

NOTARY

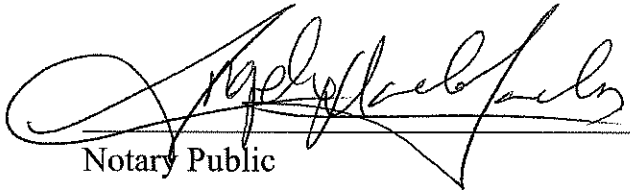
STATE OF Virginia

CITY/COUNTY OF Alexandria

I HEREBY CERTIFY that on this 21st day of September, 2022, before me, a Notary Public of the foregoing

State and City/County, did personally appear Gerald F. Daneshvar, M.D., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSTH my hand and seal.



Notary Public

My commission expires: Sept 30, 2023

