

IN THE MATTER OF

JAVED AKHTAR, PA-C

Respondent

License Number: C05895

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BEFORE THE

MARYLAND STATE

BOARD OF PHYSICIANS

Case Number: 2217-0055B

\* \* \* \* \*

**CONSENT ORDER**

On November 2, 2017, Disciplinary Panel B of the Maryland State Board of Physicians (the "Board") charged **JAVED AKHTAR, PA-C** (the "Respondent"), License Number C05895, under the Maryland Physician Assistants Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 15-101 *et seq.* The Respondent is charged under the following provisions of Health Occ. § 15-314:

(a) *Grounds.* - Subject to the hearing provisions of § 15-315 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum, may reprimand any physician assistant, place any physician assistant on probation, or suspend or revoke a license if the physician assistant:

...  
(3) Is guilty of:

...  
(ii) Unprofessional conduct in the practice of medicine;

...  
(11) Willfully makes or files a false report in the practice of medicine;

...  
(42) Performs delegated medical acts without the supervision of a physician.

On April 25, 2018, a conference with regard to this matter was held before a panel of the Board's Disciplinary Committee for Case Resolution ("DCCR"). As a result of the DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law and Order.

## **FINDINGS OF FACT**

### **I. BACKGROUND**

1. The Respondent was and is a physician assistant licensed in the State of Maryland. He was initially licensed in Maryland on September 9, 2015. His Maryland license is current and is scheduled to expire on June 30, 2019.
2. At all relevant times, the Respondent was employed as a physician assistant by a physician ("Physician 1").
3. On or about December 7, 2016, the Board received a complaint regarding the operation of an urgent care center that Physician 1 had opened Chestertown, Maryland (the "urgent care center") in November 2016.
4. The Board conducted an investigation of the complaint, the results of which are summarized below.
5. The December 2016 complaint alleged that Physician 1's urgent care center provides all care electronically and neither a physician nor a physician assistant is on-site at the urgent care center.
6. The Board's regulations regarding telemedicine, Code Md. Regs. 10.32.05.01 *et seq.*, state in pertinent part:

#### **10.32.05.03 Licensure**

Except as specified in Health Occupations Article § 14-302,<sup>1</sup> *an individual shall be a licensed physician in order to practice telemedicine* if one or both of the following occurs:

- A. The individual practicing telemedicine is physically located in Maryland;
- B. The patient is in Maryland.  
(Emphasis added)

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<sup>1</sup> The exceptions specified in § 14-302 are not applicable to the instant case.

7. In furtherance of the Board's investigation, Board staff requested Physician 1 to respond to the complaint, interviewed the Respondent, whom Physician 1 had identified as performing telemedicine, and obtained patient and billing records.
8. In response to the complaint the Physician 1 stated:

At this time, our location in Chestertown, MD we have the operation set up (*sic*) as a walk-in family practice. The family practice offers immediate family care without a necessary appointment through telemedicine (video based medicine), which is a new health care transformation in medical treatment....We are fully compliant with the rules and regulation of practicing telemedicine.
9. The Board's investigation revealed that Physician 1 employed the Respondent to perform telemedicine.<sup>2</sup>
10. Patient and billing records transmitted to the Board by Physician 1 in response to a subpoena revealed that the Respondent had performed telemedicine on four occasions from November 15, 2016 through December 13, 2016 and had billed for those services.
11. Board staff interviewed the Respondent under oath on July 6, 2017. Prior to the interview, counsel for Physician 1 had produced to Board staff a Physician Assistant/Primary Supervising Physician Delegation Agreement for Core Duties ("Delegation Agreement") that bore signatures of both the Respondent and Physician 1 and the date September 5, 2016 on both signature lines.
12. The Respondent had signed the Delegation Agreement but did not date it prior to providing it to Physician 1.
13. The Board had not previously received the Delegation Agreement Physician 1's counsel had provided prior to the Respondent's interview.

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<sup>2</sup> Physician 1 has been charged by the Panel with violations of the Maryland Medical Practice Act, Health Occ., §§ 14-101 *et seq.*

14. The Delegation Agreement did not specify telemedicine as a duty the Physician 1 had delegated to the Respondent.

### **CONCLUSIONS OF LAW**

Based on the foregoing findings of fact, Disciplinary 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. § 15-314(a)(3)(ii) and performed delegated medical acts without the supervision of a physician, in violation of Health Occ. § 15-314(a)(42). The Panel dismisses the charge that the Respondent willfully made or filed a false report in the practice of medicine, Health Occ. § 15-314(a)(11).

### **ORDER**

It is, on the affirmative vote of a majority of the quorum of Board Disciplinary Panel B, hereby

**ORDERED** that the Respondent is **REPRIMANDED**; and it is further

**ORDERED** that the Respondent shall comply with the Maryland Physician Assistants Act, Md. Code Ann., Health Occ. §§ 15-101 *et seq.*, and all laws and regulations governing the practice of medicine in Maryland; and it is further

**ORDERED** that this Consent Order is a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 & Supp. 2015).

June 14, 2018

Date

Christine A. Farrelly

Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians

### CONSENT

I, Javed Akhtar, PA-C, acknowledge that I have been represented by counsel before entering this Consent Order. By this Consent and for the purpose of resolving the issues raised by Disciplinary Panel B, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into 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 own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of Disciplinary Panel B to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of a disciplinary panel of the Board that I might have filed after any such hearing.

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

***Signature on File***

6/4/18  
Date

Javed Akhtar, PA-C  
Respondent

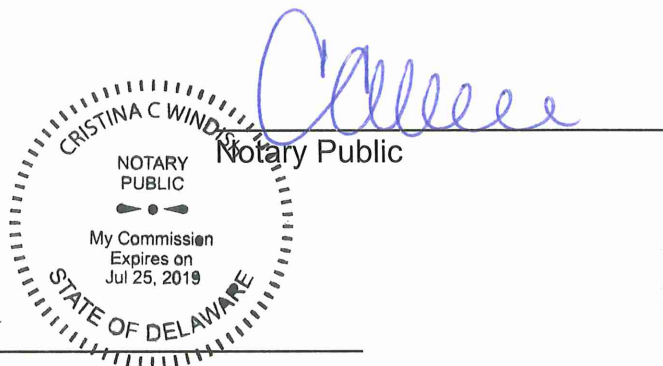
**NOTARY**

**STATE OF ~~MARYLAND~~**

**CITY/COUNTY OF Sussex**

I **HEREBY CERTIFY** that on this 4 day of June 2018, before me, a Notary Public of the foregoing State and City/County, personally appeared Javed Akhtar, PA-C, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.



My commission expires: \_\_\_\_\_