

IN THE MATTER OF	*	BEFORE THE
PAVITHRA N. GOWDA, PA-C	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: C06347	*	Case Number: 2221-0083A
* * * * *	*	* * * * *

CONSENT ORDER

On April 22, 2021, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged **PAVITHRA N. GOWDA, PA-C** (the “Respondent”), License Number C06347, under the Maryland Physician Assistants Act (the “Act”), Md. Code Ann., Health Occ. §§ 15-101 *et seq.* (2014 Repl. Vol. & 2020 Supp).

Panel A charged the Respondent with violating the following provisions of the Act:

Health Occ. § 15-314. Reprimands, probations, suspension, revocation.

(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;
 - ...
- (28) Fails to comply with the provisions of § 12-102 of this article; [and/or]
- ...
- (45) Fails to comply with any State or federal law pertaining to the practice as a physician assistant.

On July 14, 2021, Panel A 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 Respondent agreed to enter into this Consent Order, consisting of Findings of Facts, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel A finds:

1. At all relevant times, the Respondent was and is licensed as a physician assistant in the State of Maryland. The Respondent was initially licensed to practice as a physician assistant in Maryland on December 30, 2016, under License Number C06347. The Respondent’s Maryland physician assistant license is active through June 30, 2023.

2. At all relevant times, the Respondent practiced as a physician assistant at a pain management practice (the “Practice”)¹ with offices in Rockville and Germantown, Maryland.

3. On or about March 15, 2017, a physician (“Physician A”) from the Practice and the Respondent submitted a Delegation Agreement application to the Board in order for Physician A to supervise the Respondent. The Delegation Agreement form designated Physician A as the Respondent’s Primary Supervising Physician, with supervision to take place at the Practice’s Rockville office. The Board subsequently approved the Delegation Agreement.

¹ To maintain confidentiality, the name of the Practice and any physicians referenced herein disclosed in this charging document. The Respondent is aware of this information.

4. On or about August 3, 2017, Physician A submitted a request to the Board for another physician (“Physician B”) from the Practice to serve as an Alternate Supervising Physician for the Respondent. By letter dated August 22, 2017, the Board notified Physician A that it had granted his request for Physician B to serve as the Respondent’s Alternate Supervising Physician.

5. In or around September 2019, the Respondent accepted a position to work as a physician assistant on a full-time basis at the Practice’s Germantown office under Physician B’s supervision. The Respondent practiced under Physician B’s supervision at the Germantown office from on or about September 23, 2019 onward, during which time the Respondent provided medical care and prescribed and dispensed prescription drugs under Physician B’s supervision. When this occurred, however, the Respondent and Physician B did not have a Delegation Agreement in place that designated Physician B as the Respondent’s Primary Supervising Physician.

6. On or about June 29, 2020, the Respondent and Physician B jointly submitted a form to the Board titled, *Modification of Existing Delegation Agreement, Added Dispensing of Prescription Drugs*. The Board’s licensing unit reviewed the form and noted that Physician B did not have a current dispensing permit² or an existing Delegation Agreement with the Respondent.

² The Board issued a dispensing permit to Physician B in 2012 under Permit #2968, which he renewed in 2017. Physician B failed to submit an annual report to the Board in 2018 as is required under Health Occ. § 12-102. As a result, the Board considered the permit lapsed, effective on or about October 18, 2018. *See* COMAR 10.32.23.12.A(3).

7. As a result, the Board notified the Respondent and Physician B through an email dated July 2, 2020, that Physician B did not have an existing Delegation Agreement for the Respondent in place with the Board. Board staff requested that Physician B explain why he had submitted a Modification of Existing Delegation Agreement form when he did not have an existing Delegation Agreement with the Respondent. The Board did not receive a response to this email from either Physician B or the Respondent, however.

8. On July 13, 2020, the Board sent Physician B and the Respondent another email to follow up on its previous inquiry. On July 16, 2020, a representative of the Practice contacted the Board and stated that her office submitted the Modification Agreement before submitting the Delegation Agreement and that Physician B and the Respondent would submit a Delegation Agreement.

9. On August 7, 2020, Physician B and the Respondent submitted a Delegation Agreement application to the Board, which designated Physician B as the Respondent's Primary Supervising Physician. By letter dated August 17, 2020, the Board acknowledged receipt of the Delegation Agreement.

10. By email dated September 1, 2020, the Board notified Physician B and the Respondent that certain representations in the Delegation Agreement needed correction. Specifically, the Board noted that Physician B did not have a current dispensing permit, which Physician B represented having in the Delegation Agreement application.

11. On or about October 30, 2020, Physician B applied to the Board for a dispensing permit. On November 6, 2020, the Board granted Physician B a new dispensing permit under Permit #4190, with an expiration date of November 5, 2025.

12. After receiving this information, the Board conducted an investigation into whether the Respondent was supervised by Physician B without a Delegation Agreement in place that designated Physician B as the Respondent's Primary Supervising Physician and whether the Respondent dispensed prescription drugs under Physician B's supervision when Physician B did not have a current dispensing permit.

13. As part of its investigation, the Board, through a letter dated December 28, 2020, notified the Respondent that it had opened an investigation of her after receiving information that she may be practicing under physician(s) other than her Primary Supervising Physician and dispensing prescription drugs without Board approval. The Board requested that the Respondent address these allegations in a written response.

14. The Respondent, through counsel, responded in a letter dated January 29, 2021. The Respondent acknowledged that she began practicing "full time" under Physician B's supervision at the Germantown office of the Practice beginning in August 2019.³ The Respondent stated, "[u]nfortunately, documentation was not filed with the Board to name [Physician B] as her primary supervising physician." The Respondent further acknowledged that she "recognizes that a timely correct Delegation Agreement was not filed with the Board." The Respondent also stated that she dispensed prescription drugs under the Respondent's supervision.

³ The Respondent stated that in February 2017, she began practicing at the Practice's Rockville office and that after working there for about six months, the Practice sent her to the Germantown office to practice two days per week. The Respondent stated that she continued to practice at the Germantown office until 2018, when she returned full time to the Rockville office. The Respondent stated that she continued to practice at the Rockville office until August 2019, when the Practice sent her to the Germantown office to practice full time under Physician B's supervision.

15. The Board's investigation determined the following:
- (a) From on or about September 23, 2019, until on or about November 6, 2020, the Respondent dispensed prescription drugs under the Respondent's supervision at the Practice's Germantown office without a current dispensing permit; and
 - (b) From on or about September 23, 2019, until on or about August 17, 2020, the Respondent practiced under Physician B's supervision at the Practice's Germantown office without an approved Delegation Agreement that designated Physician B as the Respondent's Primary Supervising Physician. During this interval, the Respondent provided medical care, which included prescribing and dispensing prescription drugs under Physician B's supervision, at the Germantown office. The Respondent provided medical care and dispensed and prescribed prescription drugs under Physician B's supervision without a current dispensing permit or Delegation Agreement.

CONCLUSIONS OF LAW

Based on the above findings of fact, Panel A concludes that the Respondent failed to comply with the provisions of § 12-102 of this article, in violation of Health Occ. § 15-314(a)(28), and except for the licensure process described under Subtitle 3A of this title, violates any provision of this title, any rule or regulation adopted by the Board, or any State or federal law pertaining to the practice of medicine, in violation of Health Occ. § 5-314(a)(45). The charge of unprofessional conduct in the practice of medicine, Health Occ. § 15-314(a)(3)(ii), is dismissed.

ORDER

It is thus by Disciplinary Panel A of the Board, hereby:

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

ORDERED that within **ONE (1) YEAR**, the Respondent shall pay a civil fine of \$1,000.00. The Payment shall be by money order or bank certified check made payable to the Maryland Board of Physicians and mailed to P.O. Box 37217, Baltimore, Maryland 21297. The Board will not renew or reinstate the Respondent's license if the Respondent fails to timely pay the fine to the Board; and it is further

ORDERED that the effective date of the 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).*

Signature on File

08/06/2021
Date

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

CONSENT

I, Pavithra N. Gowda, PA-C, acknowledge that I have consulted with counsel before signing this document.

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. § 15-315 and Md. Code Ann., State Gov't §§ 10-201 et seq. concerning the pending charges. 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.

7/21/21
Date

Signature on File

Pavithra N. Gowda, PA-C
Respondent


NOTARY

STATE OF Maryland

CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 21st day of July 2021, before me, a Notary Public of the foregoing State and City/County, personally appeared Pavithra N. Gowda, PA-C, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.


Notary Public

My Commission expires: 01/08/2022

NATASHA SHUDIAN MCDONALD
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
My Commission Expires 01-08-2022