

IN THE MATTER OF	*	BEFORE THE
MOHAMMED M. MOHIUDDIN, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D20015	*	Case Number: 2221-0078

* * * * *

CONSENT ORDER

On May 14, 2021, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) summarily suspended the license of **MOHAMMED M. MOHIUDDIN, M.D.** (the “Respondent”), License Number D20015, which was upheld after a hearing on May 27, 2021. On May 17, 2021 Panel B issued charges for violating the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. § 14-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.). On August 4, 2021, Panel B issued amended charges. The pertinent provisions of the Act provide the following:

Health Occ. § 14-404. Denials, reprimands, probations, 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:

....

(4) Is professionally, physically, or mentally incompetent[.]

On September 15, 2021, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring as a result of

this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, Order, and Consent.

FINDINGS OF FACT

Panel B finds the following:

BACKGROUND

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was originally licensed to practice medicine in Maryland on December 16, 1976, under License Number D20015. The Respondent's license is current through September 30, 2023.

2. The Respondent is board-certified in urology.

3. At all times relevant hereto, the Respondent is the sole owner and provider at a health care group (the "Health Care Group")¹ located in Frederick, Maryland. The Health Care Group also has a practice location in Charles Town, West Virginia. The Respondent has clinical privileges at a health care facility ("Health Care Facility A") located in Frederick, Maryland.

THE COMPLAINT

4. On December 2, 2020, the Board received a Mandated 10-Day Report (the "November 20, 2020 Report") from Health Care Facility A reporting it had imposed a precautionary administrative suspension on the Respondent's privileges, after his performance in two surgical procedures on November 16, 2020. On January 11, 2021,

¹ For confidentiality and privacy purposes, the names of individuals and health care facilities involved in this case are not disclosed in this Consent Order.

the Board received a subsequent Mandated 10-Day Report (the “December 15, 2020 Report”) from Health Care Facility A reporting its investigation into the Respondent was terminated and his clinical privileges were changed to “Refer and Follow Patients.”

BOARD INVESTIGATION

5. On February 19, 2021, the Board received the Respondent’s written response to the Mandated 10-Day Reports. In the letter, the Respondent defended his performance during the two November 16, 2020 procedures at issue. The Respondent further stated he elected to change his clinical privileges with Health Care Facility A to “Refer and Follow Patients.”

6. As early as June 2020, staff of Health Care Facility A raised concerns regarding the Respondent’s demeanor and ability to safely perform surgical procedures.

7. On June 2, 2020, during a procedure to remove a kidney stone and insert a stent, a staff member of Health Care Facility A observed the Respondent apparently unable to see the guide wire via real time on fluoroscopy. The Respondent repeatedly asked a staff member of Health Care Facility A to tell him when the guide wire was in the kidney, and believed the Respondent could not see the wire.

8. On June 4, 2020, during a procedure, a staff member of Health Care Facility A observed the Respondent not visualize a 3x4 cm bladder mass despite passing by it several times with a cystoscope. The Respondent announced he was aborting the procedure when staff of Health Care Facility A pointed that the tumor was “right there.” Staff of Health Care Facility A observed the Respondent holding his head to the side to look at the monitor with his right eye only as though the Respondent was compensating

for vision issues. These concerns prompted Health Care Facility A to administratively suspend the Respondent from performing surgical procedures and referred the Respondent for a June 10, 2020 medical examination. As a result of the examination, Health Care Facility A required the Respondent to wear glasses during surgical procedures and removed the suspension on June 11, 2020.

9. On June 29, 2020, the Respondent was observed by staff of Health Care Facility A performing a prostate needle biopsy on a patient. There are 12 pre-labeled specimen cassettes used during the procedure. As each specimen was received from the Respondent, staff of Health Care Facility A confirmed with the Respondent which specimen was received. During this procedure, staff observed the Respondent forgetting what specimens he was giving to staff. When staff confronted the Respondent about the specimen confusion, he stated: "It doesn't matter, just put them anywhere." After staff responded that it "does really matter," the Respondent "ripped" off his gown and gloves and said "he was done," grabbed a patient label and walked out of the room prior to a debriefing. Staff observed that only 10 of the 12 specimens were collected. However, the procedure note authored by the Respondent noted 12 biopsies were taken and that two specimens were placed in containers holding other specimens by staff.

10. On July 9, 2020, Health Care Facility A referred the Respondent to an evaluative program. While awaiting evaluation, the Respondent was placed on precautionary suspension by Health Care Facility A. The evaluation occurred and an

Executive Summary issued on August 19, 2020.² On or about August 26, 2020, Health Care Facility A reinstated the Respondent's privileges.

11. Thereafter, on November 16, 2020, the Respondent initiated two surgical procedures. The Respondent was unsuccessful in performing the intended procedures, displayed vision and dexterity problems during the procedures, refused to wear his prescription glasses during the procedures, had a visible hand tremor and the procedures took much longer than expected.

12. The first procedure was a left percutaneous nephrolithotomy with placement of an occlusion balloon catheter in the left ureter. During the procedure, staff of Health Care Facility A observed that for 60-90 minutes the Respondent had difficulty cannulating the patient's ureter and was unable to locate the ureteral orifice in the bladder. This caused trauma to the bladder, resulting in bleeding. The patient was admitted to Health Care Facility A with bladder irrigation for the hematuria.

13. During this first procedure, supervisory staff at Health Care Facility A was alerted that Respondent refused to wear his glasses as required, and the procedure was taking longer than expected. Supervisory staff at Health Care Facility A alerted leadership of the Respondent's actions during the first procedure by text message: "Please call me. We need someone ASAP. He doesn't have his glasses on and won't put them on, because he can't see. The FA [first assistant] and scrub tech are giving him direct guidance. He has a ureter in his hand and can't thread the catheter. He can't see." The Respondent thereafter was directed to wear his glasses.

² The nature of the report is confidential.

14. Additionally, during the first procedure, staff of Health Care Facility A observed the Respondent having a visible hand tremor.

15. The second procedure involved a right laparoscopic pyeloplasty the Respondent was unable to complete. During the procedure, the Respondent was unable to thread the catheter and was observed to have difficulty seeing. The staff of Health Care Facility A were concerned about excessive delay of several hours, the inability of the Respondent to thread the catheter and observed vision and dexterity problems, including a visible tremor of the right hand.

16. During the second procedure, staff of Health Care Facility A alerted leadership and supervisory staff of concerns about the Respondent; specifically that he had a visible tremor and they did not feel comfortable with the Respondent continuing the procedure. Supervisory staff and leadership of Health Care Facility A physically went to the location of the second procedure, called a safety timeout and ordered the Respondent to stop the case. Thereafter, arrangements were made for another urologist to complete the procedure to assure patient safety.

17. Leadership at Health Care Facility A stated: "To my observation as having come in later on in the procedure to observe, there was a stent cannulation process that was required for the ureter and the stent was not going into the ureter as planned, it was curling up. And rather than attempt another technique, there was an effort made multiple times to, to do the procedure in the same fashion. And the concern from my standpoint...was the potential injury to the ureter, and so we had a, another urologist come in and successfully assist with that."

18. During the second procedure and after the safety timeout, the Respondent had a visible tremor in his right hand and was supporting it with his left hand across his chest. The procedure took 3 hours longer than planned.

19. On April 28, 2021, Panel B referred the Respondent to a Board-approved program for evaluation pursuant to Health Occ. § 14-402. On May 3, 2021, the Respondent met with staff of the Board-approved program for the intake evaluation. The evaluator determined that “it is not safe for [the Respondent] to practice urological surgery at this time.”

20. As part of its investigation, the Board also requested a physician who is board-certified in urology and the medical director of urology at a health care facility not affiliated with Respondent or Health Care Facility A to perform a review of Respondent regarding whether he is “professionally, physically, or mentally incompetent with regard to his surgical practice in violation of Health Occ. § 14-404(a)(4).” In part, the physician reviewed records from the evaluative program, twenty (20) peer reviewed complaints from 2019-2020, interviews with Health Care Facility A’s operating room staff and colleagues, and the two November 16, 2020 procedures.

21. The physician concluded the Respondent is “professionally, physically, or mentally incompetent with regard to his surgical practice.” In the physician’s “opinion as a Urologic Surgeon,” he stated, “I do not believe that [the Respondent] has demonstrated the physical ability to perform surgery due to his poor vision, problems with depth perception and an intention tremor.” The physician also does not “believe that [the

Respondent] has demonstrated the mental judgement to recognize when he is placing patients at risk.”

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, Disciplinary Panel B of the Board concludes as a matter of law that the Respondent is professionally, physically, or mentally incompetent with regard to his surgical practice, in violation of Health Occ. § 14-404(a)(4).

ORDER

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

ORDERED that the Order for Summary Suspension of License to Practice Medicine, dated May 14, 2021, which summarily suspended the Respondent’s license to practice medicine, is **TERMINATED**; and it is further

ORDERED that the Respondent shall **PERMANENTLY CEASE** from performing any surgeries and office-based surgical procedures; and it is further

ORDERED that on every January 31st, thereafter if the Respondent holds a Maryland medical license, the Respondent shall provide the Board with an affidavit verifying that the Respondent has not performed any of the prohibited procedures in the past year; and it is further

ORDERED that the Respondent is placed on **PROBATION** for a **minimum of FIVE (5) YEARS**.³ During probation, the Respondent shall comply with the following terms and conditions of probation:

1. The Respondent shall enroll in the Maryland Professional Rehabilitation Program (“MPRP”) as follows:
 - (a) Within 5 business days, the Respondent shall contact MPRP to schedule an initial consultation for enrollment;

³ If the Respondent’s license expires during the period of probation, the probation and any conditions will be tolled.

- (b) Within 15 business days, the Respondent shall enter into a Participant Rehabilitation Agreement with MPRP;
- (c) The Respondent shall fully and timely cooperate and comply with all MPRP's referrals, rules, and requirements, including, but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP;
- (d) The Respondent shall sign and update the written release/consent forms requested by the Board and MPRP, including release/consent forms to authorize MPRP to make verbal and written disclosures to the Board and to authorize the Board to disclose relevant information from MPRP records and files in a public order. The Respondent shall not withdraw his release/consent;
- (e) The Respondent shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of the Respondent's current therapists and treatment providers) verbal and written information concerning the Respondent and to ensure that MPRP is authorized to receive the medical records of the Respondent, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. The Respondent shall not withdraw his/her release/consent;
- (f) The Respondent's failure to comply with any of the above terms or conditions including terms or conditions of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) constitutes a violation of this Consent Order; and it is further

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

ORDERED that, after the Respondent has complied with all terms and conditions of probation and the minimum period of probation imposed by the Consent Order has passed, the Respondent may submit to the Board a written petition for termination of probation. After consideration of the petition, the probation may be terminated through an order of the disciplinary panel. The Respondent may be required to appear before the disciplinary panel to discuss his or her petition for termination. The disciplinary panel may grant the petition to terminate the probation, through an order of the disciplinary panel, if the Respondent has complied with all probationary terms and conditions and there are no pending complaints relating to the charges; and it is further

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

ORDERED that, if the Respondent allegedly fails to comply with any term or condition imposed by this Consent 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 pre-deprivation 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 Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend with appropriate terms and conditions, or revoke the Respondent's license to practice medicine in Maryland. 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 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* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6) (2014 & 2019 Supp.).

Signature on File

10/14/2021

Date

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

CONSENT

I, Mohammed M. Mohiuddin, M.D., 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. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* concerning the pending charges. I waive these rights and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusions 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 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.

10/12/2021
Date

Signature on File

Mohammed M. Mohiuddin, M.D.
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Frederick

I **HEREBY CERTIFY** that on this 12 day of October, 2021, before me, a Notary Public of the State and County aforesaid, personally appeared Mohammed M. Mohiuddin, M.D., and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

JENNIFER CABRERA
Notary Public-Maryland
Frederick County
My Commission Expires
August 31, 2024

Notary Public

My Commission Expires: 8/31/24