

IN THE MATTER OF

*** BEFORE THE**

HARINI BALU, M.D.

*** MARYLAND STATE**

Respondent

*** BOARD OF PHYSICIANS**

License Number: D29019

*** Case Number: 2221-0130 A**

*** * * * ***

CONSENT ORDER

On May 26, 2022, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged **Harini Balu, M.D.** (the “Respondent”), License Number D29019, with violating the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2021 Repl. Vol.).

Specifically, Panel A charges the Respondent with violating the following provisions of the Act under Health Occ. § 14-404:

- (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:
 - (22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State[.]

On July 13, 2022, Panel A 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, and Order.

FINDINGS OF FACT

Disciplinary Panel A finds:

Background

1. At all relevant times, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent originally was licensed to practice medicine in Maryland on February 28, 1983, under License Number D29019. The Respondent's medical license is scheduled for renewal on September 30, 2022.

2. The Respondent is board-certified in psychiatry and geriatric psychiatry.

3. At all relevant times, the Respondent practiced at a medical office in Baltimore City, Maryland where she sees patients one day a week and every other Saturday (“Health Care Facility A”).¹ The Respondent also works full-time as an inpatient psychiatrist with admitting privileges at a health care facility (“Health Care Facility B”). Previously, from January 2014 to June 2021, the Respondent was the medical director of an outpatient counseling center at a health care facility (“Health Care Facility C”).

Referral from the Maryland Office of Controlled Substances Administration

4. The Board initiated an investigation of the Respondent after receiving a referral, dated May 18, 2021, from the Maryland Office of Controlled Substances Administration (“OCSA”). The OCSA stated the Respondent was being referred in its “professional judgment for possible inappropriate prescribing of controlled dangerous

¹ For confidentiality and privacy reasons, the names of patients and health care facilities have not been disclosed in this document.

substance (CDS) prescriptions, specifically high doses of benzodiazepines (higher than maximum recommended doses).” The OCSA stated that the Respondent “has been listed as the top prescriber of alprazolam in the State of Maryland.”

The Board Investigation

5. As part of its investigation, the Board subpoenaed records from the Prescription Drug Monitoring Program (“PDMP”), and personnel and medical records from Health Care Facility C. The Board received a written response from the Respondent addressing the OCSA complaint. Board staff also conducted an under-oath interview with the Respondent, and with the Regional Director of behavioral health services for Health Care Facility C (“Regional Director”).

6. The Board’s investigation revealed that in December 2019, Health Care Facility C’s retail pharmacy notified its Drug Enforcement Administration Compliance and Drug Diversion Prevention Unit about concerns regarding the Respondent’s prescribing practices. In particular, it was reported:

- the Respondent prescribed “over 25,000 doses of 2 mg Alprazolam” in four months;
- the Respondent never titrated a patient;
- the Respondent authorized replacement prescriptions for “lost” medication; and
- the Respondent allowed most patients to refill their prescriptions early.

7. The investigation also revealed that the Respondent was working part-time at Health Care Facility C providing inpatient and outpatient mental health services until

2018 when all four full-time physicians resigned. The Respondent then was hired as the full-time medical director of the outpatient clinic and was its sole provider. The Respondent inherited many patients after these four physicians resigned which “contributed significantly” to her overall prescribing numbers.

8. Additionally, Health Care Facility C identified twenty-three patients who “were at a high risk for abuse and/or diversion.” Based on these concerns, the Respondent was placed in a Focused Professional Practice Evaluation (“FPPE”) that concentrated on medical record keeping, including “evidence of starting gradual dose decrease,” referring patients to other providers as appropriate and monitoring the number of prescriptions per month. The Respondent also developed “an action plan” to address these concerns. The Respondent also was counseled regularly by the Regional Director and other team members.

9. During the FPPE process, Health Care Facility C hired additional providers to reduce the Respondent’s caseload. The Regional Director stated Dr. Balu was “always consistently quite receptive and thankful actually for all of that support and was . . . always quite positively engaged” throughout the FPPE process.

Peer Review

10. As part of its investigation, the Board issued a subpoena to the Respondent and to Health Care Facility C for ten patient records in total and supporting materials and ordered a practice review (referred to *infra* as “Patients 1 through 10”). The review was

performed by two physicians who are board-certified in psychiatry.² The patients whose cases were reviewed were adult male and female patients to whom the Respondent prescribed controlled dangerous substances (“CDS”) from January 1, 2020 to May 20, 2021. The Respondent provided a summary of care that included a medication chronology for the ten patients. The reviewers independently concluded that in five of the cases reviewed, the Respondent failed to meet appropriate standards for the delivery of quality medical care.

11. Specifically, the reviewers found the Respondent failed to meet appropriate standards for the delivery of quality medical care in that the Respondent:

- (a) failed to document and perform appropriate psychiatric examinations prior to prescribing and increasing doses of benzodiazepines and other potent medications such as Adderall and selective serotonin reuptake inhibitors (Patients 2, 4, 7, 8, 10);
- (b) inappropriately prescribed benzodiazepines to treat Post Traumatic Stress Disorder, depression and/or Obsessive Compulsive Disorder without adequate trial periods of antidepressant medications (Patients 2, 4, 7, 10);
- (c) inappropriately prescribed benzodiazepines for long-term management of anxiety and/or with no attempts to taper off use (Patients 2, 4, 7, 10); and

² The specific findings of both of the reviewers pertaining to the ten patients reviewed are set forth completely in the Peer Review Reports which have been provided to the Respondent.

- (d) inappropriately prescribed benzodiazepines to patient who was on opioid maintenance therapy (Patients 7).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent failed to meet the appropriate standards for the delivery of quality medical care, in violation of Health Occ. § 14-404(a)(22).

ORDER

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

ORDERED that the Respondent, Harini Balu, M.D., License No. D29019, is **REPRIMANDED**; and it is further

ORDERED that the Respondent is placed on **PROBATION** for a minimum of **SIX MONTHS** and the Respondent shall comply with the following terms and conditions of probation:

Within **SIX (6) MONTHS**, the Respondent is required to take and successfully complete a course in prescribing opioids and benzodiazepines. The following terms apply:

- (a) it is the Respondent's responsibility to locate, enroll in and obtain the disciplinary panel's approval of the course before the course is begun;
- (b) the Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the course;
- (c) the course may not be used to fulfill the continuing medical education credits required for license renewal;
- (d) the Respondent is responsible for the cost of the course; 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 a written petition for termination of probation. After

consideration of the petition, the Respondent's probation may be administratively terminated 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 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 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 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 Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend 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 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 the Respondent is responsible for all costs incurred in fulfilling 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).

07/22/2022
Date

Signature On File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Harini Balu, 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 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.

Date 7/20/22

Signature On File

Harini Balu, M.D.
License No. D29019

NOTARY

STATE OF Maryland

CITY / COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 20th day of July 2022, before me, a Notary Public of the foregoing State and City/County, personally appeared Harini Balu, M.D., 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.

Loni D. Graham
Notary Public

My Commission expires: December 20, 2025

