

IN THE MATTER OF
RAKESH C. SAHNI, M.D.

Respondent

License Number: D30769

*** BEFORE THE**
*** MARYLAND STATE**
*** BOARD OF PHYSICIANS**
*** Case Number: 2017-0368B**

* * * * *

CONSENT ORDER

On February 12, 2020, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged Rakesh C. Sahni, M.D. (the “Respondent”), License Number D30769, with violating the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.). The Respondent was charged under the following provisions of the Act.

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, the Board, on the affirmative vote of a majority of the quorum, 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;
...
(19) Grossly overutilizes health care services;
...
(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; [and]
...
(40) Fails to keep adequate medical records as determined by appropriate peer review[.]

On April 22, 2020, 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 and Order.

FINDINGS OF FACT

Panel B finds the following:

1. At all times relevant, 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 May 8, 1984. The Respondent’s license is active through September 30, 2021.
2. The Respondent is board-certified in Internal Medicine with subspecialty certification in Cardiovascular Disease.
3. At all times relevant, the Respondent owned and operated a clinic (the “Clinic”)¹ located in Maryland. The Clinic is dedicated to managing and treating cardiovascular disease.
4. On or about December 2, 2016, the Board received an anonymous complaint from an individual (the “Complainant”) who stated that he was employed at the Clinic and alleged that the Respondent performed too many “catheter tests” and “X-Ray vascular lab tests.” The Complainant alleged that the Respondent would perform unnecessary follow-up visits of patients and conducted tests that were billed to insurance during these visits.

¹ For confidentiality and privacy reasons, the names of offices, complainants, clients, staff or other individuals referenced in this document will not be identified by name.

The Complainant also alleged that the Respondent's Medical Assistant ("Employee A") performed duties for which he was not trained, including performing x-ray technician duties and passing instruments, wires and catheters. The Complainant asserted that the Respondent's practice did not follow sanitary requirements and did not properly dispose of hazardous materials.

5. Upon receipt of the Complaint, the Board initiated an investigation of the Respondent. As part of its investigation, the Board subpoenaed the medical records of ten patients to whom the Respondent provided medical care and submitted those records and related materials for a practice review to two physicians who are board-certified in internal medicine, with subspecialty certifications in cardiovascular disease.

6. The peer reviewers concurred that the Respondent was guilty of unprofessional conduct in the practice of medicine based on the gross overutilization of health care services in nine of ten patient records (identified in peer review reports as patients 1-8, and 10); failure to meet the standard of quality care in eight of the ten patient records (identified in peer review reports as patients 1-8); and failure to maintain adequate medical records in ten of ten patient records.

7. Specifically, the peer reviewers found that the Respondent was guilty of unprofessional conduct in the practice of medicine in part based on his gross overutilization of health care services for reasons including but not limited to the following:

- a. The Respondent ordered nuclear stress tests without a history of chest pain.
(Patients 1, 2, 3, 4, 6 and 8;
- b. The Respondent ordered vascular studies without documentation of

symptoms (Patients 1, 2, 4, 5 and 10);

- c. The Respondent ordered unnecessary echocardiograms and cardiac PET (Patients 2, 3, 7 and 8);
- d. The Respondent conducted a PET Scan for complaint of memory loss (Patient 1);
- e. The Respondent's diagnosis of severe peripheral vascular disease was not indicated (Patients 2);
- f. The Respondent ordered work up and PET scan without indication (Patient 3);
- g. The Respondent ordered Computed Tomography Angiogram (CTA) of legs as first test for Peripheral Artery Disease (PAD) (Patient 4);
- h. The Respondent ordered Arterial studies of legs that were not indicated (Patient 7); and/or
- i. The Respondent conducted unnecessary testing for syncope (Patient 7).

8. The peer reviewers also found that the Respondent was guilty of unprofessional conduct based in part on his failing to meet the appropriate standards for the delivery of quality medical care in violation of Health Occ. § 14-404(a)(22) for reasons including but not limited to the following:

- a. The respondent conducted unnecessary testing without indication (Patients 1-8);
- b. The Respondent performed a PET Scan for complaint of memory loss (Patient 1);

- c. The Respondent failed to conduct necessary testing for proper diagnosis (Patients 3 and 7);
- d. The Respondent failed to document and discuss risks and benefits with patient of taking certain medications (Patients 3 and 8);
- e. The Respondent failed to treat hypertension and hypercholesterolemia (Patient 5); and/or
- f. The Respondent failed to conduct evaluation considered for sleep apnea. (Patient 7).

9. The peer reviewers concurred that in all of the patient records reviewed, the Respondent was guilty of unprofessional conduct based in part on his failing to maintain adequate medical documentation in violation of Health Occ. § 14-404(a)(40) for reasons including but not limited to the following:

- a. The medical history is incomplete and does not expand on complaints (Patients 1-10);
- b. The Records contain no discussion of symptoms, additional physical findings, chronicity of complaints or precipitating causes (Patient 1, 3, 5, 7, 8, 9 and 10);
- c. The records contain no discussion of the thought process involved for coming to a diagnosis (Patient 1, 2, 3, 4, 5, 7, 8 and 10); and/or
- d. The records contain no rationale for the tests that are ordered (Patient 1, 2, 3, 4, 5 and 10).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Disciplinary Panel B of the Board concludes as a matter of law that that the Respondent violated the following provisions of the Act: Health Occ. § 14-404(a)(3)(ii) (unprofessional conduct in the practice of medicine); Health Occ. § 14-404(a)(19) (grossly overutilizes health care services); Health Occ. § 14-404(a)(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); and Health Occ. § 14-404(a)(40) (fails to keep adequate medical records as determined by appropriate peer review).

ORDER

Based upon the Findings of Fact and Conclusions of Law, it is, on the affirmative vote of a majority of the quorum of Disciplinary Panel B, **HEREBY:**

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

ORDERED that the Respondent is placed on **PROBATION** for a minimum of **18 MONTHS**.² During probation, the Respondent shall comply with the following terms and conditions:

COURSES

1. Within **SIX (6) MONTHS**, the Respondent is required to take and successfully complete a course in medical recordkeeping. 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;

² If the Respondent's license expires during the period of probation, the probation and any conditions will be tolled.

- (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.

2. Within **SIX (6) MONTHS**, the Respondent is required to take and successfully complete a course in clinical indication for cardiovascular testing. 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.

PEER REVIEW

3. The Respondent is subject to a chart and/or peer review conducted by the disciplinary panel or its agents as follows:
- (a) the Respondent shall cooperate with the peer review process;
 - (b) the disciplinary panel, in its discretion, may change the focus of the chart and/or peer review if the Respondent changes the specialty of his or her practice;
 - (c) if the disciplinary panel, upon consideration of the chart and/or peer review and the Respondent's response, if any, determines that the Respondent is meeting the standard of quality care in his or her practice, the disciplinary panel shall consider the peer review condition of the Consent Order met;
 - (d) a peer and/or chart review indicating that the Respondent has not met the standard of quality care and/or has failed to keep adequate medical records may be deemed, by a disciplinary panel, a violation of probation and/or a violation of Health Occ. § 14-404(a)(22) and/or (40).

FINE

4. Within 6 months, the Respondent shall pay a civil fine of \$25,000. 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.

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, 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 a violation of probation constitutes a violation of the Consent Order; 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 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 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 this Consent Order is a public document. See Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

05/04/2020

Date

Signature on File

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

CONSENT

I, Rakesh Sahni, 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.

Signature on File

4/29/20
Date

Rakesh Sahni, M.D.

NOTARY

STATE OF: Maryland

CITY/COUNTY OF: Montgomery

I HEREBY CERTIFY that on this 29th day of April, 2020, before me, a Notary Public of the State and City/County aforesaid, appeared Rakesh Sahni, M.D. and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Natasha Shudian McDonald

Notary Public

My commission expires: 01/08/2022

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