

IN THE MATTER OF	*	BEFORE THE
SURENDRA KUMAR, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number D32224	*	Case Number 7718-0041
* * * * *	*	* * * * *

ORDER TERMINATING SUSPENSION AND IMPOSING PROBATION

On June 29, 2017, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (“Board”) charged Surendra Kumar, M.D., with unprofessional conduct in the practice of medicine based on his inappropriate and disruptive conduct towards employees and prescribing to patients and employees without medical documentation.

On October 13, 2017, Dr. Kumar and Panel A entered into a Consent Order. Under the terms of the Consent Order, Panel A suspended Dr. Kumar’s medical license and required him to enroll in the Maryland Professional Rehabilitation Program (“MPRP”) for evaluation and referral for treatment. The Consent Order provided that Dr. Kumar may petition Panel A to lift the suspension of his license if MPRP determined that he had complied with MPRP’s recommendations and requirements and was safe to return to the practice of medicine. The Consent Order also provided that if Panel A terminated the suspension, the panel could impose additional terms and conditions including, but not limited to, probation.

On May 16, 2018, Dr. Kumar petitioned Panel A for the termination of his suspension. On May 17, 2018, MPRP provided a written update to Panel A on Dr. Kumar’s ongoing participation in and compliance with MPRP and endorsed Dr. Kumar’s return to the practice of medicine. On May 29, 2018, the administrative prosecutor submitted a letter in response to Dr. Kumar’s petition to terminate suspension recommending termination of the suspension and that

Dr. Kumar be placed on probation for a minimum of two years with a panel-approved peer supervisor for a minimum of one year. On July 11, 2018, Dr. Kumar and the administrative prosecutor appeared before Panel A for consideration of the petition.

Panel A finds that Dr. Kumar has complied with the terms and conditions of his Consent Order and that Dr. Kumar is safe to return to the practice of medicine as long as certain safeguards are in place. Accordingly, Panel A will terminate the suspension of Dr. Kumar's license, but Dr. Kumar may not practice medicine until a supervisor has been approved and Dr. Kumar's supervision has begun, in accordance with paragraph 1, below. It is thus hereby:

ORDERED that the suspension and conditions of suspension imposed under the Consent Order dated October 13, 2017 are **TERMINATED**; and it is further

ORDERED that Dr. Kumar may not practice medicine unless and until the panel approves Dr. Kumar's proposed supervisor and practice location as set forth below in paragraph 1; and it is further

ORDERED that Dr. Kumar is placed on **PROBATION**¹ for a minimum period of **TWO YEARS**, subject to the following terms and conditions:

1. **Supervision.** Dr. Kumar shall be subject to supervision by a panel-approved supervisor for a minimum period of **ONE YEAR**, as follows:

(a) Dr. Kumar shall submit to the panel the practice location, type of practice, and name and professional background information of the supervisor whom he is offering for approval. The supervisor must be board-certified in the practice area in which Dr. Kumar has accepted employment.² Dr. Kumar shall provide written notice to the panel from the supervisor confirming his or her acceptance of the supervisory role;

¹ If Dr. Kumar's license expires while Dr. Kumar is on probation, the probationary period and any probationary conditions will be tolled.

² If Dr. Kumar accepts multiple offers of employment, the practice area and supervisor must be approved by the panel for each place of employment. If Dr. Kumar changes employment during the period of supervision, he shall follow the requirements of this paragraph for each place of employment and shall not practice medicine until a supervisor has been approved by the panel.

(b) The panel, in its discretion, may accept the proposed supervisor and practice location or require Dr. Kumar to submit a different supervisor or practice location. The supervision begins after the panel approves the practice location and supervisor;

(c) The supervisor shall familiarize himself or herself with the relevant Board documents, reports and panel orders concerning Dr. Kumar. Dr. Kumar consents to the release of these documents to the supervisor;

(d) At a minimum, the supervisor shall meet in-person with Dr. Kumar at least one time each month. The purpose of supervision is to monitor the implementation and maintenance of ethical and professional boundaries by Dr. Kumar in his practice and in his interactions with office staff, and to review Dr. Kumar's care and treatment of patients. Each month, the supervisor shall review the patient records, chosen by the supervisor, of at least ten of Dr. Kumar's patients. Discussion at the in-person meetings shall include appropriate behavior and interactions with office staff and a review of the care that Dr. Kumar has provided for specific patients and detailed feedback from the supervisor of Dr. Kumar's practice. The supervisor is expected to converse with office staff to determine whether Dr. Kumar's conduct is appropriate and be available to Dr. Kumar for consultations on any patient or professional boundary issue;

(e) Dr. Kumar shall grant the supervisor access to patient records selected by the supervisor and ensure that the supervisor maintains the confidentiality of all medical records and patient information. Dr. Kumar shall allow the supervisor to speak with any office staff regarding his conduct and interactions with employees;

(f) Dr. Kumar shall ensure that the supervisor provides the panel with quarterly reports assessing Dr. Kumar's practice, interactions with office staff, and any concerns with Dr. Kumar's care and treatment of his patients. If there are any indications that Dr. Kumar is engaging in unprofessional conduct, or poses a substantive risk to patients, the supervisor shall immediately report his or her concerns to the panel;

(g) If the supervisor for any reason ceases to provide supervision, Dr. Kumar shall immediately notify the panel and submit the name and background of a proposed replacement supervisor to the disciplinary panel in accordance with paragraph 1(a). Dr. Kumar shall not practice medicine until a new supervisor has been approved by the panel;

2. The panel shall issue administrative subpoenas to the Maryland Prescription Drug Monitoring Program on a quarterly basis for Dr. Kumar's Controlled Dangerous Substances

("CDS") prescriptions. The administrative subpoena will request Dr. Kumar's CDS prescriptions from the beginning of each quarter; and

3. Dr. Kumar shall comply with the Maryland Medical Practice Act, Md. Code Ann., Health Occ. §§14-101 *et seq.* and all laws and regulations governing the practice of medicine in Maryland; and it is further

ORDERED that after a minimum period of **ONE YEAR**, and the panel's receipt of four satisfactory reports, Dr. Kumar may submit a written petition to Panel A for the termination of the supervision condition outlined in paragraph 1; and it is further

ORDERED that there shall be no early termination of probation; and it is further

ORDERED that, after a minimum period of **TWO YEARS**, Dr. Kumar may submit a written petition to Panel A requesting termination of probation after he has fully, timely, and satisfactorily complied with all terms and conditions. After consideration of the petition, the probation may be terminated through an order of Panel A. Dr. Kumar may be required to appear before Panel A to discuss his petition for termination of probation. Panel A will grant the petition to terminate the probation if Dr. Kumar has successfully completed all of the probationary terms and conditions and there are no pending complaints related to the charges; and it is further

ORDERED that Dr. Kumar is responsible for all costs incurred in fulfilling the terms and conditions of this Order Terminating Suspension and Imposing Probation; and it is further

ORDERED that if Dr. Kumar allegedly fails to comply with any term or condition of probation or this Order Terminating Suspension and Imposing Probation, Dr. Kumar 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

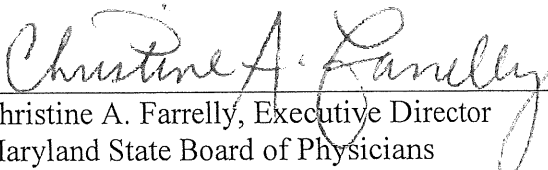
Hearings. If there is no genuine dispute as to a material fact, Dr. Kumar shall be given a show cause hearing before Panel A; and it is further

ORDERED that, after the appropriate hearing, if a disciplinary panel determines that Dr. Kumar has failed to comply with any term or condition of probation or this Order Terminating Suspension and Imposing Probation, a disciplinary panel may reprimand Dr. Kumar, place Dr. Kumar on probation with appropriate terms and conditions or suspend or revoke Dr. Kumar's license to practice medicine in Maryland. A disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon Dr. Kumar; and it is further

ORDERED that unless stated otherwise in this Order Terminating Suspension and Imposing Probation, any time period prescribed in this Order begins when the Order goes into effect. The Order Terminating Suspension and Imposing Probation goes into effect upon the signature of the Board's Executive Director, who signs on behalf of Panel A; and it is further

ORDERED that this Order is a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.*

July 18, 2018
Date


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