

IN THE MATTER OF
KUCHAK K. JALALI, M.D.

Respondent.

License Number: D42334

* BEFORE THE
* MARYLAND STATE BOARD
* OF PHYSICIANS
* Case Number: 2219-0016 A

* * * * *

FINAL DECISION AND ORDER

On March 8, 2019, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) issued an Order of Summary Suspension against Respondent Kuchak K. Jalali, M.D., which suspended his license to practice medicine in Maryland. On March 14, 2019, Panel A continued the summary suspension after a show cause hearing at which Dr. Jalali failed to appear. Dr. Jalali did not request an evidentiary hearing to challenge the Order of Summary Suspension. On April 10, 2019, Panel A issued charges against Dr. Jalali for violating the Maryland Medical Practice Act, Md. Code Ann., Health Occ. §§ 14-101—14-702. Specifically, Dr. Jalali was charged with violating § 14-404(a)(4) of the Health Occupations Article, alleging that Dr. Jalali was professionally, physically, or mentally incompetent. The case was forwarded to the Office of Administrative Hearings (“OAH”).

On July 23, 2019, an Administrative Law Judge (“ALJ”) at OAH held a hearing on the charges. Dr. Jalali was represented by legal counsel; Dr. Jalali did not personally appear. The State was represented by an administrative prosecutor from the Office of the Attorney General.

On October 21, 2019, the ALJ issued a proposed decision in which the ALJ upheld the charge that Dr. Jalali was mentally incompetent, Health Occ. § 14-404(a)(4), and recommended the revocation of his medical license. Neither party filed exceptions to the ALJ’s proposed decision.

FINDINGS OF FACT

The following facts were proven by the preponderance of evidence:

Dr. Jalali was originally licensed to practice medicine in Maryland on September 17, 1991, and he continuously renewed his license. He last renewed his license in September 2018, which had the expiration date of September 30, 2020.

Dr. Jalali was granted a license to practice medicine in Pennsylvania in 1978, which expired in 2015. He also holds inactive medical licenses in New Jersey (granted 1970), Massachusetts (granted 1990), and Connecticut (granted 1992).

Dr. Jalali graduated from medical school in 1959. He received post-graduate training in anesthesiology, surgery, preventative medicine, occupational medicine, and psychiatry. At present, his self-designated specialty is pain management. He is not, and has never been, board-certified in any practice areas. He does not hold any hospital privileges.

For the relevant period prior to the summary suspension of his license, Dr. Jalali practiced medicine part-time, approximately twenty hours a week, in a solo private practice in Maryland.

Dr. Jalali had approximately thirty patients in his practice and saw patients two and a half days per week. Most of his patients were chronic pain patients. Since approximately the past year before the summary suspension, he no longer accepted any health insurance and required patients to pay in cash. Dr. Jalali did not employ any staff, other than an office manager.

On August 22, 2012, the Board reprimanded Dr. Jalali and placed him on probation for a minimum of two years with terms and conditions. The Board found that he failed to meet the appropriate standards of quality medical care in regard to nine of thirteen patients reviewed

because of deficiencies in his pain management practice, including his prescribing of opioids, and he failed to keep adequate medical records because they were illegible.

On May 30, 2013, Dr. Jalali was reprimanded by the Pennsylvania State Board of Medicine and was placed on probation for two years, based on the action taken by the Maryland Board. His Pennsylvania license expired while he was on probation.

On June 18, 2015, the Maryland Board terminated the probation based on his having successfully complied with the terms and conditions of probation. The Reprimand remains in effect.

In July 2018, the Board opened this case based on a complaint about Dr. Jalali's prescribing of opioids and began an investigation. During the investigation, the Board obtained information regarding Dr. Jalali's competence which then became the basis for the summary suspension proceeding.

On March 8, 2019, Panel A issued an Order of Summary Suspension of Dr. Jalali's license to practice medicine. Panel A afforded him the opportunity to appear before Panel A to show cause why the suspension should not be continued. The show cause hearing was scheduled for March 13, 2019.

On March 13, 2019, Panel A held a post-deprivation show cause hearing. The State presented oral argument in support of the summary suspension. Dr. Jalali did not appear.

On March 14, 2019, Panel A notified the parties that it had determined the public health, safety or welfare imperatively required the emergency suspension of Dr. Jalali's license and reaffirmed the Order of Summary Suspension. Dr. Jalali was notified of his right to appeal the decision within ten days of the letter.

Dr. Jalali did not request a full evidentiary hearing on the Order of Summary Suspension, and the summary suspension remained in effect.

On January 7, 2019, during an interview with Board compliance analysts, Dr. Jalali was unable to provide adequate answers to many of the questions posed by the interviewer, indicating significant problems with his cognitive functioning. On January 11, 2019, the two compliance analysts who had been present during the January 7, 2019, interview, visited Dr. Jalali at his medical office, and served him with a subpoena and Authorization for Release of Information forms. Dr. Jalali did not appear to recognize the compliance analysts and had difficulty understanding what was requested.

On February 4, 2019, Dr. Jalali participated in an intake evaluation by the Maryland Professional Rehabilitation Program. The evaluation indicated significant cognitive deficits.

After the February 4, 2019, evaluation, pursuant to § 14-402(a) of the Health Occupations Article, the Board directed Dr. Jalali to undergo a neuropsychiatric examination. He refused to undergo the examination. Pursuant to § 14-402(c) of the Health Occupations Article, the “unreasonable failure or refusal of the licensed . . . individual to submit to an examination is prima facie evidence of the licensed . . . individual’s inability to practice medicine or the respective discipline competently, unless the Board finds that the failure or refusal was beyond the control of the licensed individual.” Panel B finds that the explanations given for not partaking in the examination were not reasonable.

Dr. Jalali is mentally incompetent to practice medicine.

CONCLUSION OF LAW

Based upon the findings of fact, Panel B concludes that Dr. Jalali is mentally incompetent,

in violation of § 14-404(a)(4) of the Health Occupations Article.

SANCTION

The ALJ carefully considered the evidence presented and determined that the revocation of Dr. Jalali's medical license was the appropriate sanction. Panel B agrees with the ALJ and adopts the proposed sanction.

ORDER

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

ORDERED that the license of Kuchak K. Jalali, M.D. to practice medicine in Maryland (License Number D42334) is **REVOKED**; and it is further

ORDERED that the summary suspension of Dr. Jalali's Maryland medical license, issued on March 8, 2019, and continued on March 14, 2019, is terminated as moot as a result of the revocation; and it is further

ORDERED that this Final Decision and Order is a public document.

01/31/2020
Date

Signature on File

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

NOTICE OF RIGHT TO APPEAL

Pursuant to § 14-408(a) of the Health Occupations Article, Dr. Jalali has the right to seek judicial review of this Final Decision and Order. Any petition for judicial review must be filed within 30 days from the date this Final Decision and Order was sent to the Respondent. The Final Decision and Order was sent on the date of the cover letter accompanying the Final

Decision and Order. The petition for judicial review must be made as directed in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222, and Maryland Rules 7-201 *et seq.*

If Dr. Jalali petitions for judicial review, the Board is a party and should be served with the court's process. In addition, Dr. Jalali should send a copy of his petition for judicial review to the Board's counsel, David Wagner, Assistant Attorney General, Office of the Attorney General, 300 W. Preston Street, Suite 302, Baltimore, Maryland 21201. The administrative prosecutor is not involved in the circuit court process and does not need to be served or copied on pleadings filed in circuit court.