

IN THE MATTER OF	*	BEFORE THE
WILKINSON J. NINALA, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D45285	*	Case Number: 2218-0182B

* * * * *

CONSENT ORDER

On January 11, 2019, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged **WILKINSON JESUDAS NINALA, M.D.**, (the “Respondent”), License Number D45285, with violating the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2014 Repl. Vol. 2017 Supp.).

The pertinent provisions of the Act provide:

(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:

...

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

...

(3) Is guilty of:

(ii) Unprofessional conduct in the practice of medicine;

...

(33) Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel.

...

(36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine;

...

(42) Fails to submit to a criminal history records check under § 14-308.1 of this title [.]

FINDINGS OF FACT

1. At all times relevant, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was initially licensed on November 16, 1993, under license number D45285. The Respondent's license is presently active and expires on September 30, 2019.
2. On or about August 17, 2017, the Respondent submitted an online application (the "application") for license renewal using the Board's online license renewal process.
3. When a licensee applies online to renew their license, a notice appears that informs the licensee that the Board may not renew a license if it has not received the licensee's Criminal History Record Check ("CHRC") information. This requires the licensee's submission of their fingerprints to Criminal Justice Information Services ("CJIS") before attempting to complete the renewal application.
4. The Respondent then continued with the application by clicking the button which reads "Yes, I acknowledge that I have submitted my fingerprints to CJIS

BEFORE attempting to complete my renewal application.” This dialog box provides that if the applicant has not already submitted their fingerprints, they should exit the application process until this requirement is satisfied.

5. The Respondent did not exit the application, but instead continued and completed it indicating that he had submitted his fingerprints for CHRC. The application was electronically signed by the Respondent and dated August 17, 2017. The Respondent’s signed application states, “Failure to submit to a criminal history record check may result in disciplinary action.”
6. On or about January 16, 2018, the Board sent a letter to the Respondent indicating that it had not received a response to previous communications¹, and that a preliminary investigation had been opened based upon the Respondent’s failure to obtain a CHRC. The Respondent did not respond.
7. The Board’s investigation determined that the Respondent failed to submit fingerprints to CJIS in compliance with the CHRC process, as set forth in Health Occ. § 14-308.1.
8. By letter dated December 27, 2018, Panel B issued a Notice of Intent to Revoke his medical license and sent it to the Respondent.
9. The Respondent responded to the letter and contacted the Board about rectifying his failure to provide a CHRC.

¹ In addition to a letter sent via USPS, the Board attempts to make email contact with all licensees for whom the Board has not received CHRC results.

10. The Board subsequently received the completed CHRC report pursuant to Health Occ. § 14-308.1.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Disciplinary Panel B of the Board concludes as a matter of law that:

(1) The Respondent is guilty of failure to submit to a criminal history records check in violation of Health Occ. § 14-404 (a)(42), and

(2) The charges of Health Occ. §14-404(a)(1), (3)(ii), (33), and (36) are **DISMISSED**.

ORDER

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

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

ORDERED that within **SIX (6) MONTHS**, the Respondent shall pay a civil fine of **FIVE HUNDRED DOLLARS (\$500)**. 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; 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. 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 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).

Signature of on File

07/16/2019
Date

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Wilkinson Jesudas Ninala, M.D., assert that I am aware of my right to consult with and be represented by counsel in considering this Consent Order and in any proceedings that would otherwise result from the charges currently pending. I have chosen to proceed without counsel and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

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.

Signature of on File

7/10/19

Date

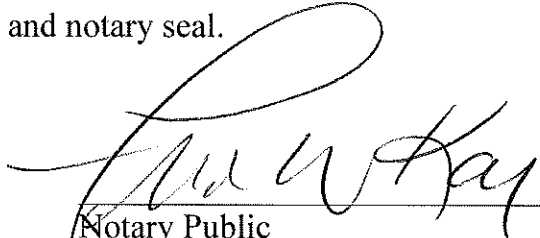
Wilkinson J. Ninala, M.D.,
Respondent

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 10 day of July, 2019,
2018, before me, a Notary Public of the foregoing State and City/County
personally appear Wilkinson Jesudas Ninala, 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 notary seal.



Notary Public

My commission expires: 6/21/21