

IN THE MATTER OF * BEFORE THE MARYLAND

NAIYER IMAM, M.D. * STATE BOARD OF

Respondent * PHYSICIANS

License Number: D47148 * Case Number: 2220-0156

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

The Maryland Board of Physicians (the "Maryland Board") received information that Naiyer Imam, M.D., (the "Respondent") License Number D47148, was disciplined by the Minnesota Board of Medical Practice (the "Minnesota Board"). By Stipulation and Order dated November 9, 2019, the Respondent was reprimanded.

Based on the above referenced Minnesota Board sanction, the Maryland Board has grounds to charge the Respondent with violating the following provisions of the Maryland Medical Practice Act (the "Act"), under H. O. § 14-404(a):

- (a) 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:
 - (21) Is disciplined by a licensing or disciplinary authority or convicted or disciplined by a court of any state or country or disciplined by any branch of the United States uniformed services or the Veteran's Administration for an act that would be grounds for disciplinary action under this section,

The Maryland Board has determined that the acts for which the Respondent was disciplined in Minnesota would be grounds for disciplinary action under H.O. § 14-404(a) (22).

The ground for disciplinary action under H.O. § 14-404(a) is as follows:

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

Based on the action taken by the Minnesota Board, the Respondent agrees to enter into this Consent Order with the Maryland Board of Physicians, consisting of Procedural Background, Findings of Fact, Conclusions of Law, and Order of reciprocal action.

I. FINDINGS OF FACT

The Board finds the following:

1. At all times relevant hereto, the Respondent was a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed in Maryland on or about March 31, 1995.
2. By Stipulation and Order dated November 9, 2019, the Minnesota Board found that the Respondent departed from or failed to conform to the minimal standards of acceptable and prevailing medical practice and reprimanded the Respondent.
3. The Respondent reviewed a single x-ray to confirm the correct placement of a patient's gastronomy tube and documented that contrast confirmed proper positioning of the gastronomy tube. The image reviewed by the Respondent showed that contrast was in the wrong quadrant of the patient's abdomen.

A copy of the Minnesota Board Order is attached hereto.

II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Maryland Board concludes as a matter of law that the disciplinary action taken by the Minnesota Board against the Respondent was for an act or acts that would be grounds for disciplinary action under Health Occ. § 14-404(a)(22) had those offenses been committed in this state, and would thus subject him to discipline under Health Occ. §14-404(a)(21).

III. ORDER

It is hereby:

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

ORDERED that this **CONSENT ORDER** is a **PUBLIC DOCUMENT** pursuant to Md.

Code Ann., Gen. Prov. §§4-101 through 4-601 (2014).

Signature on File

01/22/2020
Date

Christine A. Farrelly
Executive Director
Maryland Board of Physicians

CONSENT

I, Naiyer Imam, 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 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.

1/17/20
Date

Signature on File

Naiyer Imam, M.D.
Respondent

NOTARY

STATE OF VA
CITY/COUNTY OF Roanoke

I HEREBY CERTIFY that on this 17 day of January 2020, before me, a Notary Public of the State and City/County aforesaid, personally appeared Naiyer Imam, 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 notarial seal.


Notary Public

My Commission expires: ~~09/30/23~~ ^{BS} 09/30/23

BRANDON M SPANGLER
NOTARY PUBLIC
REG. #7844147
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES SEPTEMBER 30, 2023

Minnesota Board Order

BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE

TRUE AND EXACT
COPY OF ORIGINAL

In the Matter of the
Medical License of
Naiyer Imam, M.D.
Year of Birth: 1965
License Number: 48,149

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Naiyer Imam, M.D. ("Respondent"), and the Complaint Review Committee ("Committee") of the Minnesota Board of Medical Practice ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice medicine and surgery in the State of Minnesota.

2. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Although aware of this opportunity, Respondent has elected not to be represented by counsel. The Committee was represented by Kathleen M. Ghreichi, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101, (651) 757-1490.

FACTS

3. For the purpose of this Stipulation, the Board may consider the following facts as true:

a. Respondent was licensed by the Board to practice medicine and surgery in the State of Minnesota on November 12, 2005. Respondent is board certified in diagnostic radiology.

b. In May 2018, the Board received a report that a medical malpractice claim was filed against Respondent in August 2017.

c. Based on the report, the Board initiated an investigation into Respondent's care of the patient. The investigation revealed Respondent reviewed a single X-ray to confirm the correct placement of a patient's gastroscopy tube and documented that contrast confirmed proper positioning of the gastroscopy tube. The image reviewed by Respondent showed that contrast was in the wrong quadrant of the patient's abdomen. The malpractice claim was settled in March 2019.

d. On September 9, 2019, Respondent met with the Committee to discuss his care of the patient. Respondent stated he made a mistake and he should have asked for additional imaging to confirm the gastroscopy tube placement.

STATUTES

4. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 147.091, subd. 1(k) (conduct that departs from or fails to conform to the minimal standards of acceptable and prevailing medical practice) (2018), and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under this statute.

REMEDY

5. Upon this Stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that the Board may make and enter an Order disciplining Respondent and conditioning Respondent's license to practice medicine and surgery in the State of Minnesota as follows:

a. Respondent is **REPRIMANDED**.

6. Within ten days of signing the Stipulation to this Order, Respondent shall provide the Board with a list of all hospitals and skilled nursing facilities at which Respondent currently has medical privileges, a list of all states in which Respondent is licensed or has applied for licensure, and the addresses and telephone numbers of Respondent's residences. The information shall be sent to the Executive Director, Minnesota Board of Medical Practice, University Park Plaza, 2829 University Avenue S.E., Suite 500, Minneapolis, Minnesota 55414-3246.

7. In the event the Board in its discretion does not approve this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this Stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

8. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States constitutions, statutes, or rules and agrees that the Order to be entered pursuant to the Stipulation shall be the final Order herein.

9. Respondent hereby acknowledges that he has read and understands this Stipulation and has voluntarily entered into the Stipulation without threat or promise by the Board or any of its members, employees, or agents. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Stipulation.

Dated: 10/11/19

Nayer Imam M.D.
NAIYER IMAM, M.D.
Respondent

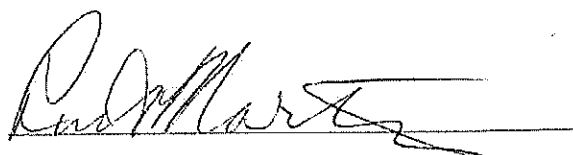
Dated: 11-2-19
[Signature]
FOR THE COMMITTEE

ORDER

Upon consideration of this Stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the terms of this Stipulation are adopted and implemented by the Board this 9th day of November, 2019.

MINNESOTA BOARD OF
MEDICAL PRACTICE

By: 

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