

IN THE MATTER OF	*	BEFORE THE
MAGANBHAI M. PANSURIYA, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D51705	*	Case Number: 2220-0100A

CONSENT ORDER

On March 3, 2021, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged **Maganbhai M. Pansuriya, M.D.** (the “Respondent”), License Number D51705, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2014 Repl. Vol. & 2020 Supp.). Panel A charged the Respondent 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, 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:

...

- (3) Is guilty of:
 - (i) Immoral conduct in the practice of medicine; or
 - (ii) Unprofessional conduct in the practice of medicine[.]

In addition, Panel A charged the Respondent under the Board’s regulations that were enacted pursuant to **Health Occ. § 1-212**, which provides:

(a) *Adoption of regulations.* – Each health occupations board authorized to issue a license or certificate under this article shall adopt regulations that:

- (1) Prohibit sexual misconduct; and
- (2) Provide for the discipline of a licensee or certificate holder found to be guilty of sexual misconduct.

The pertinent provisions of the Board’s regulations in Md. Code Regs. provide:

10.32.17.03 Sexual misconduct.

- A. Health care practitioners may not engage in sexual misconduct.
- B. Health Occupations Article, [§] 14-404(a)(3) . . . Annotated Code of Maryland, includes, but is not limited to, sexual misconduct.
- C. Sexual misconduct includes, but is not limited to:
 - ...
 - (5) Using the health care practitioner-patient relationship to initiate or solicit a dating, romantic, or sexual relationship;
 - (6) Engaging in a dating, romantic, or sexual relationship which violates § D of this regulation or the code of ethics of the American Medical Association, American Osteopathic Association, American Psychiatric Association, or other professional code of ethics; [and]
 - (7) Participating in any form of sexual contact with a patient or key third party[.]
- D. Sexual or Romantic Relationships. A health care practitioner may not engage in sexual behavior with:
 - (1) A current patient[.]

On May 12, 2021, Panel A was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on the 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, Order, and Consent.

FINDINGS OF FACT

Panel A finds:

I. BACKGROUND & LICENSING INFORMATION

1. For all relevant times, the Respondent has been licensed to practice medicine in the State of Maryland. The Respondent was first licensed to practice medicine in Maryland on or about February 28, 1997, under License Number D51705. His license is active through September 30, 2021, subject to renewal.

2. The Respondent is board-certified in internal medicine. He owns and practices medicine at a medical practice (the "Practice")¹ that has two offices in Carroll County, Maryland.

II. 2017 COMPLAINT

3. On or about April 28, 2017, the Board received an anonymous complaint alleging that the Respondent was engaging in a sexual relationship with a patient-employee ("Individual A").

4. During the Board's investigation of this complaint, the Respondent provided a written response in which he described himself as a "friend and mentor" to Individual A. The Respondent denied having a sexual relationship with Individual A but also said their relationship was "more than a doctor/patient relationship."

5. On or about January 16, 2018, Panel A issued the Respondent an advisory letter that referred him to the section of the American Medical Association's ("AMA") Code of Ethics that warned against treating family members. Panel A advised the Respondent that, while the AMA's Code of Ethics does not specifically prohibit the treatment of friends, the reasons given for not treating family member, including concerns about objectivity, apply equally to friends. Panel A advised the Respondent that continuing

¹ To maintain confidentiality, the names of all witnesses, facilities, employees, and patients will not be used in this document but were made available to the Respondent.

to engage in this behavior could be construed as unprofessional conduct in the practice of medicine.

III. 2019 COMPLAINTS

6. On or about July 24, 2019, the Board received an anonymous complaint alleging that the Respondent continued to engage in an inappropriate sexual relationship with Individual A.

7. On or about July 30, 2019, the Board received another complaint alleging that the Respondent and Individual A were engaged in an inappropriate relationship for several years. The complaint alleged that the Respondent and Individual A, among other things, “went on a trip together to [Las] Vegas,” and that Individual A “has said that she lied [during the Board’s prior investigation] and will lie again if asked of any misconducts.”

IV. BOARD INVESTIGATION

8. The Board opened a new investigation into the Respondent based on the two complaints it received in July 2019.

A. Cellphone Records

9. On or about November 22, 2019, the Board issued a subpoena to a wireless telecommunications company for certain call and text message records of the Respondent and Individual A. On or about November 26 and November 27, 2019, the Board received the subpoenaed cellphone records.

10. The cellphone records show that between on or about January 1, 2019 and on or about November 22, 2019, the Respondent and Individual A made over 800 calls to each other and exchanged over 250 text messages.

B. Individual A's Records

11. On or about January 24, 2020, the Board issued a subpoena to the Respondent for the medical records he maintained for Individual A. On or about February 25, 2020, the Respondent provided the Board with his records for Individual A.

12. Individual A's records show that the Respondent served as Individual A's primary care physician through at least February 21, 2020.

13. The Respondent routinely treated Individual A for certain health conditions.² He noted several times that he advised Individual A to see certain specialists for these conditions, but she "declined" or "refused" each time. The Respondent continued to treat Individual A for these conditions despite her refusal to see specialists.

14. The Respondent continuously prescribed a variety of controlled dangerous substances ("CDS") to Individual A for her chronic health conditions up until on or about February 21, 2020, which was latest date available when the Board obtained Individual A's records from the Respondent.

C. Hotel Room Video

15. On or about March 31, 2020, the Board received an electronic file containing a video of Individual A and the Respondent. Individual A recorded the video in a hotel room in Las Vegas, Nevada.

16. The video shows the Respondent sitting on a couch dressed in an undershirt and pajama pants while watching television. In front of a coffee table is a pink-and-white-striped shopping bag. On the coffee table are two glasses with pink-colored drinks. There

² Due to the sensitive nature of these health conditions, they will not be disclosed in this document but have been made available to the Respondent.

are a woman's boots on the floor next to a suitcase at the base of the bed and a woman's hair accessories in the bathroom. Individual A, while holding the camera and walking around the room, states:

Here's Dr. P., smoking his vape like always. . . . And then drinking his little vodka drink, girly-girly drink. And then the bed, which we messed it up already. And then here's another TV with a big old dresser that we didn't use. . . .

D. Interview of Individual B

17. On or about April 8, 2020, Board staff interviewed a former office manager at the Respondent's Practice ("Individual B"). Individual B stated that she worked for the Respondent from 2008 until late March 2020.

18. Individual B said that the Respondent often gave preferential treatment to Individual A while she was an employee by allowing her to "sit and do nothing" without recourse.

19. Individual B said that when Individual A began working at the Practice it was "really strange." She explained that Individual A would go back to the Respondent's office during the day to talk and, if there were any problems, Individual A would "run right back to his office and say something," which Individual B described as "strange behavior," and something "most people don't do."

20. Individual B also explained that Individual A quit her position at the Practice through a group text message that was sent to Individual B, among others. According to

Individual B, the message said that the Respondent was texting and calling Individual A to a point where it was impacting her personal life.³

21. Individual B said that the Respondent and Individual A traveled together to Las Vegas and Ocean City, Maryland. Individual B was familiar with the hotel room video of the Respondent and Individual A (see ¶¶ 12-13, above). Individual B explained that Individual A “talked to a lot of people about this” and shared the video with others.

E. Interview of Individual C

22. On or about May 28 and May 29, 2020, Board staff interviewed a former office manager at the Respondent’s Practice (“Individual C”). Individual C stated that she worked for the Respondent from 2012 until the summer of 2018.

23. Individual C explained that she was “very opposed” to the Respondent’s hiring of Individual A as a medical assistant because she had no medical training. Once Individual A was hired, Individual C noticed that the Respondent and Individual A were “extremely flirty and very comfortable with each other, more so than the normal working relationship.” Individual C also noticed that the Respondent and Individual A would take the same days off, including the time when the Respondent traveled to Las Vegas.

24. Individual C also said that the Respondent showed favoritism in the Practice towards Individual A by not imposing any repercussions for her poor work habits.

25. Individual A contacted Individual C through an online messenger around the time Individual A quit her employment with the Respondent. Individual A explained that she was upset over learning that the Respondent had a long-term relationship with another

³ On or about April 9, 2020, Individual B sent Board staff a transcription of the text message from Individual A. The message read, in part, that Individual A was “continuously receiving texts from Dr. P to encourage a romantic relationship. It’s gotten so bad that it’s effecting [*sic*] my home life.”

employee. Individual A expressed to Individual C that she wanted to end her relationship with the Respondent but that the Respondent did not want it to end.

F. Interview of Individual A

26. On or about July 14, 2020, Board staff interviewed Individual A under oath. She said that she saw the Respondent as a patient since she was a teenager and was still the Respondent's patient as of the date of the interview. She confirmed that she worked at the Respondent's Practice as a medical assistant from approximately 2016 through 2019.

27. Individual A explained that she visited the Respondent while he was in Las Vegas and she was there to visit a family member. Individual A said that the Respondent bought her plane ticket to Las Vegas because she "cleaned the office."

28. Individual A admitted that she took the video in the Respondent's hotel room because she "thought it was a nice room." She said that she went with her mother and a friend to visit the Respondent in his hotel room. She could not recall saying that she messed up the bed with the Respondent. When Board staff asked why her mother was not in the video, Individual A said that her mother "was behind me the whole time."

29. Individual A said that she texted the Respondent about medication issues or about "office stuff."

30. Individual A also said that the Respondent "is a friend," and that she "look[s] up to him as a role model."

31. Individual A explained that the Respondent loaned her money to pay her phone bill while she was his employee. She said she has since paid him back.

32. Individual A said that the Respondent allowed her and her children to live in the office basement for about a month after she had quit her job there.

G. Interview of the Respondent

33. On or about September 3, 2020, Board staff interviewed the Respondent under oath. The Respondent said that he has been treating Individual A since she was a teenager and their relationship is “purely [] a professional patient/doctor relationship.” The Respondent said that Individual A “never was a friend.” He said that as of the date of the interview, Individual A is still a patient of his.

34. The Respondent said that he sent text messages to Individual A about “office related” issues.

35. The Respondent acknowledged receiving a text message from Individual A in which she quit her job at his Practice. The Respondent said that the message was sent to everyone in the Practice. He spoke to Individual A about the text message at which time she said her boyfriend sent it because he was jealous of the Respondent.

36. The Respondent said that he continues to prescribe CDS to Individual A to treat her conditions for which she refuses to see specialists. He acknowledged being the original prescriber of certain CDS for Individual A.

37. The Respondent said he allowed Individual A to stay in the basement of the office because he believed she was homeless at the time. The Respondent believed that Individual A was just keeping her belongings in the basement and possibly slept there for a few nights over the course of a month.

38. The Respondent denied ever loaning Individual A money to pay her bills.

39. The Respondent acknowledged that he traveled with Individual A to Las Vegas sometime in 2017, but they each had “separate programs” there. The Respondent said that he went to Las Vegas for “relaxation,” while Individual A went to see her mother.

The Respondent also said that Individual A used his credit card to pay for her plane ticket in exchange for her cleaning the office. He estimated the cost of the flight was between \$400 and \$450. According to the Respondent, once he and Individual A were in Las Vegas, Individual A, her mother, and her friend, visited the Respondent in his hotel room.

40. When shown the video that Individual A recorded in the Respondent's hotel room (see ¶¶ 12-13 above), the Respondent insisted that Individual A's mother and friend were "sitting on the bed" and "just to left, I think[.]" When asked why nobody else could be seen in the video he said, "that video was not, it's, that was, video wasn't taken when everyone was there, I think – I came back, they, they left and then at that time I think it's just the video [inaudible] to be taken."

H. Las Vegas Photograph

41. On or about December 2, 2020, an unidentified person delivered documents to the Board related to Individual A and the Respondent. These documents included a photograph of Individual A with the Respondent posing in front of the "High Roller" Ferris wheel in Las Vegas. Individual A is embracing the Respondent from the side with one of her arms around the front of his stomach/waist area. The Respondent has one arm around Individual A's back and is holding a piece of clothing in his other hand.

CONCLUSIONS OF LAW

Based on the forgoing Findings of Fact, Panel A concludes as a matter of law that the Respondent: is guilty of immoral conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(i); is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii); and engaged in sexual misconduct, in violation of Health Occ. § 1-212 and COMAR 10.32.17.03.

ORDER

It is, thus, by Disciplinary Panel A of the Board, hereby:

ORDERED that the Respondent Maganbhai M. Pansuriya, M.D., is **REPRIMANDED**; and it is further

ORDERED that the Respondent is placed on **PROBATION** for a minimum of **TWO YEARS**.⁴ During probation, the Respondent shall comply with the following terms and conditions of probation:

1. The Respondent shall enroll in the Maryland Professional Rehabilitation Program (MPRP) as follows:
 - (a) Within 5 business days, the Respondent shall contact MPRP to schedule an initial consultation for enrollment;
 - (b) Within 15 business days, the Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;
 - (c) the Respondent shall fully and timely cooperate and comply with all MPRP's referrals, rules, and requirements, including, but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP;
 - (d) the Respondent shall sign and update the written release/consent forms requested by the Board and MPRP, including release/consent forms to authorize MPRP to make verbal and written disclosures to the Board and to authorize the Board to disclose relevant information from MPRP records and files in a public order. The Respondent shall not withdraw his release/consent;
 - (e) the Respondent shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of the Respondent's current therapists and treatment providers) verbal and written information concerning the Respondent and to ensure that MPRP is authorized to receive the medical records of the Respondent, including, but not limited to, mental health

⁴ If the Respondent's license expires during the period of probation, the probation and any conditions will be tolled.

and drug or alcohol evaluation and treatment records. The Respondent shall not withdraw his release/consent; and

- (f) the Respondent's failure to comply with any of the above terms or conditions including terms or conditions of the Participant Rehabilitation Agreement(s) or Participant Rehabilitation Plan(s) constitutes a violation of this Consent Order;
2. Within **SIX (6) MONTHS**, the Respondent is required to take and successfully complete a course in **ethics** with a focus on **physician/patient boundaries**. 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;
 3. Within **TWO YEARS**, the Respondent shall pay a civil fine of **seven thousand five hundred dollars (\$7,500)**. 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
 4. During the probationary period, the disciplinary panel may issue administrative subpoenas to the Maryland Prescription Drug Monitoring Program on a quarterly basis for the Respondent's Controlled Dangerous Substances ("CDS") prescriptions. The administrative subpoenas will request the Respondent's CDS prescriptions from the beginning of each quarter; and it is further

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 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).

06/16/2021
Date

Signature on File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Maganbhai M. Pansuriya, 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

6-10-21
Date

Maganbhai M. Pansuriya, M.D.

NOTARY

STATE OF Maryland

CITY / COUNTY OF Baltimore

I HEREBY CERTIFY that on this 10th day of June 2021, before me, a Notary Public of the foregoing State and City/County, personally appeared Maganbhai M. Pansuriya, 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 notarial seal.

