

IN THE MATTER OF	*	BEFORE THE MARYLAND
JAMAL YOUSEFI, M.D.	*	STATE BOARD OF
Respondent	*	PHYSICIANS
License Number: D56390	*	Case Number: 2219-0130

* * * * *

ORDER OF DEFAULT

BACKGROUND

The Maryland Board of Physicians (the “Maryland Board”) received information that Jamal Yousefi, M.D., (the “Respondent”), License Number D56390, was disciplined by the Virginia Board of Medicine (the “Virginia Board”). In an Order dated January 10, 2019, the Virginia Board reprimanded the Respondent.

Based on the above referenced Virginia Board sanction, the Maryland Board notified the Respondent at his address of record that it had grounds to charge him 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 determined that the acts for which the Respondent was disciplined in Virginia would be grounds for disciplinary action under H.O. § 14-404(a). The grounds for disciplinary action under H.O. § 14-404(a) are as follows:

(3) Is guilty of:

- (ii) Unprofessional conduct in the practice of medicine;
- (12) Willfully fails to file or record any medical report as required under law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;

Specifically, on February 15, 2019, the Maryland Board notified the Respondent at his address of record by regular mail of the Board's investigation of this matter, and offered a Consent Order imposing reciprocal discipline. The Respondent was further advised that if he did not respond to the letter within ten days of receipt, the Maryland Board would enter a Default Order making the same findings and imposing the same discipline as in the Virginia Order. The Respondent failed to respond to the Board's notification sent on February 15, 2019.

A second request was sent to the Respondent on March 5, 2019 by regular mail advising the Respondent that the Maryland Board had not received his response and that the case would be forwarded for consideration of a Default Order if the Maryland Board did not hear from him on or before March 12, 2019. The Respondent failed to respond to the Board's second request sent on March 5, 2019.

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 August 10, 2000.

2. By Order dated January 10, 2019, the Virginia Board reprimanded the Respondent. The Virginia Board found that the Respondent failed to properly document and appropriately safeguard fentanyl, a Schedule II controlled dangerous substance. The Virginia Board further found that the Respondent conducted his practice in such a manner as to be a danger to the health and welfare of his patients or to the public. A copy of the Virginia Board Order is attached hereto.

3. The Respondent was duly notified of the Board's determination that there were grounds to charge him with violations of §§ 14-404(a)(21), (3)(ii) and (12) of the Act, but he failed to respond to any of the Board's notifications.

4. The Board's factual findings are unrefuted due to the Respondent's default.

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 Virginia Board against the Respondent was for an act or acts that would be grounds for disciplinary action under Health Occ. §§14-404(a)(3)(ii) and (12) had those offenses been committed in this state. The Board further concludes that the Respondent was in default with respect to answering the charges, and thus has lost the right to contest them.

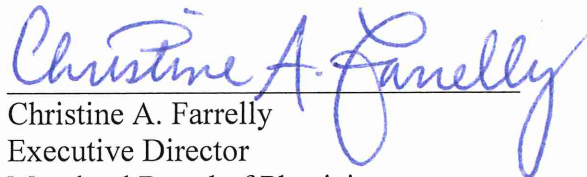
III. ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby:

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

ORDERED that this **ORDER OF DEFAULT** is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§4-101 through 4-601 (2014).

03/22/2019
Date


Christine A. Farrelly
Executive Director
Maryland Board of Physicians

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Health Occ. § 14-408, the Respondent has the right to seek judicial review of this Final Decision and Order. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Final Decision and Order. The cover letter accompanying this final decision and order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Respondent files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

Christine A. Farrelly, Executive Director
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, Maryland 21215

Notice of any petition should also be sent to the Board's counsel at the following address:

Norren M. Rubin, Assistant Attorney General
Maryland Office of the Attorney General
Maryland Department of Health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201

Attachment
(Virginia Board Order)

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: JAMAL YOUSEFI, M.D.
License Number: 0101-055390
Case Number: 188501

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Medicine ("Board") and Jamal Yousefi, M.D., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Dr. Yousefi's license to practice medicine and surgery in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Jamal Yousefi, M.D., was issued License Number 0101-055390 to practice medicine and surgery on February 4, 1997, which is scheduled to expire on December 31, 2020.
2. Dr. Yousefi violated Virginia Code §§ 54.1-2915(A)(13), (16), and (17); 54.1-3404(C) and (D); and 54.1-3420 in that, in or about 2017 through mid-2018 he failed to properly document and appropriately safeguard fentanyl (C-II) that was ordered for and received by his cosmetic surgery practice. Specifically:
 - a. By Dr. Yousefi's own admission to the Board's investigator, deliveries of injectable fentanyl were not always timely secured, appropriately safeguarded, and/or appropriately documented at his practice. During the time period at issue, when Dr. Yousefi was not in the office, staff left packages received from a medication wholesaler on his desk until he returned; as a result, such deliveries were not consistently added to the practice's controlled substance log upon receipt.

b. The practice's controlled substances log from 2017 through mid-2018 contains computation errors and is difficult to read and/or interpret.

c. On several occasions, Dr. Yousefi transferred to or received from Dentist A stock supplies of liquid fentanyl without appropriately documenting such transfers in writing by using DEA Form 222, as required by 21 CFR § 1305.03. Specifically, by his own admission to the Board's investigator, on at least two occasions in 2017, when informed by the medication wholesaler that liquid fentanyl was on backorder, Dr. Yousefi "borrowed" this medication from Dentist A, and upon receipt of additional supplies from the wholesaler, Dr. Yousefi returned an equivalent amount of fentanyl to Dentist A. Additionally, according to Dr. Yousefi's controlled substance log, he loaned 6cc of fentanyl to Dentist A on February 3, 2018; such medication was logged as being returned by Dentist A on February 6, 2018.

d. When requested by the Board's investigator in mid-2018 to reconcile his practice's controlled substances log with orders placed and delivered from the wholesaler, Dr. Yousefi was unable to do so. During the investigation, it was determined that from about March 10, 2017 through June 29, 2018, approximately 14 orders of 0.05mg/ml fentanyl (each order consisting of either twenty-five 2ml vials or ten 5ml vials) that had been ordered by the practice and shipped by the wholesaler could not be reconciled with Dr. Yousefi's written records, including the surgery log book.

3. Dr. Yousefi stated that as a result of this investigation he retained operational and pharmacy consultants and legal counsel to review his practice's procedures for receiving, securing, and logging controlled substances. Dr. Yousefi reported he has implemented new procedures for staff to document and secure in a lockbox medication delivered in his absence; medication deliveries are now

reconciled to orders; a new security system was installed; and a new surgical log/reconciliation form is now in use.

CONSENT

Jamal Yousefi, M.D., by affixing his signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of legal counsel prior to signing this document and am represented by Joseph L. Bianculli, Esq.;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;
4. I waive my right to an informal conference;
5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party; and
6. I consent to the entry of the following Order affecting my license to practice medicine and surgery in the Commonwealth of Virginia.

ORDER


Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS as follows:

1. Jamal Yousefi, M.D., is REPRIMANDED.
2. Dr. Yousefi shall be subject to an unannounced inspection within 12 months from the date of entry of this Order by an inspector of the Department of Health Professions. The inspection shall be conducted during normal business hours and shall include an audit of all Schedule II-IV

controlled substances and related records. In the event that the inspection reveals a possible violation of the laws or regulations pertaining to the practice of medicine in Virginia or the Virginia Drug Control Act (Virginia Code §§ 54.1-3400 *et seq.*), the Board may notice Dr. Yousefi to appear for an administrative proceeding.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD


Jennifer Deschenes, J.D., M.S.
Deputy Executive Director
Virginia Board of Medicine

ENTERED: 1/10/2019

SEEN AND AGREED TO:

Jamal Yousefi, M.D.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF FALLS CHURCH

TO WIT:

Subscribed and sworn to before me, a notary public in and for the Commonwealth of Virginia at large,

on this 8th day of JANUARY, 2019.

Paula A. Newsome
Notary Public

My commission expires:

11/30/22

Registration No.:

121165

