

IN THE MATTER OF
ZUBAIR K. NIAZI, M.D.

Respondent

License Number: D57072

*** BEFORE THE**
*** MARYLAND STATE**
*** BOARD OF PHYSICIANS**
*** Case Number: 2220-0237A**

* * * * *

CONSENT ORDER

On May 26, 2021, Disciplinary Panel A ("Panel A") of the Maryland State Board of Physicians (the "Board") charged **ZUBAIR K. NIAZI, M.D.** (the "Respondent"), License Number D57072, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2014 Repl. Vol. & 2020 Supp).

The pertinent provisions of the Maryland Medical Practice Act (the "Act"), Health Occ. §§ 14-101 *et seq.*, under which Panel A issues this Order provide the following:

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:
 - (ii) Unprofessional conduct in the practice of medicine;
[and/or]

...

- (43) Except for the licensure process described under Subtitle 3A of this title, violates any provision of this title, any rule or regulation adopted by the Board, or any State or federal law pertaining to the practice of medicine[.]

On August 11, 2021, Panel A was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on 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 the following:

I. BACKGROUND

1. At all relevant times, the Respondent was and is a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on February 9, 2001, under License Number D57072. The Respondent’s Maryland medical license is active through September 30, 2021.

2. The Respondent is board-certified in anesthesiology and at all relevant times, practiced as a contract anesthesiologist at a health care facility (the “Facility”) located in Prince Georges County, Maryland.

II. MANDATED 10-DAY REPORTS FROM THE FACILITY

3. On December 5, 2019, the Board received the first of two Mandated 10-Day Reports from the Facility. The first Report notified the Board that on November 22, 2019, the Facility placed the Respondent on a “precautionary suspension” while it “investigated allegations that he was deviating from [Facility] policy and standard practices regarding controlled substance management.” The Report further stated that on December 5, 2019, a Facility committee lifted the Respondent’s suspension and ordered

that he “be counseled and educated by his Medical Director regarding the policies, protocols and standard practices.”

4. The Board received the second Report on December 20, 2019, which stated that effective December 16, 2019, the Facility terminated the Respondent’s employment for “professional reasons.”

III. INVESTIGATIVE ALLEGATIONS

5. The Board initiated an investigation of the Respondent after reviewing the above Reports. As part of its investigation, the Board obtained a written response from the Respondent regarding the actions the Facility took against him. The Board also obtained the Respondent’s Risk Management/Quality Assurance file from the Facility, which included documents that referenced a search the Prince Georges County Police Department (“PGCPD”) and the United States Drug Enforcement Administration (the “DEA”) conducted on November 21, 2019, of the locker the Respondent kept at the Facility. This search revealed that the Respondent stored a number of controlled substances in his locker, without authorization. The Board also conducted under-oath interviews of the Respondent about this matter on October 26 and December 9, 2020.

6. The Board’s investigative findings are set forth *infra*.

Facility memorandum about search conducted on November 21, 2019

7. The Facility generated a memorandum about the search the PGCPD and the DEA conducted on the Respondent’s locker on November 21, 2019. The memorandum stated that on that date, agents and task force members of the DEA’s drug diversion team went to the Facility in furtherance of a drug diversion investigation that focused on the

Respondent. The memorandum stated that DEA Task Force members searched the Respondent's Facility locker and recovered controlled and non-controlled substances from it. The Respondent was not arrested at that time.

8. The memorandum noted the following inventory of the controlled substances recovered from the Respondent's locker:

Controlled Substance	Expiration	Strength
Morphine Sulfate	09/2012	10 mg/mL
Fentanyl Citrate	04/2019	250 mcg/5m/L
Midazolam (3)	11/2019 07/2014 06/2014	2 mg/mL
Fentanyl Citrate 2 mL	06/2017	100 mcg/Fentanyl 2 mL (50 mcg/mL) (0.05 mg/mL)
Hydromorphone HCL injection USP 1 mL	11/2018	1 mg/mL
Diprivan propofol	09/2015	10 mg/mL
Ketamine hydrochloride injection	11/2015	500 mg/10 mL 50 mg/mL
Midazolam 5 mL vial	01/2015	5 mg/mL 1 mg/mL
Midazolam	11/2014	2 mg per 2 mL
Bridion (sugammadex) injection	10/2020	500 mg/5 mL (100 mg/mL)
Midazolam injection, USP	12/2019	2 mg/mL
Midazolam injection, USP	11/2016	2 mg/2 mL
Ketorolac Tromethamine Injection, USP	05/2017	30 mg/mL 1 mL
Duramorph	01/2016	10 mg/10 mL (1 mg/mL) 10 mL Ampul
Fentanyl Citrate (2) Injection, USP	01/2019 01/2019	10 mcg Fentanyl/2 mL 10 mcg Fentanyl/2 mL
Dexmedetomidine Hydrochloride Injection	03/2018	2 mL single use

Lidocaine Hydrochloride Topical Solution USP 4% Included the following: 5/7 1330 initials TS	04/2020	Not for injection Each mL contains 40 mg
Brilinta Ticagrelor tablets 8 tablets (6 tablets present)	09/2017	90 mg
Ketamine Hydrochloride	11/2021	500 mg/10 mL 50 mg/mL
Ketamine HCL Injection USP for intramuscular or slow intravenous use	02/2021	500 mg/10 mL (50 mg/mL)
Ketamine HCL Injection (2), USP	01/2014 12/2010	500 mg per 5 mL (100 mg/mL) 500 mg per 5 mL (100 mg/mL)
Fentanyl Citrate Injection, USP (red vials) (9)	04/2015 05/2015 09/2021 03/2022 05/2022 05/2022 06/2022 06/2022 06/2022	100 mcg/2 mL

Respondent's written response to the Board

9. By letter dated April 14, 2020, the Board informed the Respondent that it had initiated an investigation of his termination from the Facility. The Board requested that the Respondent address the matter in a written response.

10. By email dated April 27, 2020, the Respondent, through counsel, forwarded a copy of a letter the Respondent sent to the Senior Vice President and Chief Medical Officer at the Facility on November 27, 2019, in which the Respondent addressed the PGCPD/DEA search that occurred on November 21, 2019. In this letter, the Respondent stated that during the afternoon hours on November 21, 2019, representatives of the

PGCDP and the DEA conducted a search of his Facility locker. The Respondent stated that at the time of the search, “I knew that my locker contained a few controlled anesthetic medications that had been collecting in my locker over the previous weeks and months.” The Respondent went on to state that the medications “came into my possession . . . on rare occasions” and provided two “scenarios” for why this happened. The Respondent stated that the first scenario was where “some of these medications were left over medications from patients I had taken care of myself” but that he “failed to follow the return procedures for unused medications, either by not returning the unused medications to the pharmacy or not properly ‘wasting’ the medication at the conclusion of the patient care.” The Respondent stated that the second scenario was where he “found” some of these medications in operating rooms where they “appeared to be unattended,” after which he took possession of them to prevent access to them and to “place the medication in safekeeping until I returned it to the pharmacy or disposed of it under proper protocol.”

11. The Respondent stated, “I freely acknowledge that I was partly to blame due to my failure to follow the established policies, procedures, and practices at the [Facility] . . . [u]nquestionably, these medications should not have been in my locker and should have been timely returned under established policies and procedures.”

Board interviews

12. Board staff interviewed the Respondent on October 26, 2020, and December 9, 2020. During those interviews, the Respondent acknowledged that prior to providing anesthesia services to patients, it was his practice to obtain controlled

substances from the Facility pharmacy or the PYXIS delivery system. The Respondent stated that at times, he failed to return or waste leftover/unused controlled substances in accordance with Facility protocols. The Respondent further acknowledged that when he failed to return or waste the leftover/unused controlled substances after providing anesthesia services, he stored the controlled substances in his Facility locker. The Respondent stated that he did not document in a Facility record that he had leftover/unused medications after providing anesthesia services to patients and knew at the time he was storing the leftover/unused medications in his locker that he was violating Facility controlled substances protocols.

13. The Respondent stated that at the time the police searched his locker, he stated to them that his practice of storing leftover/unused medications was “recent.” When Board staff questioned why some of the medications recovered from his locker had expiration dates going back as far as 2010, the Respondent acknowledged that it was a “possibility” that they had been in his locker since that time. The Respondent also acknowledged that the chart noted in paragraph eight (8) above was an accurate inventory of the medications he stored in his Facility locker.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii) and violated a provision of this title, any rule or regulation adopted by the Board, or any State or federal law pertaining to the practice of medicine under Health Occ. § 14-404(a)(43).

ORDER

It is thus by a majority of a quorum of Disciplinary Panel A of the Board hereby:

ORDERED that the Respondent is **REPRIMANDED**; 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).

08/19/2021
Date

Signature on File

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

CONSENT

I, Zubair K. Niazi, 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

08/17/21

Date

Zubair K. Niazi, M.D.

NOTARY

STATE OF Maryland

CITY/COUNTY OF Montgomery

I **HEREBY CERTIFY** that on this 13th day of August, 2021, before me, a Notary Public of the State and County aforesaid, personally appeared Zubair K. Niazi, M.D., and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Sham Zuber
Notary Public

My Commission Expires: 3/26/22