

**IN THE MATTER OF  
MITUL N. DAVE, M.D.**

**Respondent**

**License Number: D57313**

**\* BEFORE THE  
\* MARYLAND STATE  
\* BOARD OF PHYSICIANS  
\* Case Number: 2221-0108B**

\* \* \* \* \*

**CONSENT ORDER**

On January 21, 2022, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged **MITUL N. DAVE, M.D.** (the “Respondent”), License Number D57313, with violating the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2021 Repl. Vol.).

Specifically, Panel B charged the Respondent with violating the following provisions of the Act under Health Occ. § 14-404:

(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[.]

On April 27, 2022, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”). 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 B has made the following findings of fact:

### ***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 March 27, 2011, under License Number D57313. The Respondent has retained continuous licensure since that time. The Respondent's Maryland medical license is current through September 30, 2022.

2. The Respondent is not board-certified in any medical specialty.

### ***The Complaint***

3. On or about March 2, 2021, the Board received a complaint from the interim medical director (the "Complainant")<sup>1</sup> of a skilled nursing facility (the "Facility") located in Maryland. The Complainant reported that the Facility hired the Respondent to serve as its medical director and as an attending physician from in or around September 2019 to in or around February 2021.

4. The Complainant stated that during the latter part of January 2021, the Facility investigated the Respondent due to concerns about the frequency with which the Respondent saw his patients and the accuracy of his medical record documentation regarding those patient encounters.

5. During this investigation, the Respondent acknowledged that he provided his electronic medical record ("EMR") credentials to a nurse practitioner (the "NP") and asked her to enter his notes in his EMR. The Complainant stated that during the investigation, the Respondent

---

<sup>1</sup> The name of the complainant is not disclosed to protect the complainant's privacy.

accepted responsibility for “lapses that may have occurred, including oversight of the nurse practitioner working under his auspices.”

6. The Complainant stated that the Facility had “serious concerns with . . . [the Respondent’s] . . . professional practice and breaches in the facility’s security policies.” The Complainant stated that during the course of the Facility’s investigation, the Respondent voluntarily resigned from his positions at the Facility.

***Board investigation***

7. The Board initiated an investigation of the above complaint. As part of its investigation, the Board, in a letter dated April 7, 2021, notified the Respondent that it had initiated an investigation of him based on the above complaint. The Board requested that the Respondent respond to the allegations in a written response.

8. By letter dated April 22, 2021, the Respondent provided a response, denying the allegations in the complaint but acknowledging that when seeing “long term” patients, his NP would “sometimes” accompany him.

9. Board staff also interviewed senior Facility supervisory representatives, the Respondent and the NP. During their interviews, both the Respondent and the NP acknowledged that the Respondent provided the NP with his login credentials and password so that the NP could enter the Respondent’s notes into the EMR under his signature when he saw Facility patients. The NP acknowledged that she would sometimes take up to two weeks to enter the Respondent’s notes into the EMR and that she “probably messed up” the dates of when the patient was treated and when the medical record stated that the patient was seen. The Respondent acknowledged that he did not ensure that the notes the NP entered into the EMR were accurate, stating, “I should have checked; I didn’t.”

10. The Board's investigation determined that during the time the Respondent practiced at the Facility, the Respondent provided his EMR login and password to his NP, who used this information to log in to the EMR to enter notes on patients on the Respondent's behalf, under his signature. The NP's notes were not accurate, in that the notes did not document the correct date on which the Respondent saw and evaluated the patients. The Respondent failed to ensure that the NP's notes were accurate.

### CONCLUSION OF LAW

Based upon the findings of fact, Panel B concludes that the Respondent is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii).

### ORDER

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

**ORDERED** that the Respondent Mitul N. Dave, M.D. is **REPRIMANDED**; and it is further

**ORDERED** that, within **six months**, the Respondent is required to take and successfully complete a course in medical record-keeping. 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 begins;
- (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; and it is further

**ORDERED** that, within **one year**, the Respondent shall pay a civil fine of **\$5,000.00**. 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.

**ORDERED** that this Consent Order goes into effect on the date the Consent Order is signed by the Executive Director of the Board or her designee. The Executive Director or her designee signs this Consent Order on behalf of Panel B; 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).

## *Signature On File*

05/24/2022  
Date

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

### CONSENT

I, Mitul N. Dave, 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.

5/18/22  
Date

## *Signature On File*

\_\_\_\_\_  
Mitul N. Dave, M.D.  
Respondent

**NOTARY**

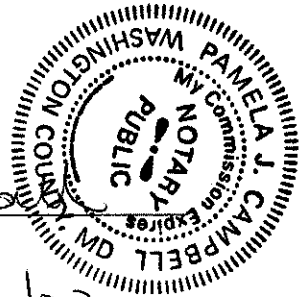
STATE OF Maryland

CITY/COUNTY OF Fredrick

I **HEREBY CERTIFY** that on this 18<sup>th</sup> day of May, 2022, before me, a Notary Public of the foregoing State and City/County, did personally appear Mitul N. Dave, M.D. and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSTH my hand and seal.

Pamela J Campbell  
Notary Public



My commission expires: 3/11/23