

IN THE MATTER OF
RISHI BHATNAGAR, M.D.

Respondent

License Number: D72911

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case Number: 2219-0165A

CONSENT ORDER

Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) voted to charge **RISHI BHATNAGAR, M.D.** (the “Respondent”), **License Number D72911**, under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2014 Repl. Vol., 2018 Supp.). Panel A voted to charge the Respondent under the following provisions of the Act:

§ 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]

§ 14-5B-18.1 Employment of individuals without license prohibited.

- (a) *Physicians.* -- Except as otherwise provided in this subtitle, a licensed physician may not employ or supervise an individual practicing radiation therapy, radiography, nuclear medicine technology, or radiology assistance without a license.

Prior to the issuance of charges, the Respondent agreed to enter into the following Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

Panel A finds:

1. At all relevant times, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on or about August 11, 2011, under License Number D72911. His license is active through September 30, 2020.
2. The Respondent is board-certified in orthopedic surgery.
3. The Respondent owns and serves as Medical Director for an orthopedic and sports medicine practice (the “Practice”)¹ in Laurel, Maryland.
4. The Practice utilizes diagnostic radiography equipment including ionizing radiation (x-rays) in its office. The Practice employs individuals to practice radiography by using this radiography equipment.
5. The Act requires that an individual be licensed by the Board before he or she practices radiography in the State of Maryland.²

¹ To maintain confidentiality, specific names of patients, the complainant, employees, and facilities will not be used in this document but are known to the Respondent.

² The relevant provisions of the Act provide:

§ 14-5B-01. Definitions.

...
(o) *Practice radiography*. – “Practice radiography” means to use ionizing radiation to:

- (1) Demonstrate portions of the human body to assist in the diagnosis or localization of disease or injury; or
- (2) Perform tumor localization radiography. . . .

6. On or about September 18, 2018, an individual employed at the Practice (the “Employee”) submitted to the Board her initial application for licensure in Maryland as a radiographer. The Employee’s application for licensure stated that she was working for the Practice as a “Radiologic Technologist” despite having not yet been issued a license to practice radiography in Maryland.

7. The Board initiated a preliminary investigation into the Practice and the Respondent based on the Employee’s statement in her application that she was working at the Practice as a Radiologic Technologist.

8. By letter dated January 31, 2019, the Board notified the Respondent of its investigation and requested that the Respondent provide a written response to the Board that addressed whether he allowed the Employee to practice radiography without a license.

9. On or about February 14, 2019, the Respondent provided a written response to the Board. The Respondent stated, among other things, that there was “an oversight on [the Practice’s] part to fully verify the credentials of [the Employee] prior to making an offer of employment and allowing [the Employee] to provide services to [the Practice’s] patients.” The Respondent also asserted that he took “full responsibility” for ensuring all applicable laws are followed.

10. The Respondent explained that the Employee had responded to the Practice’s online recruitment notice that sought a “certified radiologic technologist,” who was certified by the American Registry of Radiologic Technologists and was licensed to

§ 14-5B-08. Licensing requirements.

(a) *In general.* – (1) Except as otherwise provided in this subtitle, an individual shall be licensed by the Board before the individual may practice radiation therapy, radiography, nuclear medicine technology, or radiology assistance in this State. . . .

practice radiography in Maryland. According to the Respondent, the Employee apparently believed that her license to practice radiography in Virginia was also valid in Maryland. The Respondent acknowledged that the Practice did not check the Employee's certificate or perform a license verification.

11. According to the Respondent, the Employee began working at the Practice on or about June 11, 2018. She did not work independently for the first two months but was "shadowing the Practice's licensed Radiographers and learning various medical assistant duties."

12. The Respondent explained that beginning on or about September 4, 2018, the Employee "started to work at the Practice's offices without another Radiographer present; however, she was under the supervision of a Maryland-licensed physician who was on-site at all times that she rendered professional radiography services to [the Practice's] patients."

13. The Respondent further stated that he was unaware that the Employee was unlicensed in Maryland or that she applied to the Board for a radiography license. He first became aware of the situation when the Board notified him.

CONCLUSIONS OF LAW

Based on the foregoing facts, Panel A concludes that the Respondent's employing and supervising an individual practicing radiography without a license is a violation of Health Occ. § 14-5B-18.1 and is unprofessional conduct in the practice of medicine in violation of Health Occ. § 14-404(a)(3)(ii).

ORDER

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

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

ORDERED that within **SIX (6) MONTHS** from the effective date of this Consent Order, the Respondent shall pay a civil fine of **ONE THOUSAND, FIVE HUNDRED DOLLARS (\$1,500.00)**. 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; and it is further

ORDERED that if the Respondent allegedly fails to comply with any term or condition of this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If 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. If 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 a disciplinary panel determines that the Respondent has failed to comply with any term or condition of this Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend 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 an additional civil monetary fine upon the Respondent; 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 the Respondent shall comply with the Maryland Medical Practice Act, Md. Code Ann., Health Occ. § 14-101 – § 14-702, and all federal and state laws and regulations governing the practice of medicine in Maryland; 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 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 this Consent Order is a public document. *See* Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

06/06/2019

Date

Signature on File

Christine A. Farrelly' U U
Executive Director
Maryland State Board of Physicians

CONSENT

I, Rishi Bhatnagar, M.D., acknowledge that I have had the opportunity to consult 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 these rights 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

6/3/19
Date

Rishi Bhatnagar, M.D.
License No. D72911

NOTARY

STATE OF MARYLAND

CITY / COUNTY OF PRINCE GEORGES

I HEREBY CERTIFY that on this 3rd day of June 2019,
before me, a Notary Public of the foregoing State and City/County, personally appeared
Rishi Bhatnagar, 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.


Notary Public

My Commission expires:



SEONG HEE SHIN
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires Sept. 24, 2019