

IN THE MATTER OF \* BEFORE THE  
SUNIL SARAN SWAMI, M.D. \* MARYLAND STATE  
Respondent \* BOARD OF PHYSICIANS  
License Number: D72997 \* Case Number: 2218-0206 A

\* \* \* \* \*

**CONSENT ORDER**

On August 22, 2018, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) notified Sunil Saran Swami, M.D. (the “Respondent”), License Number D72997, of the Board’s Intent to Revoke the Respondent’s license to practice medicine in the State of Maryland pursuant to the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-401 *et seq.* (2014 Repl. Vol. and 2017 Supp.).

The pertinent provisions of the Act provide:

**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:
- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
  - (3) Is guilty of:
    - (ii) Unprofessional conduct in the practice of medicine;
  - (33) Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel;

- (36) Willfully makes a false representation when seeking or making application for licensure or any other application related to the practice of medicine;
- (42) Fails to submit to a criminal history records check under § 14-308.1 of this title[.]

**Health Occ. § 14-308.1. Criminal history records check through Central Repository.**

- (a) In this section, “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.
- (b) An applicant, a licensee, or a certificate holder shall apply to the Central Repository for a State and national criminal history records check.
- (c) As part of the application required under subsection (b) of this section, an individual shall submit to the Central Repository:
  - (1) Two complete sets of legible fingerprints taken on forms approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;
  - (2) The fee authorized under § 10-221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and
  - (3) The mandatory processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

On February 13, 2018, 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 and Order.

## I. FINDINGS OF FACT

Panel A finds the following:

1. At all times relevant hereto, 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 September 1, 2011, under License Number D72997. The Respondent's license is active through September 30, 2019.

2. On or about September 18, 2017, the Respondent submitted an online application (the "Application") for the renewal of the Respondent's license using the Board's online renewal application process.

3. When a licensee applies online to renew his or her license, a notice appears that informs the licensee that the Board may not renew a license if it has not received the licensee's Criminal History Record Check ("CHRC") information, which includes the licensee's submission of his or her fingerprints to the Criminal Justice Information Services ("CJIS") before attempting to complete the renewal application.

4. The Respondent's signed Application states, "Failure to submit to a [CHRC] may result in disciplinary action." Prior to submitting the online Application, the Respondent checked a box attesting to completing the CHRC.

5. By email dated November 1, 2017, Board staff informed the Respondent that the Board had not received the CHRC. Board staff further informed the Respondent that the Respondent had ten business days to submit the CHRC.

6. The Respondent did not reply to the email.

7. By letter dated January 16, 2018, the Board informed the Respondent that the Board opened a preliminary investigation based upon the failure to obtain a CHRC for license renewal and the attestation that the Respondent submitted to a CHRC.

8. The Respondent did not reply to the letter.

9. By letter dated August 22, 2018, Panel A issued a Notice of Intent to Revoke the Respondent's Medical License.

10. The Respondent immediately contacted the Board after he received the Notice of Intent to Revoke the Respondent's Medical License.

11. On September 4, 2018, the Respondent submitted to a CHRC.

12. On October 2, 2018, the Board received the completed CHRC report pursuant to Health Occ. § 14-308.1.

## **II. CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent violated Health Occ. §§ 14-404(a)(42) by failing to submit to a criminal history records check under § 14-308.1. Panel A dismisses the remaining grounds under Health Occ. § 14-404(a) (1), (3)(ii), (33), and (36).

## **III. ORDER**

### **IT IS HEREBY:**

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

**ORDERED** that within **SIX (6) MONTHS**, the Respondent shall pay a civil fine of **FIVE HUNDRED DOLLARS (\$500.00)**. The payment shall be made 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 the 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 a civil monetary fine upon the Respondent; and it is further

**ORDERED** that 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** that 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) (2014 & Supp. 2017).

03/14/2019  
Date

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

**CONSENT**

I, Sunil S. Swami, acknowledge that I am represented by counsel and 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 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 their 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.

3/7/19  
Date

*Signature on File*  
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Sunil S. Swami, M.D.

*Melinda Glowasky*  
FAIRFAX, VA 3/7/2019

