

IN THE MATTER OF
ASHEESH KUMAR, M.D.

Respondent

License Number: D74085

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BEFORE THE

MARYLAND STATE

BOARD OF PHYSICIANS

Case Number: 2222-0128B

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**ORDER FOR SUMMARY SUSPENSION OF LICENSE
TO PRACTICE MEDICINE**

Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") hereby **SUMMARILY SUSPENDS** the license to practice medicine of **ASHEESH KUMAR, M.D.** (the "Respondent"), License Number D74085, in the State of Maryland.

Panel B takes such action pursuant to its authority under Md Code Ann., State Gov't ("State Gov't") §10-266(c)(2) (2021 Repl. Vol.) and Md. Code Regs. ("COMAR") 10.32.02.08B(7), concluding that the public health, safety, or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS

Based on information received by, and made known to Panel B, and the investigatory information obtained by, received by, and made known to and available to Panel B, including the instances described below, Panel B has reason to believe that the following facts are true:¹

¹ The statements regarding the Respondent's conduct are intended to provide the Respondent with reasonable notice of the basis of Panel B's action. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

Introduction

1. Panel B is summarily suspending the Respondent's license to practice medicine after a Board investigation determined that he has a health condition that affects his ability to practice medicine safely.

Background/Licensing Information

2. The Respondent was originally issued a license to practice medicine in Maryland on May 1, 2012, under License Number D74085. The Respondent has not retained continuous licensure in Maryland. The Respondent allowed his license to lapse on or about September 30, 2016. He was later reinstated on September 7, 2021. He is also licensed in the District of Columbia.

3. The Respondent is Board Certified in Anesthesiology, and Anesthesiology, Critical Care Medicine. He has hospital privileges at a hospital in Baltimore County, Maryland.

4. At all times relevant hereto, the Respondent practiced medicine at a health care facility (the "Facility")² that has several locations in Maryland and the District of Columbia.

5. The Respondent began working at the Facility on February 14, 2022, and was terminated on April 7, 2022.

² For confidentiality reasons, the name of the health care facility will not be identified in this document. The respondent is aware of the identity of the health care facility.

The Complaint

6. On or about April 12, 2022, the Board received a Mandated 10-Day Report (the "Report") from the Facility. According to the Report, the Respondent exhibited indicators of impairment and/or intoxication while working at the Facility on April 5, 2022.

7. The Report stated that the Respondent acknowledged being under the influence of alcohol while at work at the Facility on April 5, 2022. The Facility terminated his employment effective April 7, 2022.

Board Investigation

8. The Board initiated an investigation based on the Report from the Facility. The Board notified the Respondent of its investigation by letter dated April 25, 2022 and directed him to provide a written response.

9. As a part of the investigation, Board staff interviewed the Respondent and several of his colleagues.

Respondent's Written Response

10. By letter dated May 9, 2022, the Respondent provided a written response in which he took "full responsibility for [his] conduct on April 5, 2022."

11. The Respondent stated "on April 4, 2022, I consumed wine in the evening. I went to sleep but woke up at approximately 1:00 a.m. or 2:00 a.m. with anxiety and made the unfortunate decision to consume more wine in an attempt to quell that anxiety.

Although I do not specifically recall the precise amount of wine I consumed, it was less than one bottle of rosé wine.”

Facility Physician 1³

12. On May 18, 2022, Board staff conducted an under-oath interview of a Facility physician (“Facility Physician 1”) who directly supervised the Respondent at the Facility. He was contacted on the morning of April 5, 2022, after fellow coworkers became concerned with the Respondent’s behavior.

13. Facility Physician 1 stated that he was contacted by another anesthesiologist who asked him to check in on the Respondent because the Respondent was “acting funny” and the anesthesiologist was concerned that the Respondent would not be able to work.

14. The Respondent had provided anesthesiology services for two or three pediatric patients that morning. The anesthesiologist advised Facility Physician 1 that the Respondent was acting sleepy and sluggish, sleeping in the corner between cases, and taking a long time to do basic tasks.

15. Facility Physician 1 contacted his superior, Facility Physician 2, to inform him of these concerns. Facility Physician 1 then called the Respondent and asked him “what was going on.” The Respondent replied that he was “not feeling well and was

³ To maintain confidentiality, the names of all witnesses, facilities, employees, and patients will not be used in this document but will be provided to the Respondent on request.

tired.” Facility Physician 1 immediately advised the Respondent to stop working and go upstairs to the office.

16. Facility Physician 1 met with the Respondent in the office and again asked him “what was going on.” The Respondent stated that he did not feel well and was otherwise very vague. Facility Physician 1 directed the Respondent to go to the Facility’s urgent care department to be evaluated.

17. Facility Physician 1 later followed up with the Respondent who advised that the lab results came back positive for alcohol, but the Respondent did not provide a further explanation.

18. The Respondent was terminated on April 7, 2022.

19. Facility Physician 1 stated that he was recently advised that the Respondent was working at another health care facility and “has serious concerns about [the Respondent] practicing and being out there now doing what he is doing.”

Facility Physician 2

20. On May 31, 2022, Board staff conducted an under-oath interview of Facility physician 2. Facility Physician 2 acts in a supervisory capacity and oversees the clinical operations and oversight of physicians across multiple specialties who provide clinical care for the Facility.

21. Facility Physician 2 was contacted by Facility Physician 1 with concerns about the Respondent’s behavior on the morning of April 5, 2022.

22. The staff of the urgent care department provided Physician Facility 2 with the results of the Respondent’s evaluation and testing results.

23. A termination meeting was held on April 7, 2022. Facility Physician 1, Facility Physician 2, and the Respondent were present. The Respondent explained that he was overwhelmed due to many recent stressors in his personal life. The Respondent was very teary and remorseful during the termination meeting and stated that he would be willing to take daily breathalyzer tests, daily alcohol tests, or whatever it took to keep his job. The Respondent stated that he had already engaged in rehabilitative efforts.

24. Facility Physician 2 expressed concerns that “this may be a repeat event...where the Respondent may present to work impaired,” so Facility Physician 2 “has no trust in that [the Respondent] can safely take care of patients, anesthetizing patients, and sedating them.”

Interview of Physician Anesthesiologist

25. On May 20, 2022, Board staff conducted an under-oath interview of the Physician Anesthesiologist. The Physician Anesthesiologist had worked with the Respondent once in a clinical setting approximately two weeks prior, on or about March 10, 2022.

26. On that day, the Physician Anesthesiologist noticed the smell of alcohol on the Respondent while they were caring for pediatric patients at approximately 9:00 a.m. and later again that afternoon. On both occasions the Physician Anesthesiologist was standing just a few feet away from the Respondent and they were both wearing masks.

27. The Physician Anesthesiologist stated, “I am very concerned that a physician on his first day of working at a brand-new site that he has never been to – who is taking care of patients, particularly pediatric patients – to possibly be drinking while at

work. I am concerned for his health, I'm concerned for his judgment, and I – I only hope that from here he is getting professional help.”

Interview of the Respondent

28. On June 15, 2022, Board staff conducted an under-oath interview of the Respondent. In this interview, the Respondent stated, “I have worked very hard for my sobriety, and I depend on it...I can't believe that this – that I allowed this to happen, and I take full responsibility for it. I don't have any excuses for what I did, and I don't pretend to provide any, but I can provide some background.”

29. The Respondent explained that he has had several issues lately that have created a lot of stress and anxiety in his life. He stated, “I was overwhelmed. I was having panic attacks, anxiety attacks, I just kept thinking about that over and over.”

30. The Respondent acknowledged that he began drinking at approximately 2:00 p.m. on April 4, 2022 and continued throughout the day and into the morning hours of April 5, 2022. The Respondent stated:

I started drinking on Monday afternoon, which was the 4th. I had tried to get through the entire weekend and was having a lot of flashbacks, a lot of panic. And starting Monday afternoon, I came home, and I would say over the course of Monday afternoon to Tuesday morning, drank a bottle of wine...I had a glass. I was exhausted. I went to bed. I woke up – at this point things are hazy, so I'm not going to – unfortunately, I don't know the exact timeline, but I remember waking up throughout the course of the night and still just being in a panic and have another glass, have another glass. The last glass that I had was about 3:00 in the morning.

31. The Respondent admitted that when he woke up for his shift at 5:00 a.m. on April 5, 2022, he felt under the influence. The details of the day are “hazy” for him, but

he recalls doing “pediatric gastroenterology patients, kids’ colonoscopies or endoscopies.” He stated, “I don’t recall exactly what my interactions were. I know I was helping the other physician with the cases. On the second case that we did I started a peripheral IV.” He believes that he was taken out of the room after starting the second case and directed to go to the office and later to the urgent care.

32. As a result of this relapse, the Respondent offered to undergo treatment measures to address his medical condition.

33. The Respondent denied being under the influence or impaired in any way while working prior to the April 5, 2022 event. When asked about the observations of the Physician Anesthesiologist on March 10, 2022, the Respondent claimed that he had leftovers for lunch which consisted of his mother’s chicken that she makes with red wine sauce. He denied consuming any alcohol on March 9 or 10 of 2022 and maintained that he had been sober for two and a half years prior to his relapse on April 4, 2022.

34. The Respondent acknowledged that he currently works at another health care facility as a staff anesthesiologist. The Respondent did not inform his employer of the circumstances under which he left the Facility and was terminated on April 7, 2022. The Respondent stated, “I have not told them the exact circumstances of leaving the Facility. It’s not obviously something I am proud of. I’m scared.”

CONCLUSION OF LAW

Based upon the foregoing Investigative Findings, Panel B of the Board concludes that the public health, safety, or welfare imperatively requires emergency action, and that

pursuant to State Gov't § 10-226(c)(2) and COMAR 10.32.02.08B(7), the Respondent's license is summarily suspended.

ORDER

IT IS thus, by Panel B of the Board, hereby:

ORDERED that pursuant to the authority vested in Panel B by State Gov't. §10-226(c)(2)(2021 Repl. Vol.) and COMAR 10.32.02.08B(7), the Respondent's license to practice medicine in the State of Maryland is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that, during the course of the summary suspension, the Respondent shall not practice medicine in the State of Maryland; and it is further

ORDERED that in accordance with Md. Code Regs. 10.32.02.08B(7) and E, a post deprivation initial hearing on the summary suspension will be held on **Wednesday, July 27, 2022, at 10:30 a.m.** at the Board's offices, located at 4201 Patterson Avenue, Baltimore, Maryland 21215-0095; and it is further

ORDERED that after the **SUMMARY SUSPENSION** hearing before Panel B, the Respondent, is dissatisfied with the result of the hearing, may request, within ten (10) days, an evidentiary hearing, such hearing to be set within thirty (30) days of the request, before an Administrative Law Judge at the Office of Administrative Hearings, Administrative Law Building, 11101 Gilroy Road, Hunt Valley, Maryland 21031-1301; and it is further

ORDERED that a copy of the Order for Summary Suspension shall be filed by Panel B immediately in accordance with Health Occ. § 14-407(a)(2021 Repl. Vol.); and it is further

ORDERED that this is a disciplinary Order of Panel B, and as such, is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Md. Code Ann., Gen Prov. §4-333(B)(6).

07/13/2022
Date

Signature on File

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