

**IN THE MATTER OF**  
**ARCHANA PATEL, M.D.**

**Respondent**

**License Number: D76416**

**\* BEFORE THE**  
**\* MARYLAND STATE**  
**\* BOARD OF PHYSICIANS**  
**\* Case Number: 2218-0290**

\* \* \* \* \*

**CONSENT ORDER**

On January 24, 2020, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged **ARCHANA PATEL, M.D.**, (“the Respondent”) under the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.). The Respondent was charged under the following provisions of 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:

...

(22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State; [and]

...

(40) Fails to keep adequate medical records as determined by appropriate peer review [.]

On April 8, 2020, Panel A and the Respondent participated in a settlement conference at the Board. Following the settlement conference, the Panel and the Respondent agreed to enter into this Consent Order to resolve the case described below.

### **FINDINGS OF FACT**

Panel A finds the following facts:

#### **I. Background**

1. At all times relevant, the Respondent was licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on July 11, 2013, under license number D76416. The Respondent's license is presently active and expires on September 30, 2021.
2. The Respondent does not retain any hospital privileges. The Respondent was previously employed at a weight loss and pain management clinic (the "Clinic")<sup>1</sup>, from approximately 2015, through September 2018. The Respondent is currently employed at another medical services provider in Essex, Maryland.
3. On or about June 20, 2018, the Board received a complaint from the Office of the Inspector General for the Maryland Department of Health ("OIG"), alleging that the Respondent was inappropriately prescribing high doses of opioid medications at the Clinic.
4. Based on the complaint, the Board initiated an investigation of the Respondent.

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<sup>1</sup> To ensure confidentiality and privacy, the names of individuals, patients, and institutions involved in this case are not disclosed in this document.

## **II. Board Investigation**

5. In furtherance of its investigation, the Board conducted a drug survey, subpoenaed ten patient medical records from the Respondent, interviewed the Respondent, and obtained a written response to the complaint from the Respondent.
6. On or about September 20, 2018, Board staff received the Respondent's written response. The Respondent stated that she was a practitioner at the Clinic but that none of the patients of the Clinic were solely under her medical care, nor was she solely responsible for the medical decisions of each patient. The Respondent further stated while practicing at the Clinic she would evaluate the patients' medical records at each visit and that her prescribing practices were appropriate based upon the information provided to her from the medical record and the patient interview. She stated that she often prescribes alternative treatments with the aim of enhancing patients' quality of life.
7. On or about March 13, 2019, Board staff sent the ten patient medical records and other relevant materials to a peer review entity to be reviewed by certified pain management physicians. On or about May 15, 2019, Board staff received the peer review reports which opined that the Respondent did not meet the appropriate standards for the delivery of quality medical care in seven out of the ten cases, and that the Respondent did not maintain adequate medical records in three out of the ten cases.

### **III. Summary of Violations**

8. The Respondent failed to meet appropriate standards for the delivery of quality medical care, in violation of Health Occ. § 14-404(a)(22) of the Act, with respect to Patients 1, 3, 4, 5, 6, 7 and 8. The Respondent also failed to keep adequate medical records, in violation of Health Occ. § 14-404(a)(40) of the Act, with respect to Patients 5, 6 and 7, in that the Respondent:
  - a. Failed to optimize use of alternative modalities of pain relief (Patients 1, 3, 6, 7);
  - b. Utilized high-dose opioid therapy under circumstances not warranted by the Patients imaging studies (Patients 1, 3, 5, 7, 8);
  - c. Failed to take appropriate action in response to aberrant urine drug screen (“UDS”) results (Patients 4, 5, 6, 7, 8);
  - d. Failed to send relevant UDS results for official confirmation (Patients 3, 5, 6, 8);
  - e. Did not appear to check UDS results (Patient 1);
  - f. Failed to address discrepancies in the patient’s record (Patients 3, 6);
  - g. Failed to conduct an apparent review of patient records from previous providers (Patient 4, 5, 6, 7);
  - h. Granted patients requested dosage increase without documenting reasoning (Patient 5);
  - i. Lacks sufficient documentation to justify high-dose opioid therapy, and patient record is incomplete (Patient 5);
  - j. Assessed patient as low-risk despite aberrant behavior suggestive of substance use disorder which was also unaddressed (Patient 6);
  
9. On or about June 11, 2019, the Board received the Respondent’s Supplemental Response. The Respondent stated that she no longer prescribes opiates to her patients. She further stated that she failed to send UDS results for confirmation, and more generally did not recognize the importance of monitoring urine drug screens or having a discharge protocol in place to counsel, warn, and if necessary discharge patients for non-compliance. The Respondent stated that

through this experience she has learned the importance of the vigilant review of prior medical records. She stated that her lack of prior experience in pain management resulted in her being a “follower” as opposed to using her independent clinical judgment.

### **CONCLUSIONS OF LAW**

Based on the Findings of Fact, Panel A concludes as a matter of law that the Respondent failed to meet the appropriate standards as determined by appropriate peer review for the delivery of quality medical care performed in this State, in violation of Health Occ. § 14-404(a)(22); and that the Respondent failed to keep adequate medical records as determined by appropriate peer review, in violation of Health Occ. § 14-404(a)(40).

### **ORDER**

It is, thus, by Panel A hereby:

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

**ORDERED** that the Respondent is placed on **PROBATION** for a minimum of **TWO YEARS**.<sup>2</sup> During probation, the Respondent shall comply with the following terms and conditions of probation:

1. During probation, the Respondent shall not prescribe or dispense any Controlled Dangerous Substances (“CDS”). In addition, the following terms apply:

(a) The Respondent shall not delegate to any physician assistant the prescribing of CDS;

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<sup>2</sup> If the Respondent’s license expires during the period of probation, the probation and any conditions will be tolled.

(b) The Respondent is prohibited from certifying patients for the medical use of cannabis;

(c) The disciplinary panel may issue administrative subpoenas to the Maryland Prescription Drug Monitoring Program on a quarterly basis for the Respondent's Controlled Dangerous Substances ("CDS") prescriptions. The administrative subpoenas will request the Respondent's CDS prescriptions from the beginning of each quarter;

(d) The Respondent agrees that the CDS Registration issued by the Office of Controlled Substances Administration will be restricted to the same categories of CDS or Opioids as limited by this Consent Order;

2. Within **SIX (6) MONTHS**, the Respondent is required to take and successfully complete courses in: (i) appropriate prescribing of CDS, (ii) medical record-keeping; and (iii) medical ethics. The following terms apply:

(a) it is the Respondent's responsibility to locate, enroll in and obtain the disciplinary panel's approval of the courses before the courses begin;

(b) the Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the courses;

(c) the courses 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 courses;

3. Within six (6) months, the Respondent shall pay a civil fine of \$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 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 or her designee 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 a violation of probation constitutes a violation of this Consent Order; and it is further

**ORDERED** that, after the Respondent has complied with all terms and conditions and the minimum period of probation imposed by the Consent Order has passed, the Respondent may submit a written petition for termination of probation. After consideration of the petition, the Respondent's probation may be administratively terminated through an order of the disciplinary panel if the Respondent has complied with all probationary terms and conditions and there are no pending complaints related to the charges; 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 Respondent's

license 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).

05/15/2020  
Date

## *Signature on File*

Christine A. Farrelly  
Executive Director  
Maryland State Board of Physicians

### CONSENT

I, Archana Patel, M.D., acknowledge that I have consulted with legal 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.

5/12/2020  
Date

## Signature on File

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Archana Patel, M.D.  
Respondent

### NOTARY

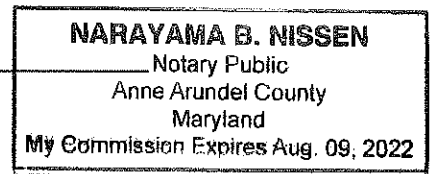
STATE OF MARYLAND

CITY/COUNTY OF ANNE ARUNDEL

I HEREBY CERTIFY that on this 12<sup>TH</sup> day of MAY 2020, before me, a Notary Public of the foregoing State and City/County, appeared Archana Patel, M.D., and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

N. Nissen  
Notary Public



My Commission expires: AUG. 09, 2022