

IN THE MATTER OF \* BEFORE THE  
 ZAIN U. SYED, M.D. \* MARYLAND STATE  
 Respondent \* BOARD OF PHYSICIANS  
 License Number: D81508 \* Case Number: 2221-0003A

\* \* \* \* \*  
CONSENT ORDER

On October 4, 2022, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged the license of **ZAIN U. SYED, M.D.**, (the “Respondent”), license number D81508, under the Maryland Medical Practice Act (the “Act”) Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-401 *et seq.* (2021 Supp.).

The pertinent provisions of the Act under H.O. § 14-404(a) provide as follows:

**§ 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:

...  
 (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;

...  
 (33) Fails to cooperate with a lawful investigation of the Board or a disciplinary panel;

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

On December 7, 2022, 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, Order, and Consent.

### **FINDINGS OF FACT**

Disciplinary Panel A finds the following:

1. The Respondent was initially licensed to practice medicine in Maryland on April 21, 2016. His license is scheduled to expire on September 30, 2023.
2. The Respondent is board-certified in general dermatology.
3. The Respondent maintains an office for the practice of dermatology and Mohs surgery in Lutherville, Maryland.

#### **I. Current Allegations**

4. On or about February 19, 2020, the Board received a complaint from a former patient of the Respondent (identified herein as “Patient 1”). Patient 1 stated that she had presented to the Respondent on April 10, 2018, for a routine six-month skin check. At the visit, the Respondent recommended an ultrasound evaluation for her complaint of leg cramps. At the next visit, on April 26, 2018, the ultrasound evaluation was performed and the Respondent recommended that she undergo endovenous laser treatment (“EVLT”).
5. Patient 1 noted that the Respondent told her that he was being trained in EVLT surgical procedures by another physician (“Physician A”).

6. In May 2018, Patient 1 presented to Physician A's office for the EVLT procedure. The Respondent started the procedure but was unable to complete it and asked Physician A complete it.
7. On or about January 14, 2019, Patient 1 returned to the Respondent for a second EVLT procedure that the Respondent had recommended. The Respondent was unable to complete the procedure, telling Patient 1 that if he continued, he would do more harm than good.
8. On or about January 29, 2019, the Respondent completed Patient 1's EVLT procedure that he had begun earlier that month.
9. Patient 1 complained of increased leg pain after the EVLT procedures.
10. The Board initiated an investigation of the Respondent's practices and on March 10, 2020, issued to the Respondent a *subpoena duces tecum* for his complete medical records for Patient 1 and requested that he respond to Patient 1's complaint.
11. On July 22, 2020, the Board issued to the Respondent a subpoena duces tecum for his complete medical records for five (5) additional patients and requested that he provide a written summary of care for each patient.
12. On October 29, 2020, the Board transmitted the patient records provided by the Respondent in response to the subpoena and the Respondent's summaries of care to an independent peer review entity to be reviewed by two peer reviewers, both of whom are board-certified and experienced in EVLT surgical procedures.

13. On January 27, 2021, the Board received the peer review reports. The Respondent was provided the peer review reports and was offered the opportunity to provide a response to the peer review reports.
14. On or about March 10, 2021, the Respondent submitted to the Board his response to the peer review reports.
15. In addition to his response, the Respondent also transmitted approximately 526 pages of patient records, many of which the Respondent had failed to initially provide to the Board in response to the Board's subpoena for patient records.
16. The Respondent's transmission of additional records necessitated the peer reviewers to re-review the patient records and to alter some of the opinions they had initially stated.

**II. Patient-Specific Allegations Pertaining to Violations of Health Occ. § 14-404(a)(22) and (40) – Initial Review**

17. In their initial review, the peer reviewers concurred that the Respondent failed to meet the standard of quality care in two (2) of the six (6) patient records they reviewed (Patients 1 and 5) and failed to maintain adequate medical records in three (3) of the six (6) patient records (Patients 1, 3, and 4).
18. Specifically, the peer reviewers found that the Respondent failed to meet the standard of quality care for reasons including, but not limited to:
  - a. The Respondent performed an EVLT procedure in the absence of clinical indications;
  - b. The Respondent failed to document some procedures he performed;

and

c. According to the date stamps appearing on several patient records, the Respondent performed multiple procedures on the same day he initially assessed patients.

19. The peer reviewers concurred that the Respondent failed to maintain adequate medical records for reasons including, but not limited to:

a. The Respondent failed to obtain informed consents from patients for several of the EVLT procedures he performed;

b. The Respondent failed to document clinical indications to support the EVLT he performed on Patient 1;

c. The Respondent failed to document several operative procedures he performed on patients; and

d. The Respondent failed to document on which leg he performed a procedure on Patient 3.

### **III. The Respondent's Response to the Peer Reviewers' Initial Review**

20. In his response the Respondent noted that after reviewing his "internal medical records" he noticed "a large disconnect between my records and those which the reviewers had looked over."

21. The Respondent explained that upon receipt of the Board's subpoena, the patient records he reviewed were complete. When he printed out the records, however, only summaries of many notes were printed.

22. The Respondent noted, “this would explain the severe lack of documentation noted by both reviewers for [Patient 1]’s treatments, as well as the lack of key operative notes for other patients.”
23. Regarding the absence of informed consent forms from patient records, the Respondent stated, “the vast majority of my informed consent process is verbal...[h]owever, on the actual treatment day, we do always have all patients sign an informed consent form before proceeding with any treatments...in some cases our informed consent documentation/forms do no get scanned/photographed in each patient’s chart on each visit...we are in the process of switching over to a fully digital consent form, but this does not excuse the fact that this is a serious and significant problem with our charting procedure[.]”

**IV. Patient-Specific Allegations Pertaining to Violations of Health Occ. § 14-404(a)(22) and (40) – Review After the Respondent Submitted Additional Records**

24. The Respondent’s additional records contained some, but not all, of the missing informed consent forms. The absence of informed consent forms remained a concern of the peer reviewers.
25. The Respondent’s additional records contained some, but not all of the missing operative notes.
26. Regarding Patient 3 (§19d), the Respondent titled a procedure note “Sclerotherapy left leg”; however, he performed the procedure on the patient’s right leg.
27. The additional records submitted by the Respondent did not alter the remainder of the peer reviewers’ opinions about which they concurred.

V. **Allegations pertaining to Violation of Health Occ. § 14-404(a)(33)**

28. For each of the six (6) patients, the Respondent signed a certification that states:

I, Zain Syed do hereby certify and solemnly affirm under the penalties of perjury, that to the best of my knowledge, information and belief, the enclosed medical records in response to the attached subpoena are an accurate representation of any and all records in my possession or constructive possession and are in compliance with the attached subpoena.

I have personally reviewed the entire medical record and further certify to the best of my knowledge, information and belief that I have provided to the Maryland Board of Physicians (Board) with the COMPLETE MEDICAL RECORDS which include all records pertaining to the care and treatment of [patient's name] in my possession and control, including all materials generated by me, or other health care providers, all laboratory reports, all jacket entries and all other entries as kept in the regular course of business for each patient in my medical practice.

I understand that my failure to provide the complete medical records to the Board may constitute failure to cooperate with the Board's lawful investigation and may result in disciplinary action by the Board under the Maryland Medical Practice Act.

(Emphasis in original)

29. On or about March 10, 2021, the Respondent, through counsel, transmitted to the Board approximately 526 pages of patient records, including many the Respondent had not previously provided.

30. The Respondent's submission of additional records necessitated a re-review by the peer reviewers.

**CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, Panel A concludes as a matter of law that the Respondent is guilty of failing to meet appropriate standards as determined by

appropriate peer review for the delivery of quality medical and surgical care, in violation of Health Occ. § 14-404(a)(22); failing to cooperate with a lawful investigation conducted by the Board or a disciplinary panel, in violation of Health Occ. § 14-404(a)(33); and failing 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 a majority of a quorum of Disciplinary Panel A of the Board hereby:

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

**ORDERED** that within **ONE YEAR** the Respondent shall pay a **\$5,000** civil fine.

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 this Consent Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

12/27/2022  
Date

***Signature on File***

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



## CONSENT

I, Zain Syed, 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.

12/20/22

Date

***Signature on File***

Zain Syed, M.D.

**NOTARY**

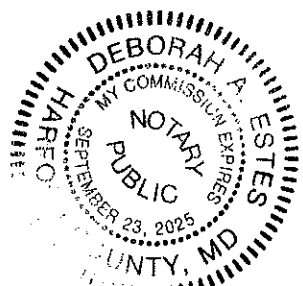
STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 20<sup>th</sup> day of December,

2022 before me, a Notary Public of the State and County aforesaid, personally appeared Zain Syed, M.D., and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.



*Deborah A. Estes*

Notary Public

My Commission Expires: 9/23/25