

IN THE MATTER OF
ABHISHEK MISHRA, M.D.

Applicant

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case Number: 2221-0014A

* * * * *

CONSENT ORDER

On September 2, 2020, Disciplinary Panel A (“Disciplinary Panel A”) of the Maryland State Board of Physicians (the “Board”) issued to **ABHISHEK MISHRA, M.D.** (the “Applicant”) an intent to deny his Application for Initial Medical Licensure (the “Application”) under the Maryland Medical Practice Act (the “Act”), codified at Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.).

The pertinent provisions of the Act provide:

Health Occ. § 14-205. Miscellaneous powers and duties.

(b) *Additional powers.*

(3) Subject to the Administrative Procedure Act and the hearing provisions of § 14-405 of this title, a disciplinary panel may deny a license to an applicant . . . for:

(i) Any of the reasons that are grounds for action under § 14-404 of this title[.]

Health Occ. § 14-404. Denials, reprimands, 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;
- (4) Is professionally, physically, or mentally incompetent;
- ...
- (7) Habitually is intoxicated; [and]
- (8) Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article[.]

On December 2, 2020, 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:

I. The Application

1. At all times relevant, the Applicant is not and has never been licensed to practice medicine in the State of Maryland.
2. On or about April 20, 2020, the Applicant submitted his Application to the Board, which the Board received on or about April 30, 2020.
3. In the Application, the Board required the Applicant to answer “YES” or “NO” to a series of questions and provide written explanations for all “YES” responses.

4. The Applicant answered “YES” to the following questions:

Question 13B. Did you have any condition or impairment that affected your ability to practice medicine during your training?

Question 13C. During your years of postgraduate training, was any action taken against you by any training program, hospital, medical board, licensing authority, or court? Such actions include but are not limited to investigations, limitations of privileges or special conditions, requirements imposed for academic incompetence, disciplinary actions, probationary action, etc.

Question 16J. Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or physical, mental, emotional, or nervous disorder or condition) that in any way affects your ability to practice your profession in a safe, competent, ethical, and professional manner?

Question 16O. Have you ever voluntarily resigned or terminated a contract with any hospital, HMO, other health care facility, health care provider, institution, armed services, or the Veterans Administration while under investigation by that institution for disciplinary reasons?

5. The Applicant provided written explanations for his affirmative responses.

The Applicant stated that after completing medical school in 2016, he recognized that he had a medical problem that was increasing in severity and which affected his professional performance. The Applicant also stated that, in March 2017, after a series of events occurred, which included “black outs” and “having troubles progressing in [his] career,” he realized he needed to get help and sought treatment for his condition. The Applicant stated that he moved to Maryland in April 2018, transferred his treatment to Maryland and began a residency program in Internal Medicine. After certain events occurred, the Applicant sought more intensive treatment for his condition in 2019. The Applicant

stated that he has continued in treatment. The Applicant stated that he resigned from his residency position effective February 24, 2020. The Applicant provided additional details about his health status in his written explanations.¹

6. After receiving this information, the Board initiated an investigation of this matter and confirmed the information the Applicant provided in his Application.

7. Disciplinary Panel A evaluated the above information when considering the Applicant's Application.

CONCLUSION OF LAW

Under Health Occ. § 14-205(b)(3)(i), a Board disciplinary panel may deny a license for any of the reasons that are grounds for action under Health Occ. § 14-404. Based on the Findings of Fact, Disciplinary Panel A of the Board concludes as a matter of law that the Applicant is: guilty of unprofessional conduct in the practice of medicine, under Health Occ. § 14-404(a)(3)(ii); professionally, physically, or mentally incompetent; under Health Occ. § 14-404(a)(4); habitually intoxicated, under Health Occ. § 14-404(a)(7); and addicted to or habitually abuses, narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article, under Health Occ. § 14-404(a)(8).

¹ For confidentiality reasons, the specific information the Applicant provided in his written explanations will not be disclosed in this Consent Order.

ORDER

It is thus by an affirmative vote of a majority of a quorum of Disciplinary Panel A of the Board, hereby:

ORDERED that the Dr. Mishra's Application for Initial Medical Licensure is **DENIED**; and it is further

ORDERED that Dr. Mishra may reapply for a Maryland Medical License after he has demonstrated **TWO YEARS** of documented sobriety; 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).

Signature on File

01/26/2021
Date

Christine A. Farrelly, Executive Director

CONSENT

I, Abhishek Mishra, M.D., assert that I am aware of my right to consult with and be represented by counsel in considering this Consent Order and in any proceedings that would otherwise result from the charges currently pending. I have chosen to proceed without counsel and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

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 Notice of Intent to Deny Application for Initial Medical Licensure. 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.

Signature on File

1/21/21
Date

Abhishek Mishra, M.D.

NOTARY

STATE OF Florida

CITY/COUNTY OF Brandon/Hillsborough

I HEREBY CERTIFY that on this 22nd day of Jan 2020, before me, a Notary Public of the foregoing State and City/County, personally appeared Abhishek Mishra, 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.

Jaeda Coleman
Notary Public

My Commission expires: 09-01-2023



JAEDA COLEMAN
Commission # GG 362719
Expires September 1, 2023
Bonded Thru Budget Notary Services