

IN THE MATTER OF	*	BEFORE THE
NICK TKESHELASHVILI	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
Unlicensed	*	Case Number: 2222-0113B

* * * * *

CEASE AND DESIST ORDER

Pursuant to the authority granted to Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) under Md. Code Ann., Health Occ. (“Health Occ.”) § 14-206(e)(1) (2021 Repl. Vol.), Panel B hereby orders **NICK TKESHELASHVILI** (the “Respondent”) to immediately **CEASE AND DESIST** from practicing medicine in the State of Maryland, as defined in Health Occ. § 14-101(o).

The pertinent provisions of the Maryland Medical Practice Act (the “Act”), Health Occ. §§ 14-101 *et seq.*, under which Panel B issues this Order, provide the following:

Health Occ. § 14-601. Practicing without license.

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice medicine in this State unless licensed by the Board.

Health Occ. § 14-101. Definitions.

- (o) *Practice medicine.* – (1) “Practice medicine” means to engage, with or without compensation, in medical:
 - (i) Diagnosis;
 - (ii) Healing;
 - (iii) Treatment; or
 - (iv) Surgery.

- (2) "Practice medicine" includes doing, undertaking, professing to do, and attempting any of the following:
 - (i) Diagnosing, healing, treating, preventing, prescribing for, or removing any physical, mental, or emotional ailment or supposed ailment of an individual:
 - 1. By physical, mental, emotional, or other process that is exercised or invoked by the practitioner, the patient, or both; or
 - 2. By appliance, test, drug, operation, or treatment;
 - (ii) Ending of a human pregnancy; and
 - (iii) Performing acupuncture as provided under § 14-504 of this title.

The Board is authorized to issue Cease and Desist Orders under Health Occ. § 14-206, which states:

Health Occ. § 14-206. Judicial Powers.

...

- (e) *Cease and desist orders; injunctions.* – A disciplinary panel may issue a cease and desist order or obtain injunctive relief against an individual for:
 - (1) Practicing a profession regulated under this title or Title 15 of this article without a license[.]

INVESTIGATIVE FINDINGS¹

Based on the investigatory information received by, made known to, and available to Panel B, there is a reasonable basis to believe that the following findings are true:

¹ The statements regarding the Board's investigative findings are intended to provide the Respondent with reasonable notice of the basis of the Board'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.

1. At all relevant times, the Respondent is not, and has never been, licensed to practice medicine or any other health occupation in the State of Maryland. As a non-licensee, the Respondent is not authorized under Maryland law to interpret sonograms² in this State. An unlicensed individual may perform the sonogram scan but may not interpret sonogram scan images.

2. The Board initiated an investigation of the Respondent after receiving a complaint, dated January 4, 2022, from a patient (the "Complainant")³ who expressed concerns about "false" findings that were contained in a sonogram report for a sonogram she underwent in October 2021. The Complainant stated that she sought an evaluation for gynecologic symptoms from a physician ("Physician A"), who ordered a sonogram, which the Complainant then underwent at a sonogram facility. The Complainant stated that the person performing the sonogram "seemed off" and "was really clumsy that day." The Complainant stated that for several weeks afterward, she contacted Physician A's office to obtain the results of her sonogram, without success. The Complainant stated that Physician A's office finally emailed her sonogram report to her on December 30, 2021. The Complainant stated that the sonogram report falsely states that she refused a transvaginal exam.

3. As part of its investigation, the Board obtained the Complainant's sonogram report from Physician A, which states that the Complainant underwent a pelvic sonogram on October 21, 2021 and "refused transvaginal exam." Under "Impression," the report

² The terms "sonograms" and "ultrasounds" will be used interchangeably throughout this document.

³ For confidentiality reasons, the name of the Complainant or any physicians or patients referenced herein will not be identified by name. The Respondent may obtain this information upon request. Further, the sonogram facility at issue is referred to by a generic term ("Sonogram Facility"), instead of by the actual name of the business.

states, "Unremarkable study." The report further states that the sonogram was "read and interpreted" by a specified physician ("Physician B"), a radiologist. The report concluded, "Thank you for referring this patient to [Sonogram Facility]."

4. By letter dated February 14, 2022, the Board notified Physician B that it had initiated a preliminary investigation of the care and treatment he provided to the Complainant. The Board directed Physician B to provide a summary of care he provided to the Complainant "to include confirmation that you personally read the ultrasound, what date that occurred and why your written report was not received until approximately 2 ½ months (on December 30, 2021) after the ultrasound was performed." In response, Physician B explained that he was not involved with the Complainant's care and had not worked at Sonogram Facility since 2019.

5. The Complainant was not Physician B's patient nor had Physician B performed any medical services pertaining to the Complainant in 2021. In fact, since the end of 2019, Physician B had not provided any services for the Sonogram Facility and stopped his affiliation with the Sonogram Facility. Physician B did provide radiologic services for the Sonogram Facility, from 2009 to August 2019.

6. In a letter to Physician B, dated April 18, 2022, the Respondent identified himself as the Sonogram Facility's "President." In the letter, the Respondent stated that "from 2009 to August 2019, [Physician B] provided professional radiology services to [Sonogram Facility] in connection with ultrasounds performed by [Sonogram Facility]."

7. Physician B first met the Respondent when the Respondent worked for a mobile radiology company. The Respondent was the owner of the Sonogram Facility. In 2009, the Respondent hired Physician B on a fee-for-service basis to interpret diagnostic

imaging studies. As part of this arrangement, the Respondent would either bring scans he had performed in other offices or would come to his office and perform sonograms, after which Physician B would interpret the scans and issue reports. Physician B ended interpreting sonograms for the Sonogram Facility in August 2019. Physician B did not provide any radiologic services for the Complainant and was not involved in any sonogram reports pertaining to the Complainant.

8. After the Board initiated its inquiry of this matter, Physician B contacted the Respondent about the Complainant's sonogram report and confronted the Respondent about why the Respondent put his name in the report as the interpreting physician. The Respondent said that it was a "mistake."

9. By letter dated May 19, 2022, the Board requested that the Respondent provide the Board with a written response to the allegations that he may be practicing medicine without a license, specifically that he was interpreting ultrasound scans. The Board also issued subpoenas to him for documentary information including his appointment logs, financial statements and written contracts with physicians.

10. In a responsive letter to the Board, dated June 13, 2022, the Respondent provided documentary information but refused to admit or deny whether he had read and interpreted ultrasound scans and whether he had practiced medicine.

11. Board staff then conducted an under-oath interview of the Respondent on August 31, 2022. During the interview, the Respondent stated that he does not have a Maryland medical license. The Respondent also stated that he was the owner of the Sonogram Facility and, in 2009, entered into an agreement with Physician B whereby Physician B served as Medical Director for the Sonogram Facility. Pursuant to this

agreement, Physician B interpreted sonograms on a fee-for-service basis that the Respondent performed. In response to inquiry, the Respondent admitted performing a sonogram on the Complainant but refused to answer any further questions about the sonogram report. The Respondent also refused to answer any questions about when and under what circumstances his contractual relationship with Physician B ended; why Physician B's name was on the Complainant's sonogram report; whether he read and interpreted the Complainant's sonogram scan; whether he interpreted the Complainant's sonogram; or about his transmittal of the report to Physician A and the delay that occurred in the transmittal of the report. The Respondent also refused to answer any questions regarding why Physician B's name was on the Complainant's sonogram report when he was no longer working for the Sonogram Facility.

12. The Board subsequently obtained two additional sonogram reports from Physician A for sonograms Physician A ordered in January 2021 and February 2021, respectively. Physician A received the sonogram reports from the Respondent, which stated that Physician B read and interpreted the sonograms. Both reports concluded, "Thank you for referring this patient to [Sonogram Facility]." Physician B, however, was not involved with these sonogram reports.

13. The Respondent practiced, attempted to practice, or offered to practice medicine without a license when he interpreted at least three sonogram scans in 2021. The Respondent's interpretations were documented on the sonogram reports for those sonogram scans (report for October 21, 2021, sonogram scan on Complainant; and the two reports referenced above in paragraph 12). The Respondent sent these reports to Physician A. These reports falsely stated that the scans were read and interpreted by

Physician B, with whom the Respondent did not have a professional relationship when those sonograms were performed and the reports were issued. Physician B was not involved with the three sonogram reports at issue.

CONCLUSIONS OF LAW

Based on the foregoing Investigative Findings, Panel B concludes as a matter of law that the Respondent practiced, attempted to practice, or offered to practice medicine without a license, in violation of Health Occ. § 14-601.

ORDER

Based on the foregoing Investigative Findings and Conclusions of Law, it is, by Panel B, hereby:

ORDERED that, pursuant to the authority under the Maryland Medical Practice Act, Health Occ. § 14-206(e)(1), the Respondent, Nick Tkeshelashvili, shall **IMMEDIATELY CEASE AND DESIST** from the practice of medicine in Maryland, and thus the Respondent shall not interpret any sonogram scans for any sonogram reports or for any other purpose; and it is further


ORDERED that this order is **EFFECTIVE IMMEDIATELY** pursuant to Md. Code Regs. 10.32.02.11E(1)(b), and it is further

ORDERED that the Respondent's failure to comply with this Cease and Desist Order may result in a civil money penalty against the Respondent, pursuant to Md. Code Regs. 10.32.02.11E(4); and it is further

ORDERED that this is a **PUBLIC DOCUMENT** pursuant to Md. Code Regs. 10.32.02.11E(1)(a).

01/04/2023
Date

Signature On File

Christine A. Farrelly 
Executive Director
Maryland State Board of Physicians

NOTICE OF OPPORTUNITY FOR A HEARING

The Respondent may challenge the factual or legal basis of this initial order by filing a written opposition, which may include a request for a hearing, within 30 days of its issuance. The written opposition shall be made to:

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, Maryland 21215

A copy shall also be mailed to:

Robert J. Gilbert, Deputy Counsel
Health Occupations Prosecution and Litigation Division
Maryland Office of the Attorney General
300 West Preston Street, Suite 201
Baltimore, Maryland 21201

If the Respondent files a written opposition and a request for a hearing, the Board shall consider that opposition and provide a hearing if requested. If the Respondent does not file a timely written opposition, the Respondent will lose the right to challenge this Initial Order to Cease and Desist and this Order will remain in effect.