

IN THE MATTER OF
NICK TKESHELASHVILI

Respondent

Unlicensed

* **BEFORE THE**
* **MARYLAND STATE**
* **BOARD OF PHYSICIANS**
* **Case Number: 2222-0113B**

* * * * *

CONSENT ORDER

On January 9, 2023, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") charged **NICK TKESHELASHVILI** (the "Respondent") under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-101 *et seq.* (2021 Repl. Vol. and 2022 Supp.).

The pertinent provisions of the Act, and those under which the Respondent was charged, 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. § 14-606. Penalties.

(a) Imposition of penalties. --

...

(4) Except as provided in paragraph (5) of this subsection, a person who violates § 14-601 or § 14-602 of this subtitle is:

...

- (ii) Subject to a civil fine of not more than \$50,000 to be levied by a disciplinary panel.

On March 22, 2023, Panel B 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 B finds the following:

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 sonograms¹ 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”)² 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

¹ The terms “sonograms” and “ultrasounds” will be used interchangeably throughout this document.

² For confidentiality reasons, the name of the Complainant or any physicians or patients referenced herein will not be identified by name. Further, the sonogram facility at issue is referred to by a generic term (“Sonogram Facility”), instead of by the actual name of the business.

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 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 to 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, in violation of Health Occ. § 14-601, 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 Findings of Fact, Panel B concludes as a matter of law that the Respondent is guilty of practicing, attempting to practice, or offering to practice medicine in this State without being licensed by the Board, under Health Occ. § 14-601.

ORDER

It is thus by a majority of a quorum of Disciplinary Panel B of the Board hereby:

ORDERED that within **SIX (6) MONTHS**, the Respondent shall pay a civil fine of **\$15,000.00 (FIFTEEN THOUSAND DOLLARS)**. 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 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).

04/03/2023
Date

Signature On File

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

CONSENT

I, Nick Tkeshelashvili, 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.

3/29/23

Date

Signature On File

Nick Tkeshelashvili

NOTARY

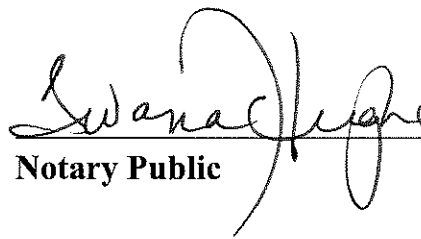
STATE OF Maryland

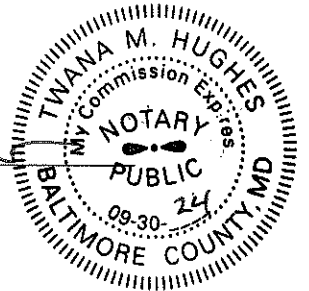
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 29th day of March,

2023, before me, a Notary Public of the State and County aforesaid, personally appeared Nick Tkeshelashvili, 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.


Notary Public



My Commission Expires: 9/30/24