IN THE MATTER OF	*	**BEFORE THE**
PRAMIT JITESH PATEL	*	**MARYLAND STATE**
Respondent	*	**BOARD OF PHYSICIANS**
Unlicensed	*	**Case Number: 2220-0117 B**

* * * * * * * * * * * * *

CONSENT ORDER

On January 29, 2021, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") charged **PRAMIT JITESH PATEL** (the "Respondent") under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. §§ 14-101 et seq. (2021 Repl. Vol.). Panel B charged the Respondent under the following provisions of the Act:

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;
(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[.]

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. § 14-602. Misrepresentation as a practitioner of medicine.

(a) *In general.* – Unless authorized to practice medicine under this title, a person may not represent to the public, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice medicine in this State.

(b) *Certain representations prohibited.* – Except as otherwise provided in this article, a person may not use the words or terms "Dr.", "doctor", "physician", "D.O.", or "M.D." with the intent to represent that the person practices medicine, unless the person is:

(1) Licensed to practice medicine under this title;
(2) A physician licensed by and residing in another jurisdiction, while engaging in consultation with a physician licensed in this State;
(3) A physician employed by the federal government while performing duties incident to that employment;
(4) A physician who resides in and is licensed to practice medicine by any state adjoining this State and whose practice extends into this State; or
(5) An individual in a postgraduate medical program that is accredited by an accrediting organization reorganized by the Board in regulations while the individual is practicing medicine in the program.

Health Occ. § 14-606. Penalties.

(a) Imposition of penalties . . .

. . .

(4) Except as provided in paragraph (5) of this subsection,[1] 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.

[1] Health Occ. § 14-606(a)(5) exempts former licensees who, under certain conditions, do not timely renew their licenses. This paragraph does not apply in this case.

PROCEDURAL HISTORY

On March 24, 2021, the Board referred the case to the Office of Administrative Hearings ("OAH") for an evidentiary hearing. On March 26, 2021, OAH mailed a Notice of Telephone Scheduling Conference to the Respondent at his address and to the State, notifying the parties that a scheduling conference would be held on April 12, 2021, at 9:30 a.m. The notice to the Respondent was not returned as undeliverable by the United States Postal Service (United States mail). At the scheduling conference, the Administrative Prosecutor appeared telephonically on behalf of the State. The Administrative Law Judge ("ALJ") called the Respondent two times and he failed to answer. After waiting 20 minutes, the ALJ held the scheduling conference in the Respondent's absence.

On April 12, 2021, OAH sent a Notice of Telephone Prehearing Conference to the Respondent's address via United States mail. The notice informed the parties of the date, time and telephone numbers that OAH would call at the prehearing conference and enclosed instructions directing each party to prepare and submit a prehearing conference and enclosed instructions directing each party to prepare and submit a prehearing statement and a list of witnesses and exhibits in advance of the prehearing conference. The notice stated that the prehearing conference would take place telephonically on May 17, 2021, at 9:30 a.m. and that failure to appear or give timely notice of inability to appear for the telephone prehearing conference may result in a decision against the party. The Notice stated that if the telephone number was incorrect, that party must provide OAH with a telephone number, in writing, no later than five calendar days prior to the prehearing conference. The Notice was not returned to OAH as undeliverable by United States mail.

On April 15, 2021, a Scheduling Order was issued, scheduling the telephone prehearing conference for May 17, 2021, at 9:30 a.m. and requiring that prehearing conference statements be submitted by May 3, 2021. The Scheduling Order was sent to the Respondent's address and was not returned as undeliverable. On April 29, 2021, the Administrative Prosecutor submitted the State's Prehearing Statement and Exhibit and Witness List.

On May 17, 2021, the ALJ convened the prehearing conference as scheduled. The ALJ called the Respondent's telephone number at 9:30 a.m. and 9:45 a.m., but the Respondent did not answer. The State moved for a proposed default order against the Respondent.[2]

On May 27, 2021, the ALJ issued a Proposed Default Order. On June 30, 2021, the Respondent filed Exceptions. On July 13, 2021, the State filed a response. On August 11, 2021, an Exceptions Hearing was held before the Board. On November 19, 2021, the Board issued an Order of Default. A copy of the November 19, 2021 Order of Default is attached and incorporated herein as Attachment 1.

On December 15, 2021, the Respondent petitioned the Circuit Court for Anne Arundel County for judicial review. On September 14, 2022, the Honorable Mark W. Crooks of the Circuit Court for Anne Arundel County issued an Order in which he remanded the matter to the ALJ "in order to assess the credibility of Respondent in relation

[2] Under OAH's rules of procedure, "[i]f, after receiving proper notice, a party fails to attend or participate in a prehearing conference, hearing, or other stage of a proceeding, the judge may proceed in that party's absence or may, in accordance with the hearing authority delegated by the agency, issue a final or proposed default order against the defaulting party." COMAR 28.02.01.23A.

to his alleged failure to receive actual notice of the proceedings before the Board of Physicians, as well as the hearing at [OAH] held May 17, 2021." The Court ordered that "upon a finding of Respondent being truthful and acting in good faith, the [ALJ] may remand the case back to the Board of Physicians for further proceedings consistent with that finding[,]" and "conversely, upon a finding of Respondent having received actual notice or malingering at present, the ALJ shall reinstate her Default Order."

On January 11, 2023, the ALJ convened a prehearing conference at which the Respondent, his attorney, and the Administrative Prosecutor appeared. The ALJ scheduled the hearing for March 16, 2023. Prior to March 16, 2023, the Respondent advised the Administrative Prosecutor, the Board and the ALJ that he no longer wished to dispute the charges issued on January 29, 2021.

FINDINGS OF FACT

Panel B makes the following findings of fact:

I. BACKGROUND AND COMPLAINT

1. At all relevant times, the Respondent has never been licensed to practice medicine in the State of Maryland. He has never been licensed or certified by any health occupations licensing board in Maryland.

2. On or about October 28, 2019, the Board received a complaint from one of the Respondent's neighbors ("Individual A")[3] alleging that the Respondent represented to

[3] For confidentiality and privacy purposes, the names of witnesses, patients, health care providers, health care facilities, and other institutions are not disclosed in this document.

her and other neighbors in and around Hanover, Maryland, that the Respondent was an orthopedic surgeon. Individual A alleged that the Respondent "offered medical advice" to Individual A's son following an ankle injury.

3. In a follow-up to her complaint, Individual A provided the Board with a screenshot of a LinkedIn[4] profile for the Respondent, which listed his name as "Pramit Patel MD," listed his occupation as "Director – Surgical Outcomes" for a company in the Baltimore area, and listed his education as "Doctor of Medicine-MD, Medicine," in 2008 from a university in Missouri ("University A").

II. BOARD INVESTIGATION

4. The Board opened an investigation of the Respondent based on Individual A's complaint.

A. Interview of Individual A

5. As part of its investigation, Board staff interviewed Individual A under oath on or about November 10, 2019.

6. Individual A stated that the Respondent first introduced himself to her as an orthopedic surgeon when her family moved into the Respondent's neighborhood about five years earlier. Individual A said that she did not question the Respondent's claim until about six months earlier when another individual close to the Respondent told Individual A that the Respondent was not actually a medical doctor.

[4] LinkedIn.com is a social and business networking website in which users can upload their resumes and curricula vitae. Its contents are user-generated.

7. Individual A also said that her son had an ankle injury approximately two years earlier that the Respondent assessed and provided advice on how to wrap the ankle and treat it with rest, compression, and ice.

8. Individual A also stated that the Respondent had filed a defamation lawsuit against her and several other neighbors in which the Respondent identified himself with an "M.D." after his name.

B. Respondent's Statements to Neighbors

9. As part of its investigation, Board staff spoke with other neighbors of the Respondent. These individuals stated the following:

a. A neighbor and licensed physician ("Individual B") said that she searched for the Respondent's National Provider Identifier ("NPI") number but could not find one. She also explained that the Respondent circulated a curriculum vitae ("CV") to neighbors while he was running for election to the community Homeowners' Association ("HOA") and this CV clearly stated the Respondent was a physician.

b. A neighbor ("Individual C") said that the Respondent told her that he worked in Columbia, Maryland, as an orthopedic surgeon. She also said that she viewed a LinkedIn profile for the Respondent that listed a medical degree from University A. She explained that the Respondent also identified himself as a physician on a nomination form that he submitted to run for HOA president.

c. A neighbor ("Individual D") said that a couple of years earlier, the Respondent came to Individual D's house to review his son's x-rays after an ankle injury. Individual D explained that he obtained the Respondent's contact information from Individual A. The Respondent told Individual D that he did not see anything concerning on the x-rays and to have Individual D's son continue with physical therapy.

C. The Court Pleading

10. As part of its investigation, the Board obtained a copy of the complaint that the Respondent filed against Individual A, among others. The complaint was filed in the Circuit Court for Anne Arundel County on or about November 25, 2019. The caption of the case included among the plaintiffs, "Pramit Patel, M.D."

11. The complaint alleged that the defendants, among other things, made "various defamatory allegations . . . concerning each of the Plaintiffs," which included "accusations that [the Respondent] is not a licensed physician and has misrepresented himself as such[.]" The complaint asserted as factual support that "[the Respondent] is a medical doctor, licensed to practice medicine in the State of Maryland. His license has never been suspended or revoked."

D. Interview of Individual E

12. As part of its investigation, Board staff interviewed an acquaintance of the Respondent ("Individual E") under oath on or about September 10, 2020. Individual E said that he had met the Respondent only a few times through Individual A.

13. In or around January 2018, Individual E injured his knee. He contacted the Respondent through an online messenger and asked to see the Respondent at his office. The Respondent responded through the online messenger that his practice was too busy to accept new patients but asked Individual E if his pain worsened when he put weight on it, if it was sharp pain, and if the pain increased when he shifted or twisted. According to Individual E, the Respondent stated that he believed Individual E's injury was likely a

meniscus injury and that an MRI would be necessary to show the full extent of the injury. The Respondent also referred Individual E to a physician in Glen Burnie, Maryland.

E. Documents from Individual F

14. On or about September 11, 2020, the Board issued a subpoena to an individual who had a close affiliation with the Respondent ("Individual F") for copies of any documents related to the Respondent's education, training, experience, and licensure. In response, Individual F produced the following documents, among others, all of which appear to have been forged documents:

a. A Maryland medical license issued to "Pramit Jitesh Patel" with an expiration date of September 30, 2019.[5]

b. A CV for the Respondent stating that, among other things, he was a "General Surgery Resident" at a university in Chicago, Illinois ("University B") in 2008 and earned a "Medical Doctorate" from University A in 2008 "with Honors."

c. A copy of a framed diploma from University B stating that "Pramit Jitesh Patel, M.D. completed a four year [sic] program from June 23, 2008 to June 22, 2012 as a Resident in Orthopaedic Surgery."

d. A copy of a framed diploma from University B stating that "Pramit Jitesh Patel, M.D. has successfully completed a clinical fellowship in Sports Medicine July 2, 2012 through June 28, 2013."

e. A controlled dangerous substances ("CDS") registration certificate from the Maryland Department of Health for "Pramit J. Patel MD" with an expiration date of September 30, 2020.[6]

f. A Controlled Substance Registration Certificate from the Drug Enforcement Agency issued to "Pramit J. Patel" on September 13,

[5] Board records show that the license number stated on this document is issued to another individual.

[6] Records from the Maryland Office of Controlled Substances Administration, which issues CDS registration certificates, show that the registration number stated on this document does not exist.

2014 and listing the address of an orthopedic practice in Columbia, Maryland.[7]

g. A letter dated June 21, 2017 from the Chief Medical Officer of the Maryland Department of Health and Mental Hygiene to "Dr. Pramit J. Patel," stating, among other things, "This letter serves as an initial notice of approval of your application for Maryland state medical licensure."[8]

E. University Records

15. On or about September 11, 2020, the Board issued a subpoena to University B to produce records related to the Respondent's education, training, or experience in a university program. On or about September 24, 2020, an individual from University B responded by email to Board staff stating, "From the student records perspective, our system indicates that no record found [sic]. We also reached out to staff managing resident/fellow records, and they couldn't find anything."

16. On or about September 17, 2020, the Board issued a subpoena to University A to produce records related to the Respondent's education, training, or experience in a university program. On or about October 20, 2020, University A provided transcripts to the Board showing that the Respondent earned a Bachelor of Arts in biology in May 2003 and a second Bachelor of Arts in economics in May 2006. There was no record of the Respondent's attending medical school or earning a medical degree from University A.

[7] The DEA registration number on this document is only 8 characters long, while DEA registration numbers are commonly 9 characters long. In addition, the practice listed on the registration certificate had no knowledge of the Respondent when contacted by the Board.

[8] The Board directly issues medical licenses to qualified applicants. The Chief Medical Officer for the Department is not involved in those procedures or decisions.

F. Attempts to Contact the Respondent

17. On or about January 10, 2020, the Board sent a letter to the Respondent's home address that notified him of the complaint against him and requested a written response from him within ten business days. The Board also issued a subpoena to the Respondent to produce copies of the Respondent's academic and professional degrees, a medical degree, any medical licenses, and any medical certificates. The Respondent did not provide a written response or documents.

18. On or about July 30, 2020, the Board issued a subpoena to the Respondent at this home address to appear by telephone for an interview with Board staff on or about August 6, 2020. The Respondent did not appear for the interview.

CONCLUSIONS OF LAW

Panel B concludes that the Respondent is: guilty of practicing, attempting to practice, or offering to practice medicine in Maryland without being licensed by the Board, in violation of Health Occ. § 14-601; guilty of misrepresenting to the public, by description of services, methods, or procedures, or otherwise, that the Respondent was and is authorized to practice medicine in Maryland, in violation of Health Occ. § 14-602(a); is guilty of using the terms "Dr.", "doctor", "physician", and/or "M.D." with the intent to represent that the Respondent practices medicine, in violation of Health Occ. § 14-602(b).

ORDER

It is thus, by Panel B of the Board, hereby:

ORDERED that, within **TWO YEARS**, the Respondent shall pay a civil fine of **$50,000**. 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; and it is further

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

04/12/2023
Date

Signature on File

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

CONSENT

I, Pramit Jitesh Patel, 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.

I assert that I am aware of my right to a hearing concerning a credibility assessment based on the September 14, 2022 Order issued by the Circuit Court for Anne Arundel County, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't § 10-201 *et seq.* 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.

4/12/23
Date

Signature on File

Pramit Jitesh Patel
Respondent

NOTARY

STATE OF Maryland

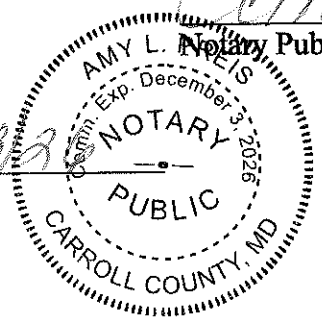
CITY/COUNTY OF Howard

I HEREBY CERTIFY that on this 12th day of April, 2023, before me, a Notary Public of the foregoing State and City/County, did personally appear Pramit Jitesh Patel 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 seal.

Amy L. Reis

Notary Public



My commission expires: 12/3/26

Attachment 1

IN THE MATTER OF	*	**BEFORE THE**
PRAMIT JITESH PATEL	*	**MARYLAND STATE**
Respondent	*	**BOARD OF PHYSICIANS**
Unlicensed	*	**Case Number: 2220-0117B**

* * * * * * * * * * * * *

ORDER OF DEFAULT

On January 29, 2021, Disciplinary Panel B of the Maryland State Board of Physicians ("Board") charged Pramit Jitesh Patel, with practicing, attempting to practice, or offering to practice medicine without a Maryland medical license and representing to the public that he was authorized to practice medicine in Maryland and using the terms "Dr.", "doctor," "physician", "D.O." or "M.D." with the intent to represent that he practices medicine without a medical license or in post-graduate medical program. *See* Md. Code Ann., Health Occ. §§ 14-601, 14-602 (2014 Repl. Vol. 2019 Supp.). The charges alleged that Mr. Patel, who has never been licensed to practice medicine or any other health occupation, represented that he was an orthopedic surgeon to others, both orally and on the internet; provided others with forged medical credentials; provided medical advice to at least two individuals; and misrepresented his credentials in a lawsuit. On March 24, 2021, the case was referred to the Office of Administrative Hearings ("OAH") for an evidentiary hearing.

On March 26, 2021, OAH mailed a Notice of Telephone Scheduling Conference to Mr. Patel at his address and to the State, notifying the parties that a scheduling conference would be held on April 12, 2021, at 9:30 a.m. The notice was not returned as undeliverable by the United States Postal Service (United States mail). At the scheduling conference, the administrative prosecutor appeared telephonically on behalf of the State. The Administrative Law Judge

("ALJ") called the telephone number supplied by the Board two times, at 9:32 a.m. and again at 9:48 a.m., and Mr. Patel failed to answer. Mr. Patel did not appear for the scheduling conference, and no one appeared on his behalf. After waiting twenty minutes, the ALJ held the scheduling conference in Mr. Patel's absence. On April 12, 2021, OAH sent to Mr. Patel, via United States mail, a Notice of Telephone Prehearing Conference to his address. The notice informed the parties of the date, time, and telephone numbers that OAH would call at the prehearing conference and enclosed instructions directing each party to prepare and submit a prehearing statement and a list of witnesses and exhibits in advance of the prehearing conference. The notice stated that the Prehearing Conference would take place telephonically at May 17, 2021, at 9:30 a.m. and that failure to appear or give timely notice of inability appear for the telephone prehearing conference may result in a decision against the party. The Notice stated that if that telephone number was incorrect, that party must provide the OAH with a telephone number, in writing, no later than five calendar days prior to the prehearing conference. The Notice was not returned to OAH as undeliverable by the United States mail.

On April 15, 2021, a Scheduling Order was issued, scheduling the telephone prehearing conference for May 17, 2021, at 9:30 a.m., at OAH and requiring that Prehearing Conference statements be submitted by May 3, 2021. The Scheduling Order was sent to Mr. Patel's address and was not returned as undeliverable. On April 29, 2021, the Administrative Prosecutor submitted the State's Prehearing Statement and Exhibit and Witness List.

On May 17, the ALJ convened the Prehearing Conference as scheduled. The ALJ called Mr. Patel's telephone number at 9:30 a.m. and 9:45 a.m., but Mr. Patel did not answer. The State moved for a proposed default order against Mr. Patel.

Under OAH's rules of procedure, "[i]f, after receiving proper notice, a party fails to attend or participate in a prehearing conference, hearing, or other stage of a proceeding, the judge may proceed in that party's absence or may, in accordance with the hearing authority delegated by the agency, issue a final or proposed default order against the defaulting party." COMAR 28.02.01.23A.

On May 27, 2021, the ALJ issued a Proposed Default Order. The ALJ found that Mr. Patel had proper notice of the May 17, 2021 prehearing conference and that he failed to attend or participate in the prehearing conference. The ALJ proposed that the Panel find Mr. Patel in default, adopt as findings of fact the statements set out in the allegations of fact section of the charges, conclude as a matter of law that Mr. Patel violated Health Occ. §§ 14-601 and 14-602 in the manner set forth in the charges, and subject to a civil file fine of not more than $50,000.

Also, on May 27, 2021, the ALJ mailed copies of the Proposed Default Order to Mr. Patel, the administrative prosecutor, and the Board at the parties' respective addresses. The Proposed Default Order to Mr. Patel was mailed to the same address that the previous notices were mailed. The Proposed Default Order notified the parties that they may file written exceptions to the proposed order but must do so within 15 days of the date of the Proposed Default Order. The Proposed Default Order stated that any exceptions and request for a hearing must be sent to the Board with attention to the Board's Executive Director.

On June 30, 2021, Mr. Patel filed exceptions. On July 13, 2021, the State filed a response. On August 11, 2021, this case came before Disciplinary Panel A ("Panel A") of the Board for final disposition.

EXCEPTIONS

In his written and oral exceptions, Mr. Patel claims that he never received a copy of any of the notices or any documents sent by the Board or by OAH, never received any phone calls,

and requests that the Board vacate the Proposed Default Order and remand the case for an evidentiary hearing at OAH. Mr. Patel noted that because he was not licensed with the Board, he was not required to maintain current contact information with the Board. In support of his claims, Mr. Patel filed an affidavit that stated that he lived at Address 1[1] until September 2020 and Address 2 from September 2020 onward. He noted that his mailbox at Address 2 was open to the public. He states in his affidavit that he received the Proposed Default Order on May 29, 2021 at Address 2, but did not receive the charges or any documents from the Board or notices from OAH. He did not contest the accuracy of the phone number that the ALJ called, but claimed not to have received a telephone call or voicemail from the ALJ in the matter on April 12 or May 17, 2021.

At the oral exceptions hearing, Mr. Patel cited two cases in support of his claim: *Eshelman Motors Co. v. Scheftel*, 231 Md. 300 (1963) and *Triplin v. Jackson*, 326 Md. 462 (1992). The Court in *Eshelman* held that when a defendant proffered a meritorious defense, even when the entry of default was outside the technical time period, the trial court abused its discretion in refusing to vacate the default. *Eshelman*, 231 Md. at 301. In *Triplin*, the Court found that the trial court abused its discretion in refusing to vacate a default judgment where the Defendants filed affidavits saying that they were not served with proper notice. *Triplin*, 326 Md. at 464-65.

These cases are inapposite here. Unlike *Eshelman*, there is no indication that Mr. Patel has a meritorious defense. The *Triplin* case is similarly unavailing. In *Triplin*, the petitioners were not present when the case was called at the Circuit Court and the record did ***not*** reflect that they had been notified. *Triplin*, 326 Md. at 463. Specifically, "the record did not reflect, by

[1] For confidentiality and privacy purposes, Mr. Patel's address and the names of witnesses, patients, health care providers, health care facilities, and other institutions are not disclosed in this Order.

docket entry, copy of notice, or testimony that notice had been sent by the circuit court or that the petitioners were aware of the trial date." *Id.* at 464. In contrast, the record is clear in Mr. Patel's case that the Office of Administrative Hearings mailed to Mr. Patel a notice of the scheduling order as well as a copy of the scheduling order and both documents noted the date and time for the prehearing conference. These mailings were sent to the address that Mr. Patel noted in his affidavit and were sent in accordance with the OAH Rules of Procedure. *See* COMAR 28.02.01.05C.

The OAH Rules of Procedure provide for the methods of giving notice. *See* COMAR 28.02.01.05C. The regulations explain, "a notice issued by the Office [of Administrative Hearings] shall be sent to the parties by United States mail, by personal delivery, or by courier delivery at their addresses on record with the Office" that "[i]f notice is given by United States mail, the notice is effective at the end of the 5th day after its deposit in the mail," and "[p]roof that notice has been given may be made by the dated file copy in the case file." Pursuant to this rule, a copy of the notice, dated April 12, 2021 is in the case file.

OAH sent the notice by United States mail and it was not returned as undelivered. The address listed on all the notices sent from OAH match the address provided by Mr. Patel in his affidavit, confirming his address on record with OAH was the correct and proper address. Further, Mr. Patel properly received the Proposed Default Order that was sent to the same address and the same method of delivery as the prior notices. Thus, there is significant evidence that the notice and scheduling order were sent to Mr. Patel's correct address, which was an address at which he received correspondences from OAH.

The notice listed Mr. Patel's phone number that would be called on the day of the hearing. The notice informed Mr. Patel to contact OAH with a telephone number if the number

listed was not correct. Mr. Patel did not contact OAH with a new number and did not answer the phone call from OAH when called two times on the date of the prehearing conference.

Because the ALJ placed a dated file copy in the case file and the ALJ stated on the record that the notice was mailed, the ALJ correctly determined, under OAH regulations, that notice was proper and she was authorized to issue a proposed default order. Under COMAR 28.02.01.23 "[i]f, after receiving proper notice, a party fails to attend or participate, either personally or through a representative, in a prehearing conference . . . the ALJ may . . . issue a . . . proposed default order against the defaulting party." Based on the forgoing, the Panel agrees that notice was proper and that the default was appropriate.

FINDINGS OF FACT

Because Panel A concludes that Mr. Patel has defaulted, the following findings of fact are adopted from the allegations of fact set forth in the January 29, 2021 Charges Under the Maryland Medical Practice Act and are deemed proven by the preponderance of the evidence:

At all relevant times, the Respondent has never been licensed to practice medicine in the State of Maryland. He has never been licensed or certified by any health occupations licensing board in Maryland.

On or about October 28, 2019, the Board received a complaint from one of the Respondent's neighbors ("Individual A") alleging that the Respondent represented to her and other neighbors in and around Hanover, Maryland, that the Respondent was an orthopedic surgeon. Individual A alleged that the Respondent "offered medical advice" to Individual A's son following an ankle injury.

In a follow-up to her complaint, Individual A provided the Board with a screenshot of a LinkedIn[2] profile for the Respondent, which listed his name as "Pramit Patel MD," listed his occupation as "Director – Surgical Outcomes" for a company in the Baltimore area, and listed his education as "Doctor of Medicine-MD, Medicine," in 2008 from a university in Missouri ("University A"). The Board opened an investigation of the Respondent based on Individual A's complaint.

As part of its investigation, Board staff interviewed Individual A under oath on or about November 10, 2019. Individual A stated that the Respondent first introduced himself to her as an orthopedic surgeon when her family moved into the Respondent's neighborhood about five years earlier. Individual A said that she did not question the Respondent's claim until about six months earlier when another individual close to the Respondent told Individual A that the Respondent was not actually a medical doctor.

Individual A also said that her son had an ankle injury approximately two years earlier that the Respondent assessed and provided advice on how to wrap the ankle and treat it with rest, compression, and ice. Individual A also stated that the Respondent had filed a defamation lawsuit against her and several other neighbors in which the Respondent identified himself with an "M.D." after his name.

As part of its investigation, Board staff spoke with acquaintances and other neighbors of the Respondent. A neighbor and licensed physician ("Individual B") said that she searched for the Respondent's National Provider Identifier ("NPI") number but could not find one. She also explained that the Respondent circulated a curriculum vitae ("CV") to neighbors while he was running for election to the community Homeowners' Association ("HOA") and this CV clearly stated the Respondent was a physician.

[2] LinkedIn.com is a social and business networking website in which users can upload their resumes and curricula vitae. Its contents are user-generated.

A neighbor ("Individual C") said that the Respondent told her that he worked in Columbia, Maryland, as an orthopedic surgeon. She also said that she viewed a LinkedIn profile for the Respondent that listed a medical degree from University A. She explained that the Respondent also identified himself as a physician on a nomination form that he submitted to run for HOA president.

A neighbor ("Individual D") said that a couple of years earlier, the Respondent came to Individual D's house to review his son's x-rays after an ankle injury. Individual D explained that he obtained the Respondent's contact information from Individual A. The Respondent told Individual D that he did not see anything concerning on the x-rays and to have Individual D's son continue with physical therapy.

As part of its investigation, the Board obtained a copy of the complaint that the Respondent filed against Individual A, among others. The complaint was filed in the Circuit Court for Anne Arundel County on or about November 25, 2019. The caption of the case included among the plaintiffs, "Pramit Patel, M.D." The complaint alleged that the defendants, among other things, made "various defamatory allegations . . . concerning each of the Plaintiffs," which included "accusations that [the Respondent] is not a licensed physician and has misrepresented himself as such[.]" The complaint asserted as factual support that "[the Respondent] is a medical doctor, licensed to practice medicine in the State of Maryland. His license has never been suspended or revoked."

As part of its investigation, Board staff interviewed an acquaintance of the Respondent ("Individual E") under oath on or about September 10, 2020. Individual E said that he had met the Respondent only a few times through Individual A.

In or around January 2018, Individual E injured his knee. He contacted the Respondent through an online messenger and asked to see the Respondent at his office. The Respondent

responded through the online messenger that his practice was too busy to accept new patients but asked Individual E if his pain worsened when he put weight on it, if it was sharp pain, and if the pain increased when he shifted or twisted. According to Individual E, the Respondent stated that he believed Individual E's injury was likely to be a meniscus injury and an MRI would be necessary to show the full extent of the injury. The Respondent also referred Individual E to a physician in Glen Burnie, Maryland.

On or about September 11, 2020, the Board issued a subpoena to an individual who had a close affiliation with the Respondent ("Individual F") for copies of any documents related to the Respondent's education, training, experience, and licensure. In response, Individual F produced the following documents, among others, all of which appear to have been forged documents:

a. A Maryland medical license issued to "Pramit Jitesh Patel" with an expiration date of September 30, 2019.[3]
b. A CV for the Respondent stating that, among other things, he was a "General Surgery Resident" at a university in Chicago, Illinois ("University B") in 2008 and earned a "Medical Doctorate" from University A in 2008 "with Honors."
c. A copy of a framed diploma from University B stating that "Pramit Jitesh Patel, M.D. completed a four year [*sic*] program from June 23, 2008 to June 22, 2012 as a Resident in Orthopaedic Surgery."
d. A copy of a framed diploma from University B stating that "Pramit Jitesh Patel, M.D. has successfully completed a clinical fellowship in Sports Medicine July 2, 2012 through June 28, 2013."
e. A controlled dangerous substances ("CDS") registration certificate from the Maryland Department of Health for "Pramit J. Patel MD" with an expiration date of September 30, 2020.[4]
f. A Controlled Substance Registration Certificate from the Drug Enforcement Agency issued to "Pramit J. Patel" on September 13, 2014 and listing the address of an orthopedic practice in Columbia, Maryland.[5]

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[3] Board records show that the license number stated on this document is issued to another individual.

[4] Records from the Maryland Office of Controlled Substances Administration, which issues CDS registration certificates, show that the registration number stated on this document does not exist.

[5] The DEA registration number on this document is only 8 characters long, while DEA registration numbers are commonly 9 characters long. In addition, the practice listed on the registration certificate had no knowledge of the Respondent when contacted by the Board.

g. A letter dated June 21, 2017 from the Chief Medical Officer of the Maryland Department of Health and Mental Hygiene to "Dr. Pramit J. Patel," stating, among other things, "This letter serves as an initial notice of approval of your application for Maryland state medical licensure."[6]

On or about September 11, 2020, the Board issued a subpoena to University B to produce records related to the Respondent's education, training, or experience in a university program. On or about September 24, 2020, an individual from University B responded by email to Board staff stating, "From the student records perspective, our system indicates that no record found [*sic*]. We also reached out to staff managing resident/fellow records, and they couldn't find anything."

On or about September 17, 2020, the Board issued a subpoena to University A to produce records related to the Respondent's education, training, or experience in a university program. On or about October 20, 2020, University A provided transcripts to the Board showing that the Respondent earned a Bachelor of Arts in biology in May 2003 and a second Bachelor of Arts in economics in May 2006. There was no record of the Respondent's attending medical school or earning a medical degree from University A.

On or about January 10, 2020, the Board sent a letter to the Respondent's home address that notified him of the complaint against him and requested a written response from him within ten business days. The Board also issued a subpoena to the Respondent to produce copies of the Respondent's academic and professional degrees, a medical degree, any medical licenses, and any medical certificates. The Respondent did not provide a written response or documents.

On or about July 30, 2020, the Board issued a subpoena to the Respondent at this home address to appear by telephone for an interview with Board staff on or about August 6, 2020. The Respondent did not appear for the interview.

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[6] The Board directly issues medical licenses to qualified applicants. The Chief Medical Officer for the Department is not involved in those procedures or decisions.

CONCLUSIONS OF LAW

Panel A finds Mr. Patel in default based upon his failure to appear at the Office of Administrative Hearings for the prehearing conference scheduled for May 17, 2021. *See* State Gov't § 10-210(4). Based upon the foregoing findings of fact, Panel A concludes that Mr. Patel is guilty of practicing medicine without a Maryland license, in violation of Health Occ. § 14-601, representing to the public that he was authorized to practice medicine, in violation of Health Occ. § 14-602(a); and using the words "Dr.", "doctor", and "M.D." with the intent to represent that he practices medicine, in violation of Health Occ. § 14-602(b).

SANCTION

Mr. Patel offered medical advice to multiple individuals, including advice about treating an ankle injury, diagnosing an injury as a meniscus injury and recommending an MRI, and reviewing x-rays of an ankle injury, despite having no medical license. His actions could have resulted in patient harm. He fraudulently forged a medical license, residency diploma, fellowship diploma, a controlled dangerous substances registration certificate. Mr. Patel represented himself as a physician in Court filings. These violations are extremely serious, had the potential to cause patient harm and harm to the medical profession, were not isolated, and merit a significant sanction from the Board. Panel A adopts a sanction of a $50,000 fine.

ORDER

It is, on the affirmative vote of a majority of the quorum of Panel A, hereby

ORDERED that, within **TWO YEARS**, the Respondent shall pay a civil fine of **$50,000.** 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; and it is further

ORDERED that this is a public document.

11/19/2021
Date

Signature on File

Christine A. Farrelly, Executive Director
Maryland Board of Physicians

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Md. Code Ann., Health Occ. § 14-408(a), Mr. Patel has the right to seek judicial review of this Order of Default. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Order of Default. The cover letter accompanying this Order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If Mr. Patel files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

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

Notice of any petition should also be sent to the Board's counsel at the following address:

David S. Finkler
Assistant Attorney General
Maryland Department of Health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201