

IN THE MATTER OF * **BEFORE THE MARYLAND**
PARAMJIT S. AJRAWAT, M.D., * **STATE BOARD OF PHYSICIANS**
Respondent. * **Case Number 2016-0829 A**
License Number D32506 *

FINAL DECISION AND ORDER

PROCEDURAL HISTORY

Paramjit S. Ajrawat, M.D. was initially licensed to practice medicine in the State of Maryland on July 8, 1985, and at all times relevant to the charges in this case, Dr. Ajrawat has held a license to practice medicine in the State. On September 4, 2015, after a jury trial in the United States District Court for the District of Maryland (“U.S. District Court”), Dr. Ajrawat was found guilty of health care fraud, in violation of 18 U.S.C. § 1347,¹ false statements related to health care matters, in violation of 18 U.S.C. § 1035(a),² obstruction of justice, in violation of 18 U.S.C. § 1512(c)(2),³ wire fraud, in violation of 18 U.S.C. § 1343,⁴ and aggravated identity theft, in violation of 18 U.S.C. § 1028A(a)(1).⁵ (Criminal Case No. 8:14-CR-00316-DKC-1).

¹ 18 U.S.C. § 1347 provides: “(a) Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice: (1) to defraud any health care benefit program; or (2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health care benefit program, in connection with the delivery of or payment for health care benefits, items, or services, shall be fined under this title or imprisoned not more than 10 years, or both.”

² 18 U.S.C. § 1035(a) provides: “Whoever, in any matter involving a health care benefit program, knowingly and willfully: (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; or (2) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry, in connection with the delivery of or payment for health care benefits, items, or services, shall be fined under this title or imprisoned not more than 5 years, or both.”

³ 18 U.S.C. § 1512(c)(2) provides: “Whoever corruptly . . . otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.”

⁴ 18 U.S.C. § 1343 provides: “Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both.”

⁵ 18 U.S.C. § 1028A(a)(1) provides: “Whoever, during and in relation to any felony violation enumerated in subsection (c), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another

On April 11, 2016, the U.S. District Court judge sentenced Dr. Ajrawat to a total term of 111 months imprisonment, three years of supervised probation upon release, and ordered to immediately pay, in full, restitution in the amount of \$3,103,874.58. On April 20, 2016, Dr. Ajrawat noted an appeal. As of the date of this Order, Dr. Ajrawat's appeal has not been decided.

On September 21, 2016, the Office of the Attorney General filed with the Maryland State Board of Physicians ("Board") a petition to suspend Dr. Ajrawat's medical license ("the Petition") and show cause order pursuant to section 14-404(b)(1) of the Medical Practice Act. The statute provides:

- (1) On the filing of certified docket entries with the Board by the Office of the Attorney General, a disciplinary panel shall order the suspension of a license if the licensee is convicted of or pleads guilty or nolo contendere with respect to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

MD. CODE ANN., HEALTH OCC. ("Health Occ.") § 14-404(b). Attached to the Petition were certified copies of the docket entries, the criminal indictment, the verdict sheet, and the judgment of the U.S. District Court.

On September 22, 2016, the Board mailed the Petition and the show cause order to Dr. Ajrawat. Dr. Ajrawat was ordered by the Board to show cause in writing, on or before October 26, 2016, if there was any reason why his license should not be suspended. To date, the Board has not received a response from Dr. Ajrawat.

Having reviewed and considered the entire record in this case, Panel A issues this Final Decision and Order.

person shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 2 years."

FINDINGS OF FACT

Panel A finds the following facts by a preponderance of the evidence:

1. Dr. Ajrawat was initially licensed to practice medicine in the State of Maryland on July 8, 1985, and at all times relevant to the charges in this case, Dr. Ajrawat has held a license to practice medicine in the State of Maryland.⁶
2. On June 10, 2015, the United States Attorney for the United States District Court for the District of Maryland (“U.S. Attorney”) filed a second superseding criminal indictment⁷ in the U.S. District Court charging Dr. Ajrawat with health care fraud, two counts of false statements related to health care matters, obstruction of justice, four counts of wire fraud, and four counts of aggravated identity theft.
3. The indictment alleged that Dr. Ajrawat and his wife⁸ owned and operated a pain management clinic in Greenbelt, Maryland and, in the course of operating the practice, defrauded several health care benefit programs, including Medicare and Medicaid. The allegations of fraud included billing for procedures that were not performed, submitting claims for services that were not rendered in compliance with the submitted Current Procedural Terminology (“CPT”)⁹ codes, and billing for services that were not medically necessary. The reimbursement payments were paid by the health care benefit programs and deposited into the couple’s bank account through a wire transfer. The indictment alleged that Dr. Ajrawat used the actual name, insurance, and identification number of his patients in conjunction with the health care fraud and wire fraud scheme. When Dr. Ajrawat and his wife found out that they were being investigated by federal law enforcement agencies they hired a shredding company to shred patient medical records and discouraged staff members from cooperating with law enforcement.
4. On July 28, 2015, Dr. Ajrawat entered a plea of not guilty on all counts of the second superseding indictment.
5. A jury trial began on August 24, 2015 and concluded, after eight days of trial, on September 2, 2016.
6. On September 4, 2016, the jury found Dr. Ajrawat guilty of health care fraud, two counts of false statements related to health care matters, obstruction of justice, four counts of wire fraud, and aggravated identity theft.

⁶ Dr. Ajrawat’s license to practice medicine, license number D32506, expired on September 30, 2016. The Medical Practice Act, however, precludes the lapse of a license “by operation of law while the individual is under investigation or while charges are pending.” Health Occ. § 14-403(a). In this case, the Petition was mailed to Dr. Ajrawat on September 22, 2016, before his license expired. Therefore, Dr. Ajrawat’s license was not permitted to lapse while the charges in this case were pending.

⁷ Prior criminal indictments were filed on June 25, 2014 and March 4, 2015.

⁸ Sukhveen Kaur Ajrawat, Dr. Ajrawat’s wife, was also indicted in this case. The charges against her, however, were dismissed after she died on February 1, 2016.

⁹ A CPT code is a number that refers to a specific medical service provided to a patient.

7. On April 11, 2016, the U.S. District Court judge sentenced Dr. Ajrawat to a total term of 111 months imprisonment, three years of supervised probation upon release, and ordered to immediately pay, in full, restitution in the amount of \$3,103,874.58.
8. On April 20, 2016, Dr. Ajrawat noted an appeal, which is currently pending in the United States Court of Appeals for the Fourth Circuit.

CONCLUSIONS OF LAW

Panel A has considered all of the evidence before it and decides the legal issues as follows:

The statutory text is clear that fraud is an essential element of at least three of the crimes of which Dr. Ajrawat was convicted. Health care fraud includes the knowing and willful execution of a scheme to *defraud* any health care benefit program or to obtain money or property of any health care benefit program by false or *fraudulent* pretenses. 18 U.S.C. § 1347 (emphasis added). False statements related to health care matters includes knowingly and willfully making any materially *fraudulent* statements or representations, or knowingly using any document, in connection with the delivery of or payment for health care benefits, that contains any materially false, fictitious, or *fraudulent* statement. 18 U.S.C. § 1035(a) (emphasis added). Finally, wire fraud includes devising or intending to devise any scheme to *defraud*, or obtain money or property by means of false or *fraudulent* pretenses, by means of wire, radio, or television communication in interstate or foreign commerce. 18 U.S.C. § 1343 (emphasis added). These crimes committed by Dr. Ajrawat constitute moral turpitude *per se*, based solely on the elements of the crimes.

When fraud is not an explicit element of the crime, the analysis of whether the crime involves moral turpitude depends on the particular facts of each individual case. *See Attorney Grievance Comm'n of Md. v. Walman*, 280 Md. 453, 460 (1977). In considering the facts of the case, the relevant consideration is whether the crime “was accompanied by a fraudulent or

dishonest intent.” *Id.* at 462. The facts supporting Dr. Ajrawat’s convictions for the crimes of obstruction of justice and aggravated identity theft establish that these convictions were for conduct that was part and parcel of the health care fraud scheme that Dr. Ajrawat engaged in for personal gain and with the intent to defraud. Under Maryland law, “it is settled that whatever else [moral turpitude] may mean . . . a crime in which an intent to defraud is an essential element is a crime involving moral turpitude. It is also settled that the related group of offenses involving intentional dishonesty for purposes of personal gain are crimes involving moral turpitude[.]” *Walman*, 280 Md. at 459-60. *See also Oltman v. Maryland State Bd. of Physicians*, 162 Md. App. 457, 486 (2005).

By using the actual name, insurance, and identification number of his patients in conjunction with the health care fraud and wire fraud scheme, Dr. Ajrawat intended to defraud and deceive government health programs in order to obtain monetary reimbursement to which he was not entitled. His offenses were characterized by repeated deceit and intentional dishonesty for purposes of his own personal gain. By hiring a shredding company to shred patient medical records and discouraging his staff from cooperating with law enforcement, Dr. Ajrawat acted deliberately to conceal critical information from criminal authorities and keep them in the dark about his criminal billing activities. Dr. Ajrawat’s crimes were “intentional, or not innocent in [their] purpose, or not accidental.” *Board of Dental Exam’rs v. Lazzell*, 172 Md. 314, 322 (1937). The facts underlying Dr. Ajrawat’s criminal convictions, therefore, also established moral turpitude. *Oltman*, 162 Md. App. at 486.

Moreover, “in the context of a licensing board’s review of the conduct of its licensee, the concept of moral turpitude is rather broad.” *Id.* at 483. Panel A concludes that the totality of Dr. Ajrawat’s criminal conduct undermines the public’s confidence in the medical profession. *See*

Stidwell v. Maryland State Bd. of Chiropractic Exam'rs, 144 Md. App. 613, 619 (2002) (a criminal offense that undermines the public's confidence in a profession may be a crime of moral turpitude if so determined by the appropriate licensing board). Dr. Ajrawat's repeated fraudulent billing was "an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man." *Walman*, 280 Md. at 459 (quoting *Braverman v. Bar Ass'n. of Balto.*, 209 Md. 328, 344, *cert. denied*, 352 U.S. 830 (1956)). In Panel A's view, Dr. Ajrawat's exploitation of health care programs, obstruction of justice, and aggravated identity theft disparaged professional principles and disgraced the medical profession. Thus, under any definition of the term, under Maryland law, Dr. Ajrawat's convictions constituted crimes of moral turpitude, in violation of Health Occ. § 14-404 (b)(1).

Accordingly, Panel A concludes that Dr. Ajrawat was convicted of multiple crimes involving moral turpitude. In light of Dr. Ajrawat's pending appeal, the Panel is mandated to suspend Dr. Ajrawat's license to practice medicine.


ORDER

It is, by Board Disciplinary Panel A, hereby:

ORDERED that the license of Paramjit S. Ajrawat, M.D., license number D32506, to practice medicine in the State of Maryland, is **SUSPENDED**, as mandated by Health Occ. § 14-404 (b)(1); and it is further

ORDERED that this Final Decision and Order is a **PUBLIC DOCUMENT**.

11/10/16
Date



Ellen Douglas Smith, Deputy Director
Maryland State Board of Physicians

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Md. Code Ann., Health Occ. § 14-408, Dr. Ajrawat has the right to seek judicial review of this Final Decision and Order. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Final Decision and Order. The cover letter accompanying this final decision and 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 Dr. Ajrawat files a Petition for Judicial Review, the Board is a party and should be served with the court's process at the following address:

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

Notice of any Petition for Judicial Review should also be sent to the Board's counsel at the following address:

**Stacey M. Darin, Assistant Attorney General
Office of the Attorney General
Department of Health and Mental Hygiene
300 West Preston Street, Suite 302
Baltimore, Maryland 21201**