

IN THE MATTER OF
JAMSHID S. MIAN, M.D.

Respondent

License Number: D56888

* * * * *

BEFORE THE
MARYLAND STATE
BOARD OF PHYSICIANS

Case Number: 2016-1032B

CONSENT ORDER

On December 28, 2017, Disciplinary Panel B of the Maryland State Board of Physicians (the "Board") charged Jamshid S. Mian, M.D., (the "Respondent"), License Number D56888, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") §§ 14-101 *et seq.* (2014 Repl. Vol. & 2016 Supp.).

The pertinent provisions of the Act under Health Occ. II § 14-404(a) provide as follows:

§ 14-404. Denials, reprimands, probations, suspensions, and revocations – Grounds.

(a) *In general.* Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel of the Board, 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:

...

- (22) Fails to meet appropriate standards as determined by appropriate peer review for the delivery of quality medical and surgical care performed in an outpatient surgical facility, office, hospital, or any other location in this State;
- (40) Fails to keep adequate medical records as determined by appropriate peer review[.]

On April 25, 2018, a conference with regard to this matter was held before a panel of the Board's Disciplinary Committee for Case Resolution ("DCCR"). As a result of the DCCR, the Respondent agreed to enter into this Consent Order,

consisting of Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was originally licensed to practice medicine in Maryland on December 20, 2000. His license is scheduled to expire on September 30, 2019.
2. The Respondent is board-certified in family medicine.
3. At all times relevant, the Respondent maintained an office for the practice of family medicine in Rosedale, Maryland.
4. On or about June 21, 2016, the Board received a complaint that alleged in pertinent part that the Respondent was prescribing excessively high dosages of Controlled Dangerous Substances ("CDS"), including oxycodone, Xanax¹ and "ADHD² medications" to an individual known to the Complainant and identified as "Patient 2" herein. The complaint further alleged that the Respondent continued to overprescribe CDS to Patient 2 even after being notified that Patient 2 had sought in-patient treatment for opiate addiction.
5. The Board thereafter initiated an investigation of the Respondent's prescribing practices which included interviewing the Respondent and referring the matter to peer review. The findings of the peer reviewers are summarized below.
6. The peer reviewers concurred that the Respondent violated the standard of quality medical care in nine of the patient records they reviewed (identified in the peer review reports as Patients 1, 2, 3, 4, 5, 6, 7, 8, and 9).

¹ A CDS Schedule IV benzodiazepine.

² Abbreviation for Attention-Deficit/Hyperactivity Disorder.

7. The peer reviewers also concurred that the Respondent failed to maintain adequate medical records in eight of ten patient records they reviewed (identified in the peer review reports as Patients 1, 2, 3, 4, 6, 7, 8, and 9).
8. Specifically, the peer reviewers found that the Respondent failed to meet the standard of quality care and failed to maintain adequate medical documentation for reasons including but not limited to the following. The Respondent:
 - a. Failed to uniformly implement urine drug tests (“UDTs”) (Patients 1 – 9);
 - b. Failed to significantly modify his treatment plan when patients demonstrated aberrant behavior including inconsistent UDTs. Inconsistent results include positive results for drugs not prescribed, or illicit drugs or negative tests for drugs that were prescribed, which would raise concern for diversion (Patients 1 – 9);
 - c. Ignored “red flags” including but not limited to patient self-escalation of opioids, requests for early refills of opioid prescriptions, using others’ medications and reports of lost prescriptions or medications (Patients 1, 2; 7 and 8);
 - d. Failed to adequately document his treatment rationale for starting or increasing opioid dosages (Patients 1, 2, 3, 4, 6, 7, 8, and 9);
 - e. Failed to document sufficiently individualized notes of office visits (Patients 1, 2, 3, 4, 6, 7, 8 and 9).

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, Disciplinary Panel B concludes as a matter of law that the Respondent failed to meet the appropriate standards as determined by

appropriate peer review for the delivery of quality medical care performed in this State, in violation of Health Occ. § 14-404(a)(22), and failed to keep adequate medical records as determined by appropriate peer review, in violation of Health Occ. § 14-404(a)(40).

ORDER

It is, on the affirmative vote of a majority of the quorum of Board Disciplinary Panel B, hereby

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that the Respondent is permanently prohibited from prescribing opioids, except as for as specifically provided in this paragraph. In emergency cases, the Respondent may issue no more than one prescription of an opioid medication to a patient, but the prescription may not exceed the lowest effective dose and quantity needed for a duration of five days. The prescription may not be refilled, nor may it be renewed. The Respondent may not prescribe an emergency prescription for an opioid to a patient more than once per year per patient. The Respondent shall notify the Board within 24 hours of any prescription authorized under this paragraph. This paragraph goes into effect in 90 days from the date this Consent Order goes into effect; and it is further

ORDERED that the Panel may issue administrative subpoenas to the Maryland Prescription Drug Monitoring Program ("PDMP") on a quarterly basis for the Respondent's CDS prescriptions. The administrative subpoenas may request a review of the Respondent's CDS prescriptions from the beginning of each quarter; and it is further

ORDERED that the Respondent is placed on probation for a minimum period of two years.³ During the probationary period, the Respondent shall comply with all of the following probationary terms and conditions:

(1) Within six months, the Respondent shall successfully complete Board disciplinary panel-approved courses in opioid prescribing and in medical documentation. The Board disciplinary panel will not accept a course taken over the Internet. The courses may not be used to fulfill the continuing medical education credits required for license renewal. The Respondent must provide documentation to the Board that the Respondent has successfully completed the course;

(2) The Respondent is subject to a chart and/or peer review conducted by the Board or Board disciplinary panel or its agents. An unsatisfactory chart and/or peer review will constitute a violation of this Consent Order;

³ If the Respondent's license expires while the Respondent is on probation, the probationary period and any probationary terms and conditions will be tolled.

(3) The Respondent shall comply with the Maryland Medical Practice Act, Md. Code Ann., Health Occ. §§ 14-101—14-702, and all laws and regulations governing the practice of medicine in Maryland; and it is further

ORDERED that, after two years, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated through an order of the Board or disciplinary panel. The Respondent may be required to appear before the Board or disciplinary panel to discuss his petition for termination. The Board or disciplinary panel will grant the petition to terminate the probation if the Respondent has complied with all of the probationary terms and conditions and there are no pending complaints related to the charges; and it is further

ORDERED that if the Respondent allegedly fails to comply with any term or condition imposed in this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings followed by an exceptions process before a disciplinary panel or the Board; and if there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before a Board or disciplinary panel; and it is further

ORDERED that if after the appropriate hearing, the Board or disciplinary panel determines that the Respondent has failed to comply with any term or condition of this Consent Order, the Board or disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate probationary terms and conditions, or suspend or revoke the Respondent's license to practice medicine in Maryland. The Board or disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that, unless stated otherwise in the order, any time period prescribed in this order begins when the Consent Order goes into effect. The Consent Order goes into effect upon the signature of the Board's Executive Director, who signs on behalf of Panel B; and

ORDERED that this Consent Order is a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.*

05/22/2018
Date

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

CONSENT

I, Jamshid S. Mian, M.D., acknowledge that I have been represented by counsel before entering this Consent Order. By this Consent and for the purpose of resolving the issues raised by Disciplinary Panel B, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into 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 own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of Disciplinary Panel B to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of a disciplinary panel of the Board that I might have filed after any such hearing.

I sign this Consent Order voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of the Consent Order.

Signature on File

5/18/18
Date

Jamshid S. Mian, M.D.
Respondent

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 18th day of May 2018, before me, a Notary Public of the foregoing State and City/County, personally appeared Jamshid S. Mian, 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.

Karen J. Miller
Notary Public

My commission expires: 12/2/19

