

Zahid Aslam, M.D.

May 15, 2018

Damean Freas, M.D., Chair
Disciplinary Panel B
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, MD 21215-2299

Re: Surrender of License to Practice Medicine
Zahid Aslam, M.D. License Number: D60954
Case Number: 2217-0023B

Dear Dr. Freas and Members of the Disciplinary Panel B,

Please be advised that, pursuant to Md. Code Ann., Health Occ. ("Health Occ.") § 14-403 (2014 Repl. Vol. & 2017 Supp.), I have decided to **SURRENDER** my license to practice medicine in the State of Maryland, License Number D60954, effective immediately. I understand that upon surrender of my license, I may not give medical advice or treatment to any individual, with or without compensation, and cannot prescribe medications or otherwise engage in the practice of medicine in the State of Maryland as it is defined in the Maryland Medical Practice Act (the "Act"), Health Occ. §§ 14-101 *et seq.* and other applicable laws. In other words, as of the effective date of this Letter of Surrender, I understand that the surrender of my license means that I am in the same position as an unlicensed individual in the State of Maryland.

I understand that this Letter of Surrender is a **PUBLIC DOCUMENT**, and upon Disciplinary Panel B's ("Panel B") acceptance, becomes a **FINAL ORDER** of Panel B of the Maryland State Board of Physicians (the "Board").

I acknowledge that the Board initiated an investigation of my practice and on November 2, 2017, Panel B issued disciplinary charges against me under Health Occ. § 14-404(a) (3)(ii) (unprofessional conduct in the practice of medicine), (11) (willfully makes or files a false report in the practice of medicine), and (18) (practices medicine with an unauthorized person or aids an unauthorized person in the practice of medicine). Panel B also charged me with violating the November 21, 2016 Consent Order I previously entered into with the Board. Specifically, Panel B alleged that I permitted my Physician Assistant to perform and bill for telemedicine services, which were not included in the delegation agreement. A copy of the Violation of Probation and Charges is attached as Attachment 1. I also acknowledge that there are two other pending complaints against me. I have decided to surrender my license to practice medicine in Maryland to avoid further investigation and prosecution of these disciplinary charges and the allegations against me.

Damean Freas, M.D. and Members of Disciplinary Panel B

RE: Zahid Aslam, M.D.

Letter of Surrender

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I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender to avoid further prosecution of the disciplinary charges and the allegations against me. I acknowledge that for all purposes related to medical licensure, the charges will be treated as if proven.

I understand that by executing this Letter of Surrender I am waiving my right to a hearing to contest the disciplinary charges. In waiving my right to contest the charges, I am also waiving the right to be represented by counsel at the hearing, to confront witnesses, to give testimony, to call witnesses on my own behalf, and all other substantive and procedural protections provided by law, including the right to appeal to circuit court.

I understand that the Board will advise the Federation of State Medical Boards, the National Practitioner Data Bank, and the Healthcare Integrity and Protection Data Bank of this Letter of Surrender. I also understand that in the event I would apply for licensure in any form in any other state or jurisdiction that this Letter of Surrender may be released or published by the Board to the same extent as a final order that would result from disciplinary action, pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014), and that this Letter of Surrender constitutes a disciplinary action by Panel B.

I affirm that I will provide access to and copies of medical records to my patients in compliance with Title 4, subtitle 3 of the Health General Article.

I further recognize and agree that by submitting this Letter of Surrender, my license will remain surrendered unless and until the Board grants reinstatement. In the event that I apply for reinstatement of my Maryland License, I understand that Panel B or its successor is not required to grant reinstatement; and, if it does grant reinstatement, may impose any terms and conditions the disciplinary panel considers appropriate for public safety and the protection of the integrity and reputation of the profession. I acknowledge that, in determining whether my license should be reinstated, Panel B may consider the facts and circumstances of this case and the allegations currently pending against me. I further understand that if I file a petition for reinstatement, I will approach Panel B or its successor in the same position as an individual whose license has been revoked.

I acknowledge that I may not rescind this Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have been advised of my right to be represented by an attorney and that I have been represented by an attorney before signing this letter surrendering my license to practice medicine in Maryland. I understand both the nature of Panel B's actions and this Letter of Surrender fully. I comprehend the language, meaning and terms and effect of this Letter of Surrender. I make this decision knowingly and voluntarily.

Damean Freas, M.D. and Members of Disciplinary Panel B

RE: Zahid Aslam, M.D.

Letter of Surrender

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Very truly yours,

Signature

on File

M.D.

NOTARY

STATE OF Maryland
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 15th day of May, 2018 before me, a Notary Public of the City/County aforesaid, personally appeared Zahid Aslam, M.D., and declared and affirmed under the penalties of perjury that the signing of this Letter of Surrender was a voluntary act and deed.

AS WITNESS my hand and Notarial seal.

Jane A. Cow

Notary Public

My commission expires:

9/8/18

ACCEPTANCE

On behalf of Disciplinary Panel B, on this 17th day of May, 2018, I, Christine A. Farrelly, accept the **PUBLIC SURRENDER** of Zahid Aslam, M.D.'s license to practice medicine in the State of Maryland.

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

Attachment 1

IN THE MATTER OF

*

BEFORE THE

ZAHID ASLAM, M.D.

*

MARYLAND STATE

Respondent

*

BOARD OF PHYSICIANS

License Number: D60954

Case Number: 2217-0023B

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VIOLATION OF PROBATION AND CHARGES UNDER THE
MARYLAND MEDICAL PRACTICE ACT

Disciplinary Panel B of the Maryland State Board of Physicians (the "Board") hereby charges Zahid Aslam M.D., (the "Respondent"), License Number D60954, with violating a condition of probation set forth in the Consent Order (Board Case Number: 7713-0071B) into which he had entered with the Board effective November 21, 2106. Specifically, the Respondent is alleged to have violated the probationary condition that required him to comply with the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. II §§ 14-101 – 14-702, and all laws and regulations governing the practice of medicine in Maryland.

Disciplinary Panel B also charges the Respondent under the Maryland Medical Practice Act, Md. Code Ann., Health Occ. II §§ 14-101 *et seq.* (2014 Repl. Vol. & 2016 Supp.).

The pertinent provisions of the Act under H.O. § 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, 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:

...
(3) Is guilty of

...
(ii) Unprofessional conduct in the practice of medicine;

- ...
(11) Willfully makes or files a false report or record in the practice of medicine;
- ...
(18) Practices medicine with an unauthorized person or aids an unauthorized person in the practice of medicine[.]

ALLEGATIONS OF FACT¹

Disciplinary Panel B of the Board bases its charges on the following facts that it has reason to believe are true:

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 October 8, 2003. His license is scheduled to expire on September 30, 2018.
2. The Respondent is board-certified in obstetrics and gynecology. The Respondent maintains an office for the practice of medicine located in Elkton, Maryland at which he employs other practitioners.
3. On or about December 7, 2016, the Board received a complaint regarding the operation of an urgent care center the Respondent had opened Chestertown, Maryland (the "urgent care center") in November 2016.
4. The Board conducted an investigation of the complaint, the results of which are summarized below.

¹ The statements of the Respondent's conduct herein are intended to provide the Respondent with notice of the alleged charges. 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 case.

PRIOR DISCIPLINARY HISTORY

2013 Consent Order

5. Effective January 23, 2013, the Respondent entered into a Consent Order (the "2013 Consent Order") with the Board to resolve allegations that he grossly overutilized health care services, failed to meet appropriate standards for the delivery of quality medical care and failed to keep adequate medical records, in violation of Health Occ. II § 14-404(a)(19), (22) and (40), respectively. Board Case Numbers: 2009-0985 and 2010-0586.
6. Under the terms and conditions of the 2013 Consent Order, the Respondent was reprimanded and was placed on probation for a minimum of twelve months. The Respondent was required to successfully complete remedial courses in: prescribing Controlled Dangerous Substances; medical ethics and clinical indications for obstetric and gynecological conditions. The Respondent was also required to be subject to a chart or peer review of his practice.

2014 Consent Order

7. Effective May 30, 2014, the Respondent entered into a Consent Order (the "2014 Consent Order") with the Board to resolve allegations that he paid or agreed to pay any sum to any person for bringing or referring a patient, in violation of Health Occ. II § 14-404(a)(15). Board Case Numbers: 2013-0270 and 2013-0371.
8. Under the terms of the 2014 Consent Order, the Respondent was reprimanded.

2016 Consent Order

9. Effective November 21, 2016, the Respondent entered into a Consent Order with the Board (the "2016 Consent Order") to resolve allegations he had violated the

2013 Consent Order and that he grossly overutilized health care services, failed to meet appropriate standards for the delivery of quality medical care and failed to keep adequate medical records, in violation of Health Occ. II § 14-404(a)(19), (22) and (40), respectively. Board Case Number: 7713-0071B.

10. Under the terms of the 2016 Consent Order, the Respondent's probation, that had been imposed pursuant to the 2013 Consent Order, was extended for a minimum of one year and his medical practice was required to be supervised by a peer supervisor. The Respondent was further required to comply with the Maryland Medical Practice Act and all laws, statutes and regulations pertaining to the practice of medicine.

CURRENT ALLEGATIONS

11. The December 2016 complaint alleged that the Respondent's urgent care center provides all care electronically and neither a physician nor a physician assistant is on-site at the urgent care center.
12. The Board's regulations regarding telemedicine, Code Md. Regs. 10.32.05.01 *et seq.*, state in pertinent part:

10.32.05.03 Licensure

Except as specified in Health Occupations Article § 14-302,² *an individual shall be a licensed physician in order to practice telemedicine* if one or both of the following occurs:

- A. The individual practicing telemedicine is physically located in Maryland;
 - B. The patient is in Maryland.
- (Emphasis added)

² The exceptions specified in § 14-302 are not applicable to the instant case.

13. In furtherance of the Board's investigation, Board staff requested the Respondent to respond to the complaint, interviewed the physician assistant whom the Respondent identified as performing telemedicine ("PA 1") and obtained patient and billing records.
14. In response to the complaint the Respondent stated:

At this time, our location in Chestertown, MD we have the operation set up (*sic*) as a walk-in family practice. The family practice offers immediate family care without a necessary appointment through telemedicine (video based medicine), which is a new health care transformation in medical treatment....We are fully compliant with the rules and regulation of practicing telemedicine.
15. The Board's investigation revealed that the Respondent employed PA 1³ to perform telemedicine.
16. Patient and billing records transmitted to the Board by the Respondent in response to a subpoena revealed that PA 1 had performed telemedicine on four occasions from November 15, 2016 through December 13, 2016, and had billed for those services.
17. Board staff interviewed PA 1 under oath on July 6, 2017. Prior to the interview, PA 1 produced a Physician Assistant/Primary Supervising Physician Delegation Agreement for Core Duties ("Delegation Agreement") that bore signatures of both the Respondent and PA 1 and the date September 5, 2016 on both signature lines.
18. The Board had not previously received the Delegation Agreement prior to PA 1's interview.

³ PA 1 has been charged by the Panel with violations of the Maryland Physician Assistants Act, Health Occ. II, §§ 15-101 *et seq.*

19. The Delegation Agreement form produced by PA 1 bearing signature line dates of September 5, 2016, had not been made available to providers, nor had it been posted to the Board website until March 2, 2017.
20. The Delegation Agreement produced by PA 1 during his interview did not specify telemedicine as a duty the Respondent had delegated to PA 1.
21. The Respondent's conduct, in whole or in part, constitutes violation of a probationary condition in the Respondent's 2016 Consent Order. His conduct, in whole or in part, further constitutes unprofessional conduct in the practice of medicine, in violation of Health Occ. II § 14-404(a)(3)(ii), willfully making a false report or record in the practice of medicine, in violation of Health Occ. II § 14-404(a)(11) and practicing medicine with an unauthorized person, in violation of Health Occ. II § 14-404(a)(18).

NOTICE OF POSSIBLE SANCTIONS

If, after a hearing, a disciplinary panel of the Board finds that the Respondent violated a probationary condition in his 2016 Consent Order, and/or there are grounds for action under Health Occ. II § 14-404(a)(3)(ii), (11) and/or(18), it may impose disciplinary sanctions against the Respondent's license in accordance with the Board's regulations under Md. Code Regs. 10.32.02.09 and 10.32.02.10, including revocation, suspension, or reprimand, and may place the Respondent on probation. The panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent.

**NOTICE OF DISCIPLINARY COMMITTEE FOR CASE RESOLUTION
CONFERENCE, PREHEARING CONFERENCE AND HEARING**

A conference before Disciplinary Panel B, sitting as the Disciplinary Committee for Case Resolution ("DCCR") in this matter, is scheduled for **Wednesday, February 28, 2018, at 9:00 a.m.**, at the Board's office, 4201 Patterson Avenue, Baltimore, Maryland 21215. The Respondent must confirm in writing his intention to attend the DCCR. The Respondent should send written confirmation of his intention to participate in the DCCR to: Christine A. Farrelly, Executive Director, Maryland State Board of Physicians, 4201 Patterson Avenue, 4th Floor, Baltimore, Maryland 21215. The nature and purpose of the DCCR is described in the attached letter to the Respondent.

If the case cannot be resolved at the DCCR, a pre-hearing conference and a hearing in this matter will be scheduled at the Office of Administrative Hearings, 11101 Gilroy Road, Hunt Valley, Maryland 21031. The hearing will be conducted in accordance with Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2014 Repl. Vol.).

**BRIAN E. FROSH
ATTORNEY GENERAL OF MARYLAND**

November 2, 2017
Date

Victoria H. Pepper
Victoria H. Pepper, Assistant Attorney General
Health Occupations Prosecution and Litigation
Division
Office of the Attorney General
300 West Preston Street, Suite 201
Baltimore, Maryland 21201
(410) 767-1873