

IN THE MATTER OF	*	BEFORE THE
SUJOY G. TAGORE, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D66304	*	Case Number: 2218-0296B

CONSENT ORDER

On January 15, 2020, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged **Sujoy Tagore, M.D.** (the “Respondent”), License Number D66304, with violating the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-401 *et seq.* (2014 Repl. Vol. & 2019 Supp.).

The pertinent provisions of the Act provide:

Health Occ. § 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:

...

(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[.]

On February 26, 2020, Panel B was convened as a Disciplinary Committee for Case Resolution (“DCCR”) in this matter. Based on negotiations occurring 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

Panel B finds:

I. Licensing Information

1. At all times relevant to these charges, the Respondent was a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in the State of Maryland on June 20, 2007. His license is current through September 30, 2021.

2. The Respondent does not hold board-certification. He is currently employed at Facility A,¹ in Rockville, Maryland, and does not maintain hospital privileges.

II. Prior Disciplinary History

3. On or about June 26, 2013, the Respondent entered a Consent Order with the Board which issued a Reprimand against his license.

4. Based upon its investigation, the Board found that “[w]hen making billing entries for patients he had seen, [the] Respondent deleted entries made by other providers ... for care of those patients on earlier dates and made entries in his own name.” The Board concluded that this behavior “constitute[d] unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii).”

¹ To maintain confidentiality, the names of patients and facilities will not be identified in this Consent Order. The Respondent is aware of the names of patients and facilities referenced herein.

III. Complaint

5. On or about May 3, 2018, the Board received a complaint against the Respondent from an individual (the "Complainant") who alleged that the Respondent was overprescribing controlled dangerous substances (CDS). The Claimant, a nurse manager at an addiction treatment center in Annapolis, Maryland, wrote that the Respondent "has been prescribing Alprazolam 1mg, Clonazepam 1mg and Oxycodone 30mg simultaneously."

IV. Investigative Allegations

6. After reviewing the above complaint, the Board initiated an investigation which included requesting a written response from the Respondent, interviewing the Respondent, subpoenaing ten patient medical records chosen from a prescription drug monitoring program ("PDMP") report, and transmitting records to a peer review organization to conduct a peer review.

7. On or about January 16, 2019, the Board received the peer review reports regarding the Respondent's care and treatment of Patients 1-10. The peer reviewers concurred that the Respondent failed to meet the standard of quality medical care in eight patient records (Patients 1, 3, 4, 5, 6, 7, 8 and 10) reviewed for reasons in whole or in part as follows:

- a. The Respondent failed to provide physical exam findings sufficient to form an objective diagnosis supporting opioid prescription (Patients 1, 3, 4, 5, 6, 7, 10);
- b. The Respondent prescribed opioids concomitantly with benzodiazepines or sedatives without adequate justification (Patients 1, 3, 4, 5, 6, 10);

- c. The Respondent conducted inadequate patient surveillance with opioid therapy, such as performing urine toxicology screening (Patients 1, 3, 4, 5, 6, 7, 8, 10);
- d. The Respondent failed to obtain an executed opioid treatment contract prior to prescribing opioids (Patients 1, 3, 5, 8, 10);
- e. The Respondent ignored red flags signaling possible abuse or diversion (Patients 3, 4, 10);
- f. The Respondent failed to refer the Patient to a mental health professional and/or pain management specialist (Patients 1, 6, 7);
- g. The Respondent failed to consider prescribing extended release opioids (Patients 1, 4);
- h. The Respondent refilled medications early and/or irregularly (Patients 4, 5, 6, 7, 10); and
- i. The Respondent failed to ensure that prescription fills correlated with office encounters (Patient 4).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that the Respondent failed 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, in violation of Health Occ. § 14-404(a)(22).

ORDER

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

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

ORDERED that the Respondent is placed on probation for a minimum period of **EIGHTEEN MONTHS.**² During probation, the Respondent shall comply with the following terms and conditions of probation:

- (1) The Respondent is prohibited from prescribing or dispensing the following categories of opioids under Criminal Law §5-401 *et seq.*: Schedule II and Schedule III;
- (2) In emergency cases, the Respondent may issue no more than one prescription for a Schedule II or Schedule III opioid listed above for each patient per year, but the prescription may not exceed the lowest effective dose and quantity needed for a duration of **FIVE (5) DAYS**. The prescription may not be refilled, nor may it be renewed. The Respondent shall notify the Board within 24 hours of any prescription written under the authority of this paragraph;
- (3) The Respondent agrees that the CDS Registration issued by the Office of Controlled Substances Administration will be restricted to the same categories of opioids as limited by this Consent Order;
- (4) The Respondent is prohibited from certifying patients for the medical use of cannabis;
- (5) The disciplinary panel may issue administrative subpoenas to the Maryland Prescription Drug Monitoring Program on a quarterly basis for the Respondent's Controlled Dangerous Substances ("CDS") prescriptions. The

² If the Respondent's license expires during the period of probation, the probation and any conditions will be tolled.

administrative subpoenas will request the Respondent's CDS prescriptions from the beginning of each quarter;

(6) Within **SIX (6) MONTHS** of the effective date of this Consent Order, the Respondent is required to take a course in the appropriate prescribing of opioid medications. The following terms apply:

- (a) It is the Respondent's responsibility to locate, enroll in and obtain the disciplinary panel's approval of the course before the course is begun;
- (b) The disciplinary panel will not accept a course taken over the internet;
- (c) The Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the course;
- (d) The course may not be used to fulfill the continuing medical education credits required for license renewal; and
- (e) The Respondent is responsible for the cost of the course; and it is further

ORDERED that a violation of probation constitutes a violation of the Consent Order; and it is further

ORDERED that the Respondent shall not apply for early termination of probation; and it is further

ORDERED that, after the Respondent has complied with all terms and conditions of probation and the minimum period of probation imposed by the Consent Order has passed, the Respondent may submit to the Board a written petition for termination of probation. After consideration of the petition, the probation may be terminated through an

order of the disciplinary panel. The Respondent may be required to appear before the disciplinary panel to discuss his petition for termination. The disciplinary panel may grant the petition to terminate the probation, through an order of the disciplinary panel, if the Respondent has complied with all probationary terms and conditions and there are no pending complaints relating to the charges; and it is further

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

ORDERED that after the appropriate hearing, if the disciplinary panel determines that the Respondent has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend with appropriate terms and conditions, or revoke the Respondent's license to practice medicine in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine on 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 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 this Consent Order is a public document. *See* Md. Code Ann., Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

Signature on File

03/24/2020
Date

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

CONSENT

I, Sujoy G. Tagore, M.D., 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.

Signature on File

3/19/2020
Date

Sujoy G. Tagore, M.D.

NOTARY

STATE OF Maryland

CITY / COUNTY OF Rockville / Montgomery

I HEREBY CERTIFY that on this 19 day of March 2020, before me, a Notary Public of the foregoing State and City/County, personally appeared Sujoy G. Tagore, 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.

Louis S. Bikananda
Notary Public

My Commission expires: 12-03-2023

LOUIS S. BIKANDA
Notary Public
Montgomery County
Maryland
My Commission Expires Dec. 03, 2023