

IN THE MATTER OF
SAMUEL RAJARATNAM, M.D.

Respondent

License Number: D76564

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case Number: 7718-0040A

* * * * *

ORDER AFTER SHOW CAUSE HEARING

On October 10, 2017, Samuel Rajaratnam, M.D., entered into a Consent Order with Disciplinary Panel A of the Maryland State Board of Physicians (“Panel A”) that suspended his license and required him to enroll in the Maryland Professional Rehabilitation Program (“MPRP”) and fully and timely cooperate and comply with all of MPRP’s referrals, rules and requirements. Dr. Rajaratnam enrolled in MPRP on October 27, 2017, but then rescinded his consent and failed to meet with the psychiatrist he was referred to by MPRP. Dr. Rajaratnam thereby failed to comply with the conditions of the Consent Order.

On December 7, 2017, Panel A issued a Violation of Consent Order and Notice to Show Cause why additional sanctions should not be imposed against his license, based on his failure to comply with the conditions of the Consent Order. Dr. Rajaratnam appeared at a Show Cause hearing on January 10, 2018, before Panel A. The State argued that Dr. Rajaratnam’s violation warranted a revocation of his license. Dr. Rajaratnam did not deny that he violated the Consent Order but argued against further sanction.

FINDINGS OF FACT

Dr. Rajaratnam was licensed by the Board on August 1, 2013, and his license states the expiration date of September 30, 2019. Dr. Rajaratnam was trained as a

psychiatrist, but is not board-certified in any specialty. He was employed as a medical director at Facility A from October 2014 through October 2015; at Facility B from August 2015 through February 2017; and at Facility C from January 3, 2017 until September 18, 2017.

On April 26, 2016, the Board received a complaint from two social workers employed by Facility B alleging that Dr. Rajaratnam had recommended that a former patient share her prescription of Seroquel, an antipsychotic medication, with her minor son. The Board opened an investigation. As part of the investigation, the Board obtained a written response from Dr. Rajaratnam and subpoenaed his personnel and medical files. The Board also interviewed Dr. Rajaratnam and several witnesses. Also as part of the investigation, Panel A ordered that Dr. Rajaratnam be evaluated by MPRP. MPRP met with Dr. Rajaratnam and referred him to a psychologist for an evaluation, under Md. Code Ann., Health Occ. § 14-402. The psychologist recommended that Dr. Rajaratnam discontinue the practice of medicine. Following that report, Disciplinary Panel A voted to summarily suspend Dr. Rajaratnam's medical license, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2)(i), concluding that the public health safety, or welfare imperatively required emergency action. Panel A also voted to charge Dr. Rajaratnam under the Maryland Medical Practice Act, Md. Code Ann., Health Occ. II § 14-404(a)(4), as "professionally, physically, or mentally incompetent."

On October 10, 2017, prior to the issuance of the Order of Summary Suspension and disciplinary charges, Dr. Rajaratnam entered into a Consent Order with Panel A, which concluded as a matter of law that the public health, safety or welfare imperatively

required emergency action, pursuant to State Gov't § 10-226(c)(2)(i), and concluded that Dr. Rajaratnam was professionally, physically, or mentally incompetent, in violation of Health Occ. II § 14-404(a)(4).

Under the terms of the Consent Order, Dr. Rajaratnam agreed that his medical license would be suspended and that he would fully and satisfactorily comply with the enumerated conditions, including those regarding his mandatory participation in the MPRP. Condition "1" stated:

1. The Respondent shall enroll in the Maryland Professional Rehabilitation Program ("MPRP"). Within **5 business days**, the Respondent shall contact MPRP to schedule an initial consultation for enrollment. Within **15 business days**, the Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP. The Respondent shall fully and timely cooperate and comply with all of MPRP's referrals, rules, and requirements, including but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered into with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and toxicology screenings as directed by MPRP[.]

The Consent Order further stated:

ORDERED that if the Respondent allegedly fails to comply with any terms or conditions of this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board or Panel A; and it is further

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

By signing the Consent Order, Dr. Rajaratnam agreed to each of these conditions.

On October 27, 2017, pursuant to the terms of the Consent Order, Dr. Rajaratnam enrolled in MPRP. On November 8, 2017, Dr. Rajaratnam sent an email to MPRP staff stating "i [sic] hereby revoke any consents made under duress." MPRP reported this to the Board as a "critical event." On November 13, 2017, Dr. Rajaratnam contacted Board staff, stating that he "do[es] not want to continue with renewal of [his] Maryland Medical License." On or around November 14, 2017, Dr. Rajaratnam was instructed to schedule an appointment with Dr. A, a psychiatrist. On November 16, 2017, Dr. A contacted MPRP and informed MPRP staff that Dr. Rajaratnam stated that he only wanted to meet with Dr. A to discuss professional issues and not personal matters. Dr. A explained to Dr. Rajaratnam that a psychiatric evaluation could not be restricted in that way. Dr. Rajaratnam did not schedule an appointment with Dr. A and did not meet Dr. A. On November 17, 2017, MPRP closed Dr. Rajaratnam's case for cause. MPRP listed the following reasons for his discharge: "1) [Dr. Rajaratnam's] refusal to grant consent to correspond with treatment providers; 2) [his] lack of timely responses; 3) dictating the terms of [his] psychiatric evaluation; and 4) continuing to view our clinical case management process in a legal manner (for example, insisting on recording our clinical meetings)."

On December 7, 2017, the Attorney General's Office issued a Violation of Consent Order and Notice to Show Cause. On January 10, 2017, Disciplinary Panel A held a Show Cause hearing at which Dr. Rajaratnam and his counsel appeared. At the hearing, Dr. Rajaratnam argued that there were mitigating circumstances and asked that his Consent Order be modified to permit him to continue his rehabilitation in California. He stated that he would agree not to renew his license.

Dr. Rajaratnam did not deny that he revoked his agreement to participate with MPRP, nor does he deny that he failed to schedule an appointment or meet with the psychiatrist as MPRP required for evaluation and treatment. At the Show Cause hearing, Dr. Rajaratnam's counsel stated that "[t]here does not appear to be material dispute of fact in this case" and "[w]e are not contesting a violation."

Instead, Dr. Rajaratnam argued that his violation was because of a temporary medical condition that caused cognitive impairment. He also claimed that he did not schedule the appointment because he could not afford to pay the fee.

The State argued that Dr. Rajaratnam's failure to meet with Dr. A constituted a violation of the Consent Order and that his failure to comply with the terms of the MPRP agreement warranted the revocation of his license. The State also argued that he was discharged from MPRP not because he could not pay the fee, but rather because he rescinded his participation in MPRP that he described as being signed under duress. The State further stated that Dr. Rajaratnam attempted to set limits on the topics for his meeting with Dr. A. Based on concerns of public health and safety, the State argued that revocation or a letter of surrender were the only safe sanctions available to the Panel.

CONCLUSION OF LAW

Dr. Rajaratnam was required under condition "1" of the Consent Order to "fully and timely cooperate and comply with all of MPRP's referrals, rules, and requirements," and to "fully participate and comply with all therapy, treatment, evaluations, and toxicology screenings as directed by MPRP."

Dr. Rajaratnam failed to comply with MPRP's requirements. He rescinded his consent to treatment through MPRP. Dr. Rajaratnam failed to schedule an appointment or meet with Dr. A for a psychiatric evaluation, thereby failing to comply with MPRP's referrals for "therapy, treatment, [and/or] evaluations." Dr. Rajaratnam does not contest that he violated the Consent Order.

Disciplinary Panel A concludes that Dr. Rajaratnam violated condition "1" of the October 10, 2017 Consent Order.

SANCTION

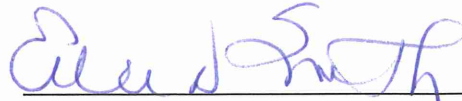
In determining the appropriate sanction for violating the Consent Order, Panel A considers the underlying conduct and the nature of the violation. Prior to entering into the Consent Order, Dr. Rajaratnam was examined by a psychologist, who recommended that Dr. Rajaratnam discontinue the practice of medicine. Panel A did not revoke Dr. Rajaratnam's license at that time, but rather entered into a Consent Order with Dr. Rajaratnam to give him an opportunity to obtain treatment and if he was deemed safe to practice, to lift the suspension. Instead of taking advantage of the opportunity presented by the Consent Order, Dr. Rajaratnam violated the Consent Order's conditions mere weeks after he entered into the agreement. The appropriate sanction for Dr. Rajaratnam's failure to comply with the terms of his Consent Order by not cooperating with the recommendations of MPRP is the revocation of his medical license.

IT IS, thus, by Board Disciplinary Panel A, hereby

ORDERED that Samuel Rajaratnam, M.D.'s license, License Number D76564, to practice medicine in Maryland is **REVOKED**; and it is further

ORDERED that this Order is a public document.

3/1/18
Date


Ellen Douglas Smith, Deputy Director
Maryland State Board of Physicians