

IN THE MATTER OF	*	BEFORE THE
Harbhajan S. Ajrawat, M.D.	*	MARYLAND STATE
Respondent	*	BOARD OF PHYSICIANS
License Number: D28174	*	Case Number: 2016-0397B
* * * * *	*	* * * * *

CONSENT ORDER

On July 25, 2016, Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") charged Harbhajan S. Ajrawat, M.D., (the "Respondent"), License Number D28174, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. II ("Health Occ. II") §§ 14-404 *et seq.* (2014 Repl. Vol. & Cum Supp.).

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

- (a) 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; and

...

- (28) Fails to comply with the provisions of § 12-102 of this article[.]

The pertinent provisions under Health Occ. II § 12-102 as they relate to Health Occ. II § 14-404 (a)(28) provide the following:

- (c) *Preparing of prescriptions by licensed dentist, veterinarian, physician, etc.; exception*

...

- (2) This title does not prohibit:

...

- (ii) A licensed . . . physician . . . from personally preparing and dispensing the . . . physician's . . . prescriptions when:

...

- (1) The . . . physician . . . :

...

- (C) Has received a written permit from that board to dispense prescription drugs or devices except that a written permit is not required in order to dispense starter doses or samples without charge; and

...

- (m) A . . . physician . . . who fails to comply with the provisions of this section governing the dispensing of prescription drugs or devices shall:

- (1) Have the dispensing permit revoked; and
(2) Be subject to disciplinary actions by the appropriate licensing board.

On August 24, 2016, Disciplinary Panel B was convened as a Disciplinary Committee for Case Resolution ("DCCR") in this matter. Based on negotiations occurring as a result of this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

I. FINDINGS OF FACT

Panel B finds:

Background

1. At all times relevant hereto, Respondent was and is licensed to practice medicine in the State of Maryland. Respondent was originally licensed to practice medicine in Maryland on August 3, 1982. Respondent last renewed his license on or about July 17, 2014. Respondent's license will expire on September 30, 2016.

2. Respondent is board-certified in urology.

3. Respondent is the chairman, CEO, and partner of a large urology practice ("Practice A").¹ Practice A maintains offices in Prince Georges County, Anne Arundel County, and Montgomery County, Maryland, as well as in the District of Columbia.

4. Respondent holds hospital privileges at four hospitals throughout Maryland.

Complaint

5. On November 25, 2015, the Board received a notification from its Licensure Unit that Respondent may have dispensed prescription drugs without a valid permit (the "Dispensing Permit"). Based on this complaint, the Board initiated an investigation.

Investigative Findings

6. On February 23, 1995, the Board issued Respondent a Dispensing Permit. Respondent dispenses drugs to patients "for erectile dysfunction and prostate cancer," including prostaglandin-E, Trimix, and Bi-Mix. Respondent's Dispensing

¹ Specific names of institutions are not disclosed in this document. Respondent is aware of the identity of the institutions referenced in this document.

Permit was scheduled to expire on December 10, 2014.

7. On December 10, 2014, Respondent's Dispensing Permit expired.

8. On November 4, 2015, the Board received Respondent's Application for Physician's Permit to Dispense Prescription Drugs (the "Application").

9. On November 30, 2015, the Board requested that Respondent provide a written response indicating why he had failed to renew his Dispensing Permit prior to the Dispensing Permit's December 10, 2014 expiration date. The Board also issued a subpoena *duces tecum* to Respondent requesting Respondent's medication log (the "Medication Log") "kept in the normal course of business for all medications dispensed to patients from December 11, 2014 to present."

10. On or about December 3, 2015, the Credentialing Coordinator at Practice A stated in a letter to the Board that "[i]t was discovered in August 2015 that [Respondent's] Dispensing [Permit] had expired December 2014."

11. On December 10, 2015, Respondent, in his written response to the Board, acknowledged that he allowed his Dispensing Permit to expire on December 10, 2014. Respondent also provided a copy of his Medication Log to the Board detailing any prescriptions dispensed to Respondent's patients during the time period in which Respondent's Dispensing Permit was expired. In total, Respondent dispensed prescriptions to eleven (11) different patients on seventeen (17) occasions between December 12, 2014 and December 3, 2015, after Respondent's Dispensing Permit had expired.²

² The Respondent continued to dispense medications that were not starter doses or samples after he had reportedly discovered his Dispensing Permit had expired.

12. On or about December, 2015, the Board reissued Respondent's Dispensing Permit, which is scheduled to expire on December 9, 2019.

II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel B concludes as a matter of law that Respondent violated Health Occ. II § 12-102, in violation of Health Occ. II § 14-404(a)(28), by failing to obtain a permit from the Board to dispense prescription medications, in violation of Health Occ. II § 12-102(c)(2)(ii)1.C. The charge of unprofessional conduct, Health Occ. II § 14-404(a)(3)(ii) is dismissed.

III. ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by Panel B, hereby:

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

ORDERED that within **FIFTEEN (15) DAYS**, Respondent shall pay a civil fine in the amount of **TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00)**, by certified check or money order, payable to the "Maryland Board of Physicians," P.O. Box 37217, Baltimore, Maryland 21297, to be deposited into the General Fund; and it is further

ORDERED that 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 it is further

ORDERED that the Consent Order is a public document pursuant to Md. Code

Ann., Gen. Prov. §§ 4-101 *et seq.* (2014).

9/21/2016
Date

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

CONSENT

I, Harbhajan S. Ajrawat, M.D., License No. D28174, by affixing my signature hereto, acknowledge that:

I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the sole purpose of resolving the issues raised by the Board, 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 law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board 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 the Board that I might have filed after any such hearing.

I sign this Consent Order after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of the Consent Order.

Date 9/8/2016

Harbhajan S. Ajrawat
Harbhajan S. Ajrawat, M.D.
Respondent

STATE OF MARYLAND

CITY/COUNTY OF:

I HEREBY CERTIFY that on this 8 day of September, 2016, before me, a Notary Public of the State and County aforesaid, personally appeared Harbhajan S. Ajrawat, M.D., and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.
Aisha Faqi
Notary Public

My commission expires:

