

IN THE MATTER OF * BEFORE THE STATE BOARD OF
V.K. SURESH RAJAN, M.D., * PHYSICIAN QUALITY ASSURANCE
Respondent * CASE NUMBER: ⁹¹92-0128

LICENSE NUMBER D23312 *

CONSENT ORDER
BACKGROUND

Based on information received by the State Board of Physician Quality Assurance (the "Board"), the Board charged V. K. Suresh Rajan, M.D. (the "Respondent") (D.O.B. 10/31/51), License Number D23312, under the Maryland Medical Practice Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") § 14-404 (1991 Repl. Volume) on March 3, 1992.

The pertinent provisions of the Act under H.O. § 14-404 provide the following:

- (a) Subject to the hearing provisions of § 14-405 of this subtitle, the Board, on the affirmative vote of a majority of its full authorized membership, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:
 - (3) Is guilty of immoral . . . conduct in the practice of medicine;
 - (4) Is professionally, physically, or mentally incompetent;
 - (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; or
 - (28) Sells, prescribes, gives away, or administers drugs for illegal or illegitimate medical purposes.

Respondent was notified of these charges on March 4, 1992 through service on his attorney, Natasha Wesker, Esquire. A committee of the Board convened an initial Case Resolution

Conference on April 15, 1992. The Case Resolution Conference failed to produce an agreement which would resolve the outstanding charges against Respondent. A hearing was scheduled for July 6, 1992.

On July 2, following further negotiations between the State and the Respondent, Respondent signed a letter of agreement indicating his intent to surrender his license to practice medicine in Maryland as early as July 30, 1992, but no later than September 1, 1992. In addition, Respondent agreed to appear at a Case Resolution Conference on July 8, 1992 to sign a Consent Order resolving the outstanding charges against him.

On July 8, 1992, a Case Resolution Conference¹ was held. The Case Resolution Conference recommended to the Board that this case be resolved by entering into a Consent Order. The Board, at its meeting on July 22, 1992, considered the Case Resolution Conference's recommendation and voted to accept the Consent Order. Respondent's license to practice medicine was subsequently surrendered on August 22, 1992.

On March 10, 1993, a Case Resolution Conference was held to consider Respondent's Petition for Stay of Suspension. The members of the Board present at that Case Resolution Conference determined that Respondent had technically complied with the provisions of the

¹Chief Case Resolution Officer John F. Strahan, M.D.; J. Andrew Sumner, M.D.; Peter E. Dans, M.D.; Frank Gunther, Jr.; C. Frederick Ryland, Counsel to the Board; Debra G. Woodruff, Assistant Attorney General and Administrative Prosecutor; Sylvia J. Anderson, Paralegal; V.K. Suresh Rajan, M.D.; and Natasha S. Wesker, Esquire Counsel for Dr. Rajan, were present.

Consent Order but recommended that he continue in psychotherapy for a minimum of three months at which time Respondent could re-petition the Board for a stay of the suspension of his medical license.

On October 13, 1993, a Case Resolution Conference was held to reconsider Respondent's Petition for Stay of Suspension. Through Respondent's counsel, a detailed proposal was submitted to the Board members present at the Case Resolution Conference, regarding Respondent's proposed practice setting. The Case Resolution Conference recommended to the Board that Respondent's Petition for Stay of Suspension be granted and that a new Consent Order be entered into by the Board and Respondent. The Board, at its meeting on November 17, 1993, considered the Case Resolution Conference's recommendation and voted to grant Respondent's Petition for Stay of Suspension and accept the Consent Order.

FINDINGS OF FACTS

1. Prior to August 22, 1992, the Respondent was licensed to practice medicine in the State of Maryland.
2. Prior to August 22, 1992, Respondent was a psychiatrist practicing at the Thomas B. Finan Center in Cumberland, Maryland where he was the Clinical Director of Cottage II. In addition, Respondent maintained a private practice at 925 Bishop Walsh Road in Cumberland, Maryland and worked one day a week as a staff psychiatrist at the Bedford MAH/MR Clinic in Bedford, Pennsylvania.
3. Respondent voluntarily surrendered his license to practice medicine in West Virginia and New York. He has a current,

active license in the State of Pennsylvania, but has ceased his practice in Pennsylvania since August 22, 1992.

4. Respondent resigned his hospital privileges at the following institutions:

1. Sacred Heart Hospital, Cumberland, Maryland (active privileges)
2. Cumberland Memorial Hospital, Cumberland, Maryland (consulting privileges)
3. Frostburg Hospital, Frostburg, Maryland (consulting privileges)
4. Potomac Valley Hospital, Keyser, West Virginia (consulting privileges)
5. Meyersdale Hospital, Meyersdale, Pennsylvania (consulting privileges)
6. Memorial Hospital of Bedford County, Everett, Pennsylvania (consulting privileges)
7. Frostburg Village Nursing Home, Frostburg, Maryland (consulting privileges)
8. Cumberland Nursing Home, Cumberland, Maryland (consulting privileges)
9. Moran Manor Nursing Home, Cumberland, Maryland (consulting privileges)
10. Heartland Nursing Home, Keyser, West Virginia (consulting privileges)
11. Bedford MH/MR Clinic, R.D. 1, Bedford, Pennsylvania (Staff Psychiatrist)
12. The Finan Center, Cumberland, Maryland (active privileges)

Pursuant to this Consent Order, Respondent has reapplied for privileges at all of the aforementioned institutions and is currently waiting for the credentialing processes to be completed.

5. Pursuant to the Consent Order executed on July 22, 1992, Respondent complied with the following conditions:

- a. He surrendered his license to practice medicine on August 22, 1992 and forwarded to the Board all documents pertaining to that license including:
 - (1) Original wall-size license;
 - (2) 1991 renewal registration card;
 - (3) 1991 wallet-size license;
 - (4) Controlled dangerous substance registration;
 - (5) Drug enforcement administration registration;
- b. As required, Respondent underwent a pre-treatment psychiatric evaluation performed by a board-approved psychiatrist and paid for all costs associated with that evaluation within thirty (30) days. That evaluation was performed by Dr. William C. Wimmer as documented by his report dated September 23, 1992.
- c. As required, Respondent underwent a pre-treatment psychological evaluation performed by a board-approved psychologist and paid for all costs associated with that evaluation within thirty (30) days. That evaluation was performed by Dr. Lawrence Donner as documented in his report dated February 24, 1993.
- d. The July 22, 1992 Consent Order required Respondent to begin psychotherapy with a board-approved

psychiatrist immediately following the surrender of his medical license. Due to the unavailability of a board-approved psychotherapist within seventy-five miles of Respondent's home (as documented in his counsel's February 17, 1993 letter to Valerie Shanahan) he was unable to begin psychotherapy until February 2, 1993. At that time, he did begin weekly psychotherapy sessions with Dr. Thomas R. Adamski in Morgantown, West Virginia. Respondent has kept all scheduled appointments with Dr. Adamski and has met all of his financial obligations to Chestnut Ridge Hospital where Dr. Adamski practices.

- e. Respondent has satisfied all continuing medical education credits and any and all requirements for licensure set forth in the Maryland Medical Practice Act § 14-307.
- f. Respondent has contacted, through his counsel, the Chairperson of the Maryland Psychiatric Society Peer Review Committee, Anne Lewis, M.D., to obtain approval for a supervising psychiatrist who will be participating in weekly supervision sessions with Respondent, effective immediately upon Respondent's return to the practice of medicine. Dr. Bert Nayfack, M.D., has been selected and approved as Respondent's supervisor and has agreed to serve in that capacity.

6. Subsequent to the initial Case Resolution Conference held on March 3, 1993, three additional complaints were filed against Respondent, with the Board of Physician Quality Assurance, alleging that Respondent performed unnecessary breast, pelvic or rectal examinations. By letter dated August 9, 1993, Respondent, through his counsel, responded to the complaint and denied that any pelvic examinations were performed on these three patients and further indicated that any breast or rectal examinations performed were done in accordance with the policies of the Sacred Heart Hospital, where these patients were seen. It was determined at the Case Resolution Conference on October 13, 1993 that those three complaints as well as the original complaint which gave rise to the July 22, 1992 Consent Order would be resolved through the execution of this Consent Order, allowing Respondent to return to a limited practice of medicine.

CONCLUSION

Based upon the foregoing findings of fact, the Board concludes that the Respondent has complied with all of the following conditions precedent to requesting a stay of the suspension of his medical license:

- a. Respondent has participated in psychotherapy with a board-approved psychiatrist at least one hour each week since February 2, 1993. Respondent has paid all costs of the psychotherapy in accordance with the agreement with his therapist and has attended therapy on a regular basis.

- b. The therapist has submitted monthly reports to the Maryland Psychiatric Society Peer Review Committee indicating that the Respondent has been attending the therapy sessions as ordered; has paid the bills pursuant to the agreement between Respondent and the therapist; and in addition, has made improvement through his participation in therapy.
- c. Respondent has undergone both a pre-treatment psychiatric and psychological evaluation performed by board-approved practitioners and has paid all costs associated with those evaluations.
- d. Respondent has also submitted to follow up psychiatric and psychological evaluations by board-approved practitioners and has paid all costs associated with those follow-up evaluations.
- e. Neither the follow-up psychiatric evaluation nor the follow-up psychological evaluation indicate that Respondent is mentally unfit to return to the practice of medicine. To the contrary, both evaluations advocate Respondent's return to a limited practice setting.
- f. Respondent has satisfied all continuing medical education credits and any and all other requirements for a licensure set forth in the Maryland Medical Practice Act § 14-307.
- g. Respondent has fulfilled all financial obligations

associated with the July 22, 1992 Consent Order.

- h. Respondent has arranged for a board-approved psychiatrist, Dr. Bert Nayfack, to perform weekly supervision of Respondent's practice.
- i. Respondent has submitted a detailed proposed practice setting outlined in his October 5, 1993 Petition for Stay of Suspension.

The Board, pursuant to its authority under Md. Health Occ. Code Ann., § 14-406, dismisses all charges brought against Respondent under Md. Health Code Ann. § 14-404(a)(4). In addition, the Board, by entering into this Consent Order, agrees that the three complaints filed against Respondent subsequent to the initial Case Resolution Conference, will not become the subject of a charging document at some future date and are being resolved through the execution of this Consent Order.

ORDER

Based upon the foregoing Findings of Fact and Conclusion, it is this 17 day of November, 1993, by an affirmative vote of the majority of the full authorized membership of those members of the Board of Physician Quality Assurance of Maryland, who considered this case, hereby **ORDERED** that Respondent's license to practice medicine in the State of Maryland is reinstated effective November 17, 1993; and it is further

ORDERED that effective November 17, 1993, Respondent shall participate in psychotherapy with a board-approved psychiatrist (the "therapist") every other week until the therapist requests,

in writing, that the frequency of psychotherapy sessions be modified. Any modification to the therapy schedule must be approved by the Board.

1. Respondent shall pay all costs of the psychotherapy in accordance with the agreement for payment that Respondent has made with the therapist. In the event that Dr. Thomas Adamski is unable to continue serving as the therapist for Respondent, Respondent shall obtain the approval of the Chairman of the Maryland Psychiatric Society Peer Review Committee prior to entering into a patient-therapist relationship with another therapist.
2. The therapist shall continue to submit the monthly reports to the Maryland Psychiatric Society Peer Review Committee, 1101 St. Paul Street, Baltimore, Maryland 21202, indicating that Respondent:
 - a) is attending the therapy sessions as ordered (dates of sessions to be included);
 - b) has requested written permission to miss a session (date of session to be included);
 - c) is paying his bills pursuant to the agreement between Respondent and the therapist.
3. The Maryland Psychiatric Society Peer Review Committee shall immediately notify the Board in the event that the therapist fails to submit monthly reports as required; the therapist reports that Respondent failed to attend therapy sessions as ordered; the therapist reports that Respondent failed to obtain written permission to miss

a session; or that Respondent is not fulfilling his financial obligations pursuant to the agreement described in paragraph 1 above.

4. If, during the period of time in which this Consent Order is in effect, Respondent is unable to attend a scheduled appointment with the therapist due to personal reasons, Respondent shall obtain written permission of the therapist or his designee as approved by the Board to be excused from the appointment. Permission must be obtained in writing, in advance, of the time of the scheduled appointment for each missed appointment. Within twenty-four hours of the receipt of the written permission, Respondent shall send a copy of the written permission, certified mail, RETURN RECEIPT REQUESTED, to the Board, ATTN: COMPLIANCE DIVISION. Such written permission will be granted for a leave of absence from scheduled therapy sessions, for a period not to exceed thirty days per year.
5. Respondent has previously signed a Release dated July 8, 1992 which is attached as an exhibit to the prior consent order dated July 22, 1992. Such Release authorizes the Maryland Psychiatric Society Peer Review Committee to send copies of the therapist's reports to the Board. That Release will continue to be in effect and will serve to release the Maryland Psychiatric Society Peer Review Committee from any liability for forwarding copies of the

therapist's reports to the Board.

ORDERED that Respondent shall be allowed to return to a limited practice setting at the following institutions under the supervision of Dr. Bert Nayfack:

- a. The Sacred Heart Hospital - a private general hospital with a thirty-bed short-term inpatient psychiatric unit where Respondent will be allowed to work on this inpatient unit along with other psychiatrists and will provide consultation for inpatients on a medical/surgical floor, upon request.
- b. Cumberland Memorial Hospital - a city-owned general hospital where Respondent will provide psychiatric consultations on medical/surgical inpatients, upon request.
- c. Frostburg Hospital - a community hospital where Respondent will provide psychiatric consultations on medical/surgical inpatients, upon request.

ORDERED that Respondent limit his practice to institutional inpatient settings set up on a multi-disciplinary model whereby the psychiatrist works alongside other mental health professionals in a team approach. Respondent would primarily be involved with medication monitoring, evaluations in the presence of other team members and coordination of treatment efforts with the remainder of the team.

ORDERED that Respondent refrain from performing pelvic, rectal or breast examinations during the physical exam, required by each

of the above-named institutions. Respondent shall perform the minimal physical examination required of the admitting physician as set forth in each of the above-named institution's rules, regulations and/or policies.

ORDERED that six (6) months from the effective date of the reinstatement of Respondent's license, Respondent may submit a written petition to the Board requesting the Board's approval of Respondent's return to a limited private practice at 925 Bishop Walsh Road in Cumberland, Maryland provided that Respondent has complied with all of the following conditions precedent:

1. Respondent has attended therapy sessions with Dr. Thomas Adamski or another board-approved psychiatrist, every two weeks, and has fulfilled his financial obligations to the therapist.
2. Respondent has satisfied all continuing medical education credits and any and all other requirements for licensure set forth in the Maryland Medical Practice Act, § 14-307.
3. Respondent has met with Dr. Bert Nayfack on a weekly basis for the purpose of review and supervision of Respondent's practice.
4. Respondent has conducted his medical practice in a fully competent and adequate manner, and has met the appropriate standard of care for the delivery of quality medical care performed in an inpatient institutional facility.
5. Respondent has conducted his medical practice in

accordance with all federal, state and local laws and regulations governing the practice of medicine.

ORDERED that Respondent is placed on probation for a period of three years from November 17, 1993 subject to the following terms and conditions:

1. Respondent's practice will be supervised by Dr. Bert Nayfack or another board-approved psychiatrist and shall be limited to the treatment of psychiatric patients in an institutional inpatient setting for at least six months.
2. Dr. Bert Nayfack or another board-approved psychiatrist shall meet with Respondent individually for weekly supervisory sessions for at least one (1) year following Respondent's return to practice. This supervisor will determine how much time each week is needed to review Respondent's practice but Respondent shall meet with the supervising psychiatrist at least one (1) hour per week at Respondent's expense.
3. The supervisor will make quarterly written reports regarding Respondent's practice of psychiatry to the Board, ATTN: Valerie Shanahan, Compliance Division, Board of Physician Quality Assurance, 4201 Patterson Avenue, Baltimore, Maryland 21215-0005.
4. In the event that the supervisor believes that Respondent is a danger to his patients, or himself, or is not competent to practice psychiatry or is in violation of

this Consent Order, the supervisor will immediately notify the Board and Respondent.

5. In the quarterly reports, the supervisor will discuss whether weekly supervisory sessions should be continued and whether Respondent is fulfilling his financial obligations of supervision as discussed in the next paragraph. The Board must ratify the supervisor's recommendations before any change in the frequency of supervisory sessions shall become effective.
6. Respondent shall pay all costs associated with the weekly supervisory sessions and the quarterly reports. The supervisor will submit a bill to Respondent pursuant to an agreement made by Respondent and the supervisor. If Respondent fails to fulfill his financial obligations pursuant to the agreement, the supervisor shall notify the Board and Respondent. Any failure to pay these bills shall result in a violation of this Consent Order.

ORDERED that, if the Board approves Respondent's return to a limited private practice, Respondent will be subject to a peer review of his practice by the Maryland Psychiatric Society Peer Review Committee at the expiration of the first six (6) month period of treating private outpatients. All administrative costs of this peer review are to be borne by the Respondent. The Maryland Psychiatric Peer Review Committee retains the authority to select individual members of the Committee to perform the peer review. Respondent understands that any of the peer reviewers who

participated in earlier peer reviews of Respondent's practice may be asked to participate in the subsequent peer reviews provided for in this Consent Order. Respondent must cooperate with the Committee members to facilitate completion of the peer review and report in a timely manner. The Committee shall make every effort to complete the report within forty-five (45) days of the meeting with Respondent or the subpoena of Respondent's records, whichever date is sooner. Respondent will receive a copy of the report and must follow any recommendations made by the Maryland Psychiatric Society Peer Review Committee and endorsed by the Board.

ORDERED that, during the three (3) year period of probation, Respondent is required to comply with the following conditions:

1. At the conclusion of the first, second and third years of practice, the Maryland Psychiatric Society Peer Review Committee will conduct annual peer reviews of Respondent's practice. Respondent must cooperate with whatever the Committee requests Respondent to do in order to facilitate the review and completion of the annual peer review reports in a timely manner. The Committee will make every effort to complete the report within forty-five (45) days of the meeting with Respondent or the subpoena of Respondent's records whichever date is sooner. Respondent will receive a copy of each report and must follow any recommendations made by the Committee and endorsed by the Board.

2. If, at any time, the Maryland Psychiatric Society Peer Review Committee Report indicates that Respondent is practicing below the standard of care, the stay of suspension may be vacated and the suspension reinstated. In addition, after notice of an opportunity for a hearing, the Board may impose any additional disciplinary sanctions that seems appropriate.
3. For the duration of the probationary period, Respondent's practice will continue to be supervised by a board-approved psychiatrist. The supervisory sessions shall be conducted at least one hour each week until the supervisor notifies the Maryland Psychiatric Society Peer Review Committee and/or the Board in writing, that Respondent shall be allowed to practice with either lesser supervisory sessions or no supervision at all.
4. For purposes of this Consent Order, the supervisor shall be treated as a member of the Maryland Psychiatric Society Peer Review Committee and shall be immune from civil liability in accordance with Health Occ. Art. § 14-501 when performing the functions of a Medical Review Committee.
5. Respondent shall be responsible for all costs for the supervision, psychotherapy and administrative costs of the peer review during this probationary

period.

ORDERED that if Respondent violates any of the foregoing terms, the stay of suspension may be lifted and the Board, after notification, and a hearing, and a determination of violation, may impose any additional disciplinary sanctions that seems appropriate and be it further

ORDERED that if Respondent presents a danger to the public health, safety, or welfare, the Board WITHOUT PRIOR NOTICE AND AN OPPORTUNITY FOR A HEARING MAY VACATE THE STAY OF SUSPENSION AND REINSTATE THE SUSPENSION, provided that Respondent is given immediate notice of the Board's action and an opportunity for a Hearing within thirty (30) days after Respondent requests the hearing; and be it further

ORDERED that, three (3) years after the date that the Board stays the suspension, Respondent may petition the Board for termination of probation and reinstatement of his license without any conditions or restrictions Respondent shall outline his compliance with all conditions of this Consent Order. Prior to submitting a petition for reinstatement without conditions or restrictions, Respondent shall be evaluated by a psychiatrist selected by the Board, upon request of the Board. Respondent shall be required to pay for this psychiatric evaluation. Assuming that Respondent has complied with the conditions of this Order, the Board shall not arbitrarily deny Respondent's petition for termination of probation and reinstatement of his license without any conditions or restrictions; and be it further

ORDERED that this Consent Order is considered a public document pursuant to Md. State Gov.'t Code Ann. § 10-611, et. seq. (1984).

11/17/93

Date

Israel H. Weiner

Israel H. Weiner, M.D., Chair
Maryland State Board of Physician
Quality Assurance

CONSENT

By signing his Consent, I hereby accept and agree to be bound by the foregoing Consent Order and its conditions and restrictions consisting of 20 pages.

1. I acknowledge the validity of this Order as if made after a hearing in which I would have 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.

2. I also recognize that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing. By this Consent I waive all such rights.

3. I further understand that if I fail to comply with any of the conditions of probation enumerated above, I may suffer disciplinary action against my license to practice medicine in the State of Maryland.

4. I understand that if I present a danger to the public health, safety or welfare, the Board may, **WITHOUT NOTICE PRIOR TO**

AN OPPORTUNITY TO BE HEARD, vacate the stay of suspension, reinstate the suspension and reinstitute formal proceedings against my license to practice medicine in Maryland.

5. I have had an opportunity to review this Order, with an attorney. I voluntarily sign this Order understanding its meaning and effect.

Nov. 17, 1993
Date

V.K. Suresh Rajan M.D.
V.K. Suresh Rajan, M.D.

Natasha S. Wesker
Natasha S. Wesker, Esquire
Counsel to V.K. Suresh Rajan, M.D.

STATE OF Maryland
CITY/COUNTY OF Howard

I HEREBY CERTIFY this 17th day of November, 1993, before me, a Notary Public of the State and City/County aforesaid, personally appeared V.K. Suresh Rajan, M.D., and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

J. Michael Compton
Notary Public

My Commission Expires:

4/17/97

a:rajan.com