

IN THE MATTER OF * BEFORE THE STATE BOARD OF
V.K. SURESH RAJAN, M.D., * PHYSICIAN QUALITY ASSURANCE
Respondent * CASE NUMBER: 91-0128
LICENSE NUMBER D23312 *

MODIFIED 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, 1992 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

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.

provisions of the 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. On that same date, Dr. Israel Weiner on behalf of the Board and Dr. Suresh Rajan, on his own behalf, executed the Consent Order.

On April 18, 1994, Respondent filed a Petition for Modification of the Consent Order which was considered at the Board meeting on Wednesday, May 25, 1994. The Board voted to grant Respondent's Petition for Modification of the Consent Order and accept this Modified Consent Order incorporating the modifications set forth in Respondent's Petition.

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)

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 the November 17, 1993 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 2 day of June, 1994, 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 the prior Consent Order executed by the parties on November 17, 1993 be modified to incorporate the changes set forth in Respondent's Petition for Modification of the Consent Order; and it is further

ORDERED that effective May 31, 1994, Respondent shall no longer be required to participate in psychotherapy with the board-approved psychiatrist. By letter dated April 26, 1994, Dr. Thomas Adamski recommended termination of the psychotherapy sessions based upon his continued treatment of Respondent for the past fifteen months. By letter dated March 21, 1994, Dr. Adamski advised the Board that "Dr. Rajan has not made excuses or rationalized his actions. He has been forthright in the consequences of his behavior especially those on his former patient. He has engaged in a therapeutic relationship to explore not only the antecedents behind his actions but also to recognize warning signs for the future." In addition, Dr. Adamski noted that the Respondent has kept every appointment scheduled, travelling seventy-five minutes each way to attend such appointments; and it is further

ORDERED that effective May 31, 1994, Respondent be allowed to return to a private practice limited to medication monitoring for a period of six (6) months at which time his practice will be peer reviewed by a subcommittee of the Maryland Psychiatric Society. The private practice will be maintained at 925 Bishop Walsh Road in Cumberland, Maryland. If Respondent's private practice is in compliance with all federal, state and local laws

as well as the Maryland Medical Practice Act, Respondent shall be allowed to continue in a limited private practice setting.

ORDERED that Respondent's private practice shall be subject to a peer review by the Maryland Psychiatric Society Peer Review Committee at the expiration of the first six (6) month period of treating private outpatients. In addition, at the conclusion of the first, second and third years of practice, the MPS PRC will conduct annual peer reviews of Respondent's practice. All administrative costs of this peer review are to be borne by the Respondent. The Maryland Psychiatric Society Peer Review Committee retains the discretion to select individual members of the Committee to perform the Peer Review. Respondent understands that any of the peer reviewers who have participated in earlier peer reviews of Respondent's practice may be asked to participate in the subsequent peer reviews required by 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. The Committee shall make every effort to begin the peer review no later than December 1, 1994. Respondent will receive a copy of the report and must follow any recommendations made by the Maryland Psychiatric Society Peer Review Committee which are endorsed by the Board.

ORDERED that Respondent's institutional practice setting be expanded from the original three institutions: (1) The Sacred

Heart Hospital, (2) Cumberland Memorial Hospital, and (3) Frostburg Hospital to include the following institutional settings:

- a. Frostburg Village Nursing Home
- b. Cumberland Nursing Home
- c. Devlin Manor Nursing Home
- d. Lions Manor Nursing Home
- e. Egle Nursing Home
- f. Allegheny County Nursing Home
- g. Allegheny County Detention Center
- h. Veteran's Outpatient Clinic
- i. Allegheny County Mental Health Clinic
- j. Any other institutional inpatient setting set up on a multi-disciplinary model whereby the psychiatrist works alongside other mental health care professionals in a team approach.

ORDERED that the Respondent be primarily 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 examinations required of the admitting physician as set forth in each of the above-named institution's rules, regulations and/or policies.

ORDERED that Respondent's practice be supervised by Dr.

Bert Nayfack or another board-approved psychiatrist and subject to the following terms and conditions:

1. Dr. Bert Nayfack or another board-approved psychiatrist shall meet with Respondent for bi-monthly supervisory sessions for the remainder of the probationary period, subject to any requests for schedule modification suggested by the supervisor. All costs associated with this supervision shall be borne by the Respondent.
2. The supervisor shall 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.
3. If at anytime the supervisor believes that Respondent is a danger to his patients or himself, is not competent to practice psychiatry or is in violation of this Consent Order, the supervisor shall immediately notify the Board and Respondent.
4. In the quarterly reports, the supervisor will discuss whether the schedule for the supervisory sessions should be continued as is or modified and whether Respondent is fulfilling his financial obligations of supervision as discussed in the next paragraph. The Board must ratify

recommendations the supervisor makes before any change in the frequency of supervisory sessions shall become effective.

5. Respondent shall pay all costs associated with the 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.
6. For the 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.

ORDERED that during the period of probation, Respondent satisfy all continuing education credits and any and all other requirements for licensure set forth in the Maryland Medical Practice Act, § 14-307.

ORDERED that Respondent conduct his medical practice in a fully competent and adequate manner and meet the appropriate standard of care for the delivery of quality medical care

performed in an inpatient or outpatient setting.

ORDERED that Respondent conduct his medical practice in accordance with all federal, state and local laws and regulations governing the practice of medicine.

ORDERED that if the Maryland Psychiatric Society Peer Review Committee indicates that Respondent is practicing below the standard of care, the Board may within its discretion vacate the Stay of Suspension and have the suspension reinstated. In addition, after notice of an opportunity for a hearing, the Board may impose any additional disciplinary sanctions that it deems appropriate.

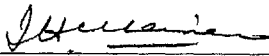
ORDERED that if Respondent presents a danger to the public health, safety or welfare, the Board without prior notice and an opportunity for a hearing may vacate the stay of suspension and reinstate the suspension, provided that Respondent is given immediate notice of the Board's action and an opportunity for a Hearing within thirty (30) days after Respondent requests such a hearing and be it further;

ORDERED that three years after November 17, 1993, 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 set forth in this Consent Order and shall be evaluated by a board-selected psychiatrist prior to submitting a petition for reinstatement. All costs associated with the psychiatric evaluation shall be borne by Respondent. Assuming that Respondent has complied with the conditions of this Consent

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).

6/2/94
Date


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

CONSENT

By signing this Consent, I hereby accept and agree to be bound by the foregoing Consent Order and its conditions and restrictions consisting of 16 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.

JUNE 1, 1994
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 Allegany

I HEREBY CERTIFY this 1st day of June, 1994, 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.

[Signature]
Notary Public

My Commission Expires: 3/1/95

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