

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE
IN THE MATTER OF THE APPLICATION FOR LICENSURE
OF
BHARANIDHARAN PADMANABHAN, M.D.
ORDER DENYING ISSUANCE OF LICENSE

THIS MATTER came on regularly for hearing on July 25, 2019, before the Mississippi State Board of Medical Licensure, in response to the petition of Bharanidharan Padmanabhan, M.D. (hereinafter "Applicant"), seeking issuance of a license to practice medicine in the State of Mississippi.

Applicant was present without counsel. Complaint Counsel for the Board was Honorable Stan T. Ingram. Sitting as legal advisor to the Board was Honorable Raina Anderson, Special Assistant Attorney General. Board members present for all proceedings were Jeanne Ann Rea, M.D., President, William D. McClendon, Jr., M.D., Vice President, Michelle Y. Owens, M.D., Secretary, Charles D. Miles, M.D., Charles "Ken" Lippincott, M.D., Kirk L. Kinard, D.O., Daniel Paul Edney, M.D. and Thomas Edwards Joiner, M.D. Consumer members present were Wesley Breland and Maj. General (Ret.) Erik Hearon.

Evidence and testimony was then presented. Based thereon, the Board finds Applicant's request for license to practice medicine in the State of Mississippi not to be well taken. The Board finds as follows:

1. On or about August 3, 2018, Applicant submitted or caused to be submitted his application for license to practice medicine in the state of Mississippi (Board Exhibit 2).

2. Applicant reported on his licensure application certain adverse information.

Question number seven (7) of the Application for Certificate to Practice Medicine reads as follows:

Has your certificate of qualification or license to practice medicine in any state been suspended, revoked, restricted, conditioned, curtailed, or voluntarily surrendered under threat of suspension or revocation?

Applicant responded "Yes" in answer to this question and provided the following explanation, in part:

THE MASSACHUSETTS BOARD ILLEGALLY SUSPENDED MY LICENSE IN JULY 2017 AS PART OF A 7-YEAR LONG PATTERN OF RACKETEERING. THEY HAD NO JURISDICTION, CAUSE OR PATIENT COMPLAINT. I WAS EXONERATED TWICE, INCLUDING BY THE BOARD'S OWN HEARING OFFICER, WHOSE INITIAL DECISION BECAME FINAL BY LAW IN FEBRUARY 2016. SUSPENDING MY LICENSE IN JULY 2017 WAS UNLAWFUL. MY PATIENTS ARE MY CO-PLAINTIFFS IN COURT.

4. Review of a notification from the National Practitioner Data Bank (hereinafter "NPDB") confirmed the suspension of Applicant's license by the Massachusetts Board of Registration in Medicine ("Massachusetts Board"). Specifically, the action taken by the Massachusetts Board against Applicant on July 10, 2017, was reflected via a written description of the actions taken and the reasons for taking those actions, as follows (Board Exhibit "5"):

At its meeting on May 11, 2017, the Massachusetts Board of Registration in Medicine voted to issue a Final Decision and Order indefinitely suspending Dr. Bharanidharan Padmanabhan's license to practice medicine. The suspension was immediately stayed for 60 days to allow Dr. Padmanabhan to enter into a Board-approved Probation Agreement. As Dr. Padmanabhan had not entered into a Probation Agreement by the conclusion of the 60-day stay, the indefinite suspension of his license commenced effective July 10, 2017. The Board found that Dr. Padmanabhan had rendered substandard care to two patients by misdiagnosing each with multiple sclerosis and treating one patient based on said misdiagnosis. The Board also found that Dr. Padmanabhan maintained substandard medical records for seven patients. The board further found that Dr. Padmanabhan dispensed controlled substances after his Massachusetts Controlled Substance Registration expired on January 6, 2012, and before he renewed it on April 8, 2014.

5. Independent of the above DPDB notification, the Board reviewed substantial documentation from the Massachusetts Board itself, including a July 9, 2014 Statement of Allegations; August 30, 2016 Summary of Amended Recommended Decision by the Administrative Magistrate; January 26, 2017 Partial Final Decision and Order; and May 11, 2017 Final Decision and Order of the Massachusetts Board. (Board Exhibit 4). Such documentation clearly established the basis for the suspension of license by the Massachusetts Board. Furthermore, the documentation established that the Massachusetts Board extended to Applicant an opportunity to avoid suspension and thereby maintain his Massachusetts license by completing certain audit and continuing medical education courses within 60 days of entry of the May 11, 2017 Suspension Order. Notwithstanding, Applicant refused to take those steps to avoid suspension. On July 12, 2017 the Massachusetts Board corresponded with Applicant as follows:

This letter is to inform you that due to your not complying with the Board of Registration in Medicine (Board)'s May 11, 2017 Final Decision and Order in this matter your license has been suspended. Specifically, as you know the May 11, 2017 Final Decision and Order stayed the suspension of your license for sixty (60) days to allow you to enter into a Board-approved Probation Agreement. Pursuant to 801 CMR 1.01(4)(d), a signed Probation Agreement had to be submitted to the Board no later than close of business day on Monday, July 10, 2017. (In my May letter to you, I indicated that it had to be submitted by Monday, July 3, 2017; this was an error.)

In light of your failure to enter into the requisite Probation Agreement, the stay of suspension has been lifted and your license is now suspended. You cannot, in any way, practice medicine, including but not limited to, writing any prescriptions. Accordingly, this Board finds that Applicant could have avoided suspension of his

Massachusetts medical license, but chose not to comply. Applicant now wishes for this Board to dismiss any consideration of the actions taken in Massachusetts, a request not supported by the evidence, whether produced by Board Complaint Counsel or by Applicant.

6. The Order to Show Cause as filed in this matter also charged Applicant with voluntarily resigning or surrendering his medical staff privileges at the Cambridge Health Alliance (Count II) while under investigation or disciplinary action. The Board finds that there is sufficient evidence to show that Applicant effectively surrendered or resigned his medical staff privileges at Cambridge Health Alliance while under an internal investigation inasmuch as both Cambridge and the National Practitioner Data Bank support this conclusion (Board Exhibit 6). However, it is evidently clear that this was not Applicant's intent. Therefore, it is the decision of the Board not to reach a conclusion one way or another as to Count II. The Board's basis for the action it takes herein shall be based solely on its finding of guilt as to Count I alone.

CONCLUSIONS OF LAW

Applicant is guilty of **Count I** of the Affidavit of Jonathan Dalton by virtue of Licensee being guilty of having his license in another state or jurisdiction suspended or other restriction imposed thereon by the licensing authority of that jurisdiction, all in violation of Miss. Code Ann., Section 73-25-29(9). Therefore, there are sufficient grounds upon which to deny licensure in the state of Mississippi.

As to **Count II** of the Affidavit of Jonathan Dalton, no action is taken.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that Applicant's request for a license to practice medicine in the state of Mississippi is denied.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. §73-25-27(1972), a copy of this Order shall be sent by registered mail or personally served on Bharanidharan Padmanabhan, M.D.

ORDERED, this the 25th day of July, 2019.

MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

BY:


JEANNE ANN REA, M.D., PRESIDENT