

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF THE APPLICATION FOR LICENSURE

OF

BHARANIDHARAN PADMANABHAN, M.D.

ORDER TO SHOW CAUSE

TO: **Bharanidharan Padmanabhan, M.D.**
30 Gardner Road #6A
Brookline, MA 02445

YOU ARE HEREBY SUMMONED to appear before the Mississippi State Board of Medical Licensure in its executive conference room, 1867 Crane Ridge Drive, Suite 200B, Hinds County, Jackson, Mississippi on July 25th, 2019, at 10:00 A.M., to show cause why your application for a license to practice medicine in the state of Mississippi should not be denied. The Mississippi State Board of Medical Licensure, charged by law with the licensing of medical doctors in the state, under Title 73, Chapter 25, Miss. Code Ann., as amended, charges that you, an applicant for a license to practice medicine in the state of Mississippi, are guilty of having disciplinary action taken against you by a licensing authority which prevents or restricts practice in that jurisdiction and are guilty of surrendering membership on a medical staff while under disciplinary investigation.

Pursuant to Subsections (9) and (10) of §73-25-29, Miss. Code Ann., as amended, such acts constitute grounds for which the Mississippi State Board of Medical Licensure may deny your application for a Mississippi license to practice medicine, or take any other action in relation to your application as the Board may deem proper under the circumstances.

The Mississippi State Board of Medical Licensure further advises that you have the right to be present at the hearing, to be represented by counsel, to produce witnesses or evidence on your behalf, to cross-examine witnesses and to have subpoenas issued on your behalf by this Board. A full text of the Board's Rules of Procedure can be found at the Board's website www.msbml.ms.gov or can be obtained from the Board office. By service of this Order to Show Cause and attached Rules, you are deemed to be fully advised of the same.

You are further advised that, pursuant to the Board's Rules of Procedure, you must file an answer or response to this Order to Show Cause/Affidavit within fifteen (15) days of the date you receive the same or all matters asserted therein shall be deemed admitted.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 15th day of
June, 2019.

A handwritten signature in blue ink that reads "Ken Cleveland". The signature is written in a cursive style and is positioned above a horizontal line.

Kenneth E. Cleveland, M.D.
Executive Director
Mississippi State Board of Medical Licensure

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

AFFIDAVIT

STATE OF MISSISSIPPI
COUNTY OF HINDS

I, JONATHAN DALTON, Supervisor of the Investigations Division, Mississippi State Board of Medical Licensure, do hereby make oath that I have reason to believe and do believe:

1. That on or about August 3, 2018, Bharanidharan Padmanabhan, M.D., hereinafter referred to as "Applicant," submitted or caused to be submitted his application for license to practice medicine in the state of Mississippi.

2. That Applicant reported on his licensure application certain adverse information. Question number seven (7) of the Application for Certificate To Practice Medicine (hereinafter "the application") 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.

3. That question number eight (8) of the application reads as follows:

Have your staff privileges at any hospital or health care facility been revoked, suspended, curtailed, limited or placed under conditions restricting your practice?

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

CAMBRIDGE HEALTH ALLIANCE SUSPENDED MY PRIVILEGES IN RETALIATION FOR MY DOCUMENTING PATIENT NEGLECT AND MEDICARE/MEDICAID FRAUD. THE CASE AGAINST THEM IS PENDING.

Further questions were answered in the positive on the application indicating malpractice claims tied to the answer given for question eight (8), and indicating his resignation while under an internal investigation by Cambridge Health Alliance, as stated in his response. Applicant also produced several documents, along with further explanation for the answers on his application, all intended to be exculpatory in nature.

4. That review of the National Practitioner Data Bank (hereinafter the "Data Bank") and the Federation of State Medical Boards Physician Data Center confirmed the statements regarding discipline made by the Applicant. Specifically, the action taken by the Massachusetts Board of Registration in Medicine (hereinafter the "Massachusetts Board" or "MA Board") against the Applicant on July 10, 2017, was reflected via a written description of the actions taken and the reasons for taking those actions. That statement reads as follows:

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.

Applicant issued a Subject Statement beneath this description, in response to the above, which reflects the comments and statements made in his submissions explaining his positive answers mentioned heretofore.

5. That, pursuant to the aforementioned Data Bank report, affiant contacted the Massachusetts Board via mail, officially requesting the certified Board Orders regarding the suspension. Those documents were received on April 22, 2019, and confirm the balance of the description provided in the Data Bank report.

COUNT I

Based upon the foregoing, Applicant is guilty of the revocation, suspension or other restriction imposed on a license, permit or certificate issued by a licensing authority of another state or jurisdiction which prevents or restricts practice in that jurisdiction, a certified copy of the disciplinary order or action taken by the other state or jurisdiction being prima facie evidence thereof notwithstanding the pendency of any appeal, all in violation of Miss. Code Ann., §73-25-29(9).

6. That in addition to the foregoing, the Data Bank report also revealed the information provided by Applicant regarding his departure from Cambridge Health Alliance. Cambridge, an academic healthcare system located in Cambridge, MA, filed a report with the Data Bank containing an Adverse Action Classification Code styled,

“VOLUNTARY SURRENDER OF CLINICAL PRIVILEGES, WHILE UNDER, OR TO AVOID, INVESTIGATION RELATING TO PROFESSIONAL COMPETENCE OR CONDUCT.” The description of, and reasons for, actions taken reads as follows:

Dr. Padmanabhan was appointed to the medical staff of Cambridge Health Alliance (CHA) in August 2007. He was the in-house neurologist at CHA's Whidden Hospital campus where he saw both inpatients and outpatients suffering from a variety of neurological complaints. He also held an appointment as an instructor in neurology at Harvard Medical School. Dr. Padmanabhan came to CHA with an extensive background in the treatment and study of multiple sclerosis (MS). In April 2009, Dr. Padmanabhan was reappointed for active staff privileges in the department of Medicine, division of neurology. He was considered to be a caring physician dedicated to his patients. In November 2010, Dr. Padmanabhan had a small number of chronic pain patients in addition to his larger practice of MS patients. At that time, however, the Medical Executive Committee believed Dr. Padmanabhan did not meet CHA's standards of managing chronic pain patients on high doses of opiates and suspended his medical staff privileges. In July 2011, an investigative committee reviewed the medical records of ten former patients of Dr. Padmanabhan, including seven pain patients. The investigative committee found, based on the materials it reviewed, that Dr. Padmanabhan did not meet the standard of practice expected of a CHA physician with respect to documentation; including sufficient medical history, examination, laboratory data, diagnosis, and follow up. Dr. Padmanabhan indicated that he no longer considers himself part of the Cambridge Health Alliance Medical Staff – which Cambridge Health Alliance and his counsel are treating as a resignation/voluntary surrender effective October 28, 2011.

As with the filing by the MA Board, Applicant submitted a formal response to the above description. Subsequently, Applicant requested review of the filing by the Secretary of the U.S. Department of Health and Human Services (hereinafter “HHS”). The decision by HHS indicates, in part:

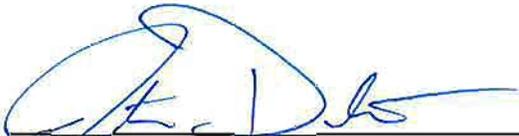
After review of the available information, the Secretary determined that some of the issues raised by the practitioner are beyond the scope of the Secretary's review authority. After review of the remaining issues, the Secretary determined that there is no basis to conclude that the report should not have been filed or that for agency purposes it is not accurate, complete, timely or relevant. Accordingly, the report shall be maintained as submitted by the reporting entity.

COUNT II

Based upon the foregoing, Applicant is guilty of surrendering his membership on any medical staff while under disciplinary investigation by such medical staff for acts or conduct similar to acts or conduct which would constitute grounds for action as defined in Miss. Code Ann., §73-25-29, including but not limited to failure to meet standards of practice, all in violation of Miss. Code Ann., §73-25-29(10).

7. That for the reasons and counts noted above, the undersigned has reason to believe, and does believe, that sufficient grounds exist to deny Applicant's application for a license to practice medicine in the state of Mississippi.

DATED, this the 11th day of June, 2019.



JONATHAN DALTON, CMBI
INVESTIGATIONS SUPERVISOR

SWORN TO AND SUBSCRIBED BEFORE ME, this the 11th day of June, 2019.



NOTARY PUBLIC

FRANCES E CARRILLO
NOTARY PUBLIC
ID No. 034329
Commission Expires
Apr 24, 2021
STATE OF MISSISSIPPI
RANKIN COUNTY