

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)
Against:)
)
)
John Namala Samuel)
Rajaratnam, M.D.)
)
Physician's and Surgeon's)
Certificate No. A 51207)
)
Respondent)
_____)

Case No. 800-2017-037999


DECISION

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on September 24, 2018.

IT IS SO ORDERED September 17, 2018.

MEDICAL BOARD OF CALIFORNIA

By: 
Kimberly Kirchmeyer
Executive Director

XAVIER BECERRA
Attorney General of California
MARY CAIN-SIMON
Supervising Deputy Attorney General
State Bar No. 113083
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3884
Facsimile: (415) 703-5480
Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**JOHN NAMALA SAMUEL
RAJARATNAM, M.D.**

**23509 Ridgeline Road
Diamond Bar, CA 91765**

**Physician's and Surgeon's Certificate No. A
51207**

Respondent.

Case No. 800-2017-037999

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Mary Cain-Simon, Supervising Deputy Attorney General.

2. John Namala Samuel Rajaratnam, M.D. (Respondent) is represented in this proceeding by attorney Charles M. Farano, whose address is: 243 A Lakeview Avenue Placentia, California 92870.

3. On or about September 22, 1992, the Board issued Physician's and Surgeon's Certificate No. A 51207 to John Namala Samuel Rajaratnam, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2017-037999 and will expire on July 31, 2018, unless renewed.

JURISDICTION

4. Accusation No. 800-2017-037999 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 1, 2018. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 800-2017-037999 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2017-037999. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

CONTINGENCY

9. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

10. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

11. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 51207, issued to Respondent John Namala Samuel Rajaratnam, M.D., is surrendered and accepted by the Medical Board of California.

1. Respondent shall lose all rights and privileges as a Physician and Surgeon in California as of the effective date of the Board's Decision and Order.

2. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

3. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or

surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2017-037999 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

4. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 800-2017-037999 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Charles M. Farano. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 9/5/2018 John Namala Samuel Rajaratnam
JOHN NAMALA SAMUEL RAJARATNAM,
M.D.
Respondent

I have read and fully discussed with Respondent John Namala Samuel Rajaratnam, M.D. the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: Sept 5, 2018 Charles M. Farano
CHARLES M. FARANO
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: *Sept 15, 2018*

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANE ZACK SIMON
Supervising Deputy Attorney General



MARY CAIN SIMON
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2017-037999

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 State Bar No. 113083
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 510-3884
5 Facsimile: (415) 703-5480
Attorneys for Complainant

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7 **BEFORE THE**
8 **MEDICAL BOARD OF CALIFORNIA**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 800-2017-037999

12 **John Namala Samuel Rajaratnam, M.D.**
13 **498 Mountain Road**
14 **Laguna Beach, CA 92651**

A C C U S A T I O N

15 **Physician's and Surgeon's Certificate**
16 **No. A 51207,**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer
22 Affairs (Board).

23 2. On or about September 22, 1992, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 51207 to John Namala Samuel Rajaratnam, M.D. (Respondent). The
25 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the
26 charges brought herein and will expire on July 31, 2018, unless renewed. The certificate is
27 **SUSPENDED** by virtue of an Order issued by the Board on March 15, 2018 pursuant to Business
28 and Professions Code section 2310(a).

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JURISDICTION

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3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

“(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.”

5. Section 2305 of the Code states:

“The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under

1 this chapter shall constitute grounds for disciplinary action for unprofessional conduct against the
2 licensee in this state."

3 6. Section 141 of the Code states:

4 "(a) For any licensee holding a license issued by a board under the jurisdiction of the
5 department, a disciplinary action taken by another state, by any agency of the federal government,
6 or by another country for any act substantially related to the practice regulated by the California
7 license, may be a ground for disciplinary action by the respective state licensing board. A
8 certified copy of the record of the disciplinary action taken against the licensee by another state,
9 an agency of the federal government, or another country shall be conclusive evidence of the
10 events related therein.

11 "(b) Nothing in this section shall preclude a board from applying a specific statutory
12 provision in the licensing act administered by that board that provides for discipline based upon a
13 disciplinary action taken against the licensee by another state, an agency of the federal
14 government, or another country."

15 **CAUSE FOR DISCIPLINE**

16 **(Discipline Restriction or Limitation Imposed by Another State)**

17 7. Respondent John Namala Samuel Rajaratnam, M.D. is subject to disciplinary action
18 under sections 2227, 2305 and 141 in that the State of Maryland issued an order revoking
19 Respondent's medical license in that state effective March 1, 2018. The circumstances are as
20 follows:

21 8. On or about October 10, 2017, Respondent entered into a Consent Order with a
22 Disciplinary Panel of the Maryland State Board of Physicians, that concluded as a matter of law
23 that the public health, safety and welfare imperatively required emergency action; that
24 Respondent was professionally, physically, or mentally incompetent; and that suspended his
25 license and required him to enroll in the Maryland Professional Rehabilitation Program and to
26 fully cooperate with that program's referrals, rules and requirements. Respondent reenrolled in
27 the program, but thereafter rescinded his consent to the program and failed and refused to meet
28 with the psychiatrist to whom he had been referred by that program. During a January 10, 2018

1 hearing before the disciplinary panel, Respondent and his counsel appeared and did not dispute
2 that Respondent had violated the terms of the consent order. The disciplinary panel determined
3 that the appropriate penalty for Respondent's refusal to cooperate with the rehabilitation program
4 and failure to comply with the terms of the consent order was revocation of his medical license.

5 9. The Maryland Order attached as Exhibit A, and as described in paragraph 8, above,
6 comprises unprofessional conduct and cause for discipline pursuant to sections 2305 and/or 141
7 of the Code.

8 **DISCIPLINARY CONSIDERATIONS**

9 10. To determine the degree of discipline, if any, to be imposed on Respondent John
10 Namala Samuel Rajaratnam, M.D., Complainant alleges that on or about January 2, 2008, in a
11 prior disciplinary action entitled In the Matter of the Accusation Against John Namala Samuel
12 Rajaratnam, M.D. before the Medical Board of California, in Case Number 04-2004-163478,
13 Respondent's license was revoked with revocation stayed and Respondent placed on probation for
14 a period of five years, with terms and conditions including one year of actual suspension. That
15 decision is now final and is incorporated by reference as if fully set forth herein. Respondent
16 obtained an early termination of probation in that matter effective January 11, 2013.

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
19 and that following the hearing, the Medical Board of California issue a decision:

20 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 51207,
21 issued to John Namala Samuel Rajaratnam, M.D.;

22 2. Revoking, suspending or denying approval of John Namala Samuel Rajaratnam,
23 M.D.'s authority to supervise physician assistants and advanced practice nurses;

24 3. Ordering John Namala Samuel Rajaratnam, M.D., if placed on probation, to pay the
25 Board the costs of probation monitoring; and

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4. Taking such other and further action as deemed necessary and proper.

DATED: May 1, 2018


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

IN THE MATTER OF	*	BEFORE THE MARYLAND
SAMUEL RAJARATNAM, M.D.	*	STATE BOARD OF
Respondent	*	PHYSICIANS
License Number: D76564	*	Case Number: 2016-0871A

CONSENT ORDER

Disciplinary Panel A of the Maryland State Board of Physicians (the "Board") voted to summarily suspend the medical license of the Respondent, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2)(i) (2014 Repl. Vol. & 2016 Supp.), concluding that the public health, safety, or welfare imperatively requires emergency action. Disciplinary Panel A also voted to charge the Respondent under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. § 14-404(a)(4) - is professionally, physically or mentally incompetent.

Prior to the issuance of an Order of Summary Suspension and charges, the Respondent agreed to enter into the following Consent Order, consisting of Findings of Fact, Conclusions of Law, Order and Consent.

FINDINGS OF FACT

Disciplinary Panel A finds:

1. At all times relevant, the Respondent was a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed in Maryland on or about August 1, 2013, and his license is presently active through September 30, 2019.

2. The Respondent, trained as a psychiatrist, is not board-certified in any specialty. The Respondent has worked as a Medical Director at three facilities since October 2014: from October 2014 through October 2015 at Facility A; from August 2015 through February 2017 at Facility B; and from January 3, 2017 to September 18, 2017, at Facility C.¹
3. On or about April 26, 2016, the Board received a complaint from two social workers employed by Facility B, alleging that the Respondent had recommended that a former patient ("Patient A") share her prescription for Seroquel² with her minor son.
4. After receiving the complaint, the Board initiated an investigation, and on October 31, 2016, notified the Respondent of its investigation and requested a written response to the allegations.
5. On or about November 7, 2016, the Respondent, through his attorney, submitted a written response to the complaint.
6. Board staff subpoenaed the Respondent's personnel and medical files and conducted interviews of the Respondent and several witnesses.
7. Following a review of the investigative documents, in furtherance of its investigation, the Board ordered that the Respondent be evaluated by the Maryland Professional Rehabilitation Program ("MPRP"). The Respondent met with MPRP on or about August 21, 2017.
8. On August 28, 2017, as part of MPRP's evaluation, Dr. A, a neuropsychologist, evaluated the Respondent.

¹ In order to maintain confidentiality, facility, patient and employee names will not be used in this document, but will be provided to the Respondent on request.

² Psychotropic medication commonly used in the treatment of bipolar disorder, schizophrenia and depression.

9. As a result of Dr. A's neuropsychological evaluation, he recommended that the Respondent discontinue the practice of medicine.³

10. As a result of its comprehensive assessment, MPRP opined that the clinical team was unable to endorse that the Respondent had the ability to practice medicine in a safe and competent manner. Consequently, MPRP requested that the Respondent sign a practice cessation agreement, and contacted his employer at Practice C to share the recommendation.

CONCLUSIONS OF LAW

Based on the foregoing facts, Panel A concludes that the public health, safety or welfare imperatively requires emergency action in this case, pursuant to Md. Code Ann., State Gov't. § 10-226 (c)(2)(i) (2014 Repl. Vol. & 2016 Supp.). Panel A also concludes that the Respondent is professionally, physically or mentally incompetent, in violation of H.O. § 14-404(a)(4).

ORDER

It is, on the affirmative vote of a majority of the quorum of Board Disciplinary Panel A, hereby:

ORDERED that the Respondent's license to practice medicine is **SUSPENDED**, subject to the following terms and conditions:

³ To maintain confidentiality, specific information regarding Dr. A's evaluation or the assessment of MPRP will not be referenced in this document. The Respondent may obtain from the Administrative Prosecutor documents supporting the evaluation and assessment.

1. The Respondent shall enroll in the Maryland Professional Rehabilitation Program ("MPRP"). Within **5 business days**, the Respondent shall contact MPRP to schedule an initial consultation for enrollment. Within **15 business days**, the Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP. The Respondent shall fully and timely cooperate and comply with all of MPRP's referrals, rules, and requirements, including but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered into with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and toxicology screenings as directed by MPRP;

2. The Respondent shall sign and update the written release/consent forms requested or required by the Board and MPRP. The Respondent shall sign the release/consent forms to authorize MPRP to make verbal and written disclosures to the Board, including disclosure of any and all MPRP records and files possessed by MPRP. The Respondent shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of the Respondent's current therapists and treatment providers) verbal and written information concerning the Respondent and to ensure that MPRP is authorized to receive the medical records of the Respondent, including, but not limited to, mental health and drug or alcohol treatment records;

3. The Respondent shall be responsible for ensuring that any treatment provider(s) submit written reports to the MPRP and to the Board at least once every three (3) months regarding his attendance, progress, payment of fees, and

recommendations as to the continuation, frequency, and/or termination of treatment. The Respondent shall sign any consent forms required to authorize Disciplinary Panel A and the MPRP to receive written reports from his treating mental health and health professionals or any treatment providers.

AND IT IS FURTHER ORDERED that if and when the MPRP finds that the Respondent is safe to practice medicine and if the Respondent has complied with conditions above, the Respondent may submit a written petition to the Panel to lift the suspension of the Respondent's license and may be required to appear before the Panel to discuss his petition. Upon reinstatement, Disciplinary Panel A may impose conditions on the Respondent's return to practice; and it is further

ORDERED that if the Respondent allegedly fails to comply with any terms or conditions of this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board or Panel A; and it is further

ORDERED that if, after the appropriate hearing, the Board or Panel A determines that the Respondent has failed to comply with any term or condition of this Consent Order, the Board or Panel A may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice medicine in Maryland. The Board or Panel A may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; and it is further

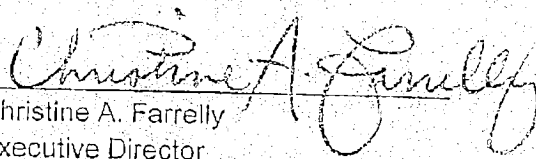
ORDERED that the Respondent shall comply with the Maryland Medical Practice Act, Md. Code Ann., Health Occ. §§ 14-101—14-702, and all laws and regulations governing the practice of medicine in Maryland; and it is further

ORDERED that the 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 A; and it is further

ORDERED that this Consent Order is a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 Vol. & 2016 Supp.)

10/10/2017
Date


Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Samuel Rajaratnam, M.D., acknowledge that I was represented by counsel before entering this Consent Order. By this Consent and for the 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 the 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 a disciplinary panel 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.

10/5/2017
Date

Samuel Rajaratnam MD
Samuel Rajaratnam, M.D.
Respondent

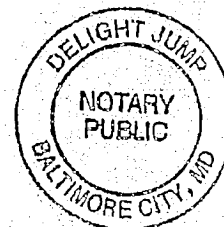
NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 5th day of October 2017, before me, a Notary Public of the foregoing State and City/County, personally appeared Samuel Rajaratnam, M.D., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Delight Jump
Notary Public



My Commission expires: 12/5/2017

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I HEREBY ATTEST AND CERTIFY UNDER PENALTY OF PERJURY ON 11/06/2017 THAT THE FORGOING DOCUMENT IS A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE AND IN MY LEGAL CUSTODY.

[Signature]
CUSTODIAN OF RECORDS
MARYLAND BOARD OF PHYSICIANS

Attachment - F

IN THE MATTER OF

SAMUEL RAJARATNAM, M.D.

Respondent

License Number: D76564

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*

BEFORE THE

MARYLAND STATE

BOARD OF PHYSICIANS

Case Number: 7718-0040A

* * * * *

ORDER AFTER SHOW CAUSE HEARING

On October 10, 2017, Samuel Rajaratnam, M.D., entered into a Consent Order with Disciplinary Panel A of the Maryland State Board of Physicians ("Panel A") that suspended his license and required him to enroll in the Maryland Professional Rehabilitation Program ("MPRP") and fully and timely cooperate and comply with all of MPRP's referrals, rules and requirements. Dr. Rajaratnam enrolled in MPRP on October 27, 2017, but then rescinded his consent and failed to meet with the psychiatrist he was referred to by MPRP. Dr. Rajaratnam thereby failed to comply with the conditions of the Consent Order.

On December 7, 2017, Panel A issued a Violation of Consent Order and Notice to Show Cause why additional sanctions should not be imposed against his license, based on his failure to comply with the conditions of the Consent Order. Dr. Rajaratnam appeared at a Show Cause hearing on January 10, 2018, before Panel A. The State argued that Dr. Rajaratnam's violation warranted a revocation of his license. Dr. Rajaratnam did not deny that he violated the Consent Order but argued against further sanction.

FINDINGS OF FACT

Dr. Rajaratnam was licensed by the Board on August 1, 2013, and his license states the expiration date of September 30, 2019. Dr. Rajaratnam was trained as a

psychiatrist, but is not board-certified in any specialty. He was employed as a medical director at Facility A from October 2014 through October 2015; at Facility B from August 2015 through February 2017; and at Facility C from January 3, 2017 until September 18, 2017.

On April 26, 2016, the Board received a complaint from two social workers employed by Facility B alleging that Dr. Rajaratnam had recommended that a former patient share her prescription of Seroquel, an antipsychotic medication, with her minor son. The Board opened an investigation. As part of the investigation, the Board obtained a written response from Dr. Rajaratnam and subpoenaed his personnel and medical files. The Board also interviewed Dr. Rajaratnam and several witnesses. Also as part of the investigation, Panel A ordered that Dr. Rajaratnam be evaluated by MPRP. MPRP met with Dr. Rajaratnam and referred him to a psychologist for an evaluation, under Md. Code Ann., Health Occ. § 14-402. The psychologist recommended that Dr. Rajaratnam discontinue the practice of medicine. Following that report, Disciplinary Panel A voted to summarily suspend Dr. Rajaratnam's medical license, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2)(i), concluding that the public health safety, or welfare imperatively required emergency action. Panel A also voted to charge Dr. Rajaratnam under the Maryland Medical Practice Act, Md. Code Ann., Health Occ. II § 14-404(a)(4), as "professionally, physically, or mentally incompetent."

On October 10, 2017, prior to the issuance of the Order of Summary Suspension and disciplinary charges, Dr. Rajaratnam entered into a Consent Order with Panel A, which concluded as a matter of law that the public health, safety or welfare imperatively

required emergency action, pursuant to State Gov't § 10-226(c)(2)(i), and concluded that Dr. Rajaratnam was professionally, physically, or mentally incompetent, in violation of Health Occ. II § 14-404(a)(4).

Under the terms of the Consent Order, Dr. Rajaratnam agreed that his medical license would be suspended and that he would fully and satisfactorily comply with the enumerated conditions, including those regarding his mandatory participation in the MPRP. Condition "1" stated:

1. The Respondent shall enroll in the Maryland Professional Rehabilitation Program ("MPRP"). Within **5 business days**, the Respondent shall contact MPRP to schedule an initial consultation for enrollment. Within **15 business days**, the Respondent shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP. The Respondent shall fully and timely cooperate and comply with all of MPRP's referrals, rules, and requirements, including but not limited to, the terms and conditions of the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered into with MPRP, and shall fully participate and comply with all therapy, treatment, evaluations, and toxicology screenings as directed by MPRP[.]

The Consent Order further stated:

ORDERED that if the Respondent allegedly fails to comply with any terms or conditions of this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board or Panel A; and it is further

ORDERED that if, after the appropriate hearing, the Board or Panel A determines that the Respondent has failed to comply with any term or condition of this Consent Order, the Board or Panel A may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice medicine in Maryland. The Board or Panel A may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent[.]

By signing the Consent Order, Dr. Rajaratnam agreed to each of these conditions.

On October 27, 2017, pursuant to the terms of the Consent Order, Dr. Rajaratnam enrolled in MPRP. On November 8, 2017, Dr. Rajaratnam sent an email to MPRP staff stating "i [sic] hereby revoke any consents made under duress." MPRP reported this to the Board as a "critical event." On November 13, 2017, Dr. Rajaratnam contacted Board staff, stating that he "do[es] not want to continue with renewal of [his] Maryland Medical License." On or around November 14, 2017, Dr. Rajaratnam was instructed to schedule an appointment with Dr. A, a psychiatrist. On November 16, 2017, Dr. A contacted MPRP and informed MPRP staff that Dr. Rajaratnam stated that he only wanted to meet with Dr. A to discuss professional issues and not personal matters. Dr. A explained to Dr. Rajaratnam that a psychiatric evaluation could not be restricted in that way. Dr. Rajaratnam did not schedule an appointment with Dr. A and did not meet Dr. A. On November 17, 2017, MPRP closed Dr. Rajaratnam's case for cause. MPRP listed the following reasons for his discharge: "1) [Dr. Rajaratnam's] refusal to grant consent to correspond with treatment providers; 2) [his] lack of timely responses; 3) dictating the terms of [his] psychiatric evaluation; and 4) continuing to view our clinical case management process in a legal manner (for example, insisting on recording our clinical meetings)."

On December 7, 2017, the Attorney General's Office issued a Violation of Consent Order and Notice to Show Cause. On January 10, 2017, Disciplinary Panel A held a Show Cause hearing at which Dr. Rajaratnam and his counsel appeared. At the hearing, Dr. Rajaratnam argued that there were mitigating circumstances and asked that his Consent Order be modified to permit him to continue his rehabilitation in California. He stated that he would agree not to renew his license.

Dr. Rajaratnam did not deny that he revoked his agreement to participate with MPRP, nor does he deny that he failed to schedule an appointment or meet with the psychiatrist as MPRP required for evaluation and treatment. At the Show Cause hearing, Dr. Rajaratnam's counsel stated that "[t]here does not appear to be material dispute of fact in this case" and "[w]e are not contesting a violation."

Instead, Dr. Rajaratnam argued that his violation was because of a temporary medical condition that caused cognitive impairment. He also claimed that he did not schedule the appointment because he could not afford to pay the fee.

The State argued that Dr. Rajaratnam's failure to meet with Dr. A constituted a violation of the Consent Order and that his failure to comply with the terms of the MPRP agreement warranted the revocation of his license. The State also argued that he was discharged from MPRP not because he could not pay the fee, but rather because he rescinded his participation in MPRP that he described as being signed under duress. The State further stated that Dr. Rajaratnam attempted to set limits on the topics for his meeting with Dr. A. Based on concerns of public health and safety, the State argued that revocation or a letter of surrender were the only safe sanctions available to the Panel.

CONCLUSION OF LAW

Dr. Rajaratnam was required under condition "1" of the Consent Order to "fully and timely cooperate and comply with all of MPRP's referrals, rules, and requirements," and to "fully participate and comply with all therapy, treatment, evaluations, and toxicology screenings as directed by MPRP."

Dr. Rajaratnam failed to comply with MPRP's requirements. He rescinded his consent to treatment through MPRP. Dr. Rajaratnam failed to schedule an appointment or meet with Dr. A for a psychiatric evaluation, thereby failing to comply with MPRP's referrals for "therapy, treatment, [and/or] evaluations." Dr. Rajaratnam does not contest that he violated the Consent Order.

Disciplinary Panel A concludes that Dr. Rajaratnam violated condition "1" of the October 10, 2017 Consent Order.

SANCTION

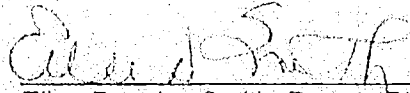
In determining the appropriate sanction for violating the Consent Order, Panel A considers the underlying conduct and the nature of the violation. Prior to entering into the Consent Order, Dr. Rajaratnam was examined by a psychologist, who recommended that Dr. Rajaratnam discontinue the practice of medicine. Panel A did not revoke Dr. Rajaratnam's license at that time, but rather entered into a Consent Order with Dr. Rajaratnam to give him an opportunity to obtain treatment and if he was deemed safe to practice, to lift the suspension. Instead of taking advantage of the opportunity presented by the Consent Order, Dr. Rajaratnam violated the Consent Order's conditions mere weeks after he entered into the agreement. The appropriate sanction for Dr. Rajaratnam's failure to comply with the terms of his Consent Order by not cooperating with the recommendations of MPRP is the revocation of his medical license.

IT IS, thus, by Board Disciplinary Panel A, hereby

ORDERED that Samuel Rajaratnam, M.D.'s license, License Number D76564, to practice medicine in Maryland is **REVOKED**; and it is further

ORDERED that this Order is a public document.

3/1/19
Date


Ellen Douglas Smith, Deputy Director
Maryland State Board of Physicians