

BEFORE THE BOARD OF MEDICINE

STATE OF NORTH DAKOTA

North Dakota Board of Medicine –)
 Investigative Panel A,)
)
 Complainant,)
)
 vs.)
)
 Padmini Nagaraj, M.D.,)
)
 Respondent.)
)

COMPLAINT

COMES NOW, the Complainant, North Dakota Board of Medicine – Investigative Panel A, and for its Complaint against the Respondent, Padmini Nagaraj, alleges and states as follows:

I.

Investigative Panel A of the North Dakota Board of Medicine (“Board”) is authorized pursuant to N.D.C.C. Chapter 43-17.1 to conduct investigations related to the practice of any physician licensed to practice in this state and file a formal complaint against any licensed physician with the Board of Medicine.

II.

Padmini Nagaraj, M.D., is a physician licensed to practice medicine in the State of North Dakota.

FACTS

III.

At all times mentioned herein, Respondent practiced medicine in Louisiana but still maintained a license to practice medicine in North Dakota.

IV.

That N.D.C.C. § 47-17-31(1)(a) provides that a physician may be subject to disciplinary action for: “[t]he use of any false, fraudulent, or forged statement or document, or the use of any fraudulent, deceitful, dishonest, or immoral practice, in connection with any of the licensing requirements.”

V.

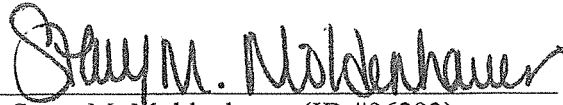
On February 19, 2018, Respondent submitted her license renewal application indicating that she had not been charged with a crime and that she has not been investigated by any agency or professional association in connection with medical competency, practice act violations, unprofessional conduct, or unethical conduct. On February 8, 2018, Respondent was indicted in the United States Eastern District of Louisiana and charged with one count of conspiracy to receive illegal health care kickbacks, three counts of receiving healthcare kickbacks, one count of conspiracy to commit health care fraud and five counts of healthcare fraud. Thus, Respondent’s statements that she had not been charged with a crime or investigated by an agency/professional association on her license renewal application constitute false statements in connection with the license requirements in violation of N.D.C.C. § 43-17-31(1)(a) and establishes grounds for discipline.

WHEREFORE, Complainant respectfully requests Respondent, Padmini Nagaraj, M.D., be disciplined for her violations of N.D.C.C. § 43-17-31 and seeks an appropriate sanction(s) for those violations as authorized by N.D.C.C. § 43-17-30.1. Complainant also respectfully requests that the Board be awarded its costs and attorney’s fees in having to bring this action pursuant to N.D.C.C. § 43-17-31.1.

NOTICE: Respondent must answer this Complaint within twenty days after service of the complaint or the allegations may be deemed admitted and may result in a default order revoking the subject license. Such answer must be served in the manner allowed for service under the North Dakota Rules of Civil Procedure.

Dated this 10th day of August, 2018.

By



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Attorney for: North Dakota Board of
Medicine – Investigative Panel A

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Complainant,)
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vs.)
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Padmini Nagaraj, M.D.,)
)
Respondent.)

STIPULATION

WHEREAS, the North Dakota Board of Medicine (hereinafter “the Board”) issued a Complaint requesting Respondent be disciplined for her violations of the North Dakota Medical Practices Act, for failing to inform the Board on her license renewal application that she had been charged with a crime and had been investigated by another agency which constitutes the use of any false, fraudulent, or forged statement or document, or the use of any fraudulent, deceitful, dishonest, or immoral practice, in connection with any of the licensing requirements as proscribed by N.D.C.C. § 43-17-31(1)(a).

WHEREAS, the Respondent admits service of the Summons and Complaint and agrees, for purposes of this Stipulation and administrative proceeding only, that the facts alleged in the Complaint of Investigative Panel A dated August 10, 2018, are true and are grounds for disciplinary action by the North Dakota Board of Medicine and that the terms of this Stipulation are appropriate;

1. The Respondent hereby waives any procedural irregularity herein and her right to a hearing on the Complaint now pending in this action;

2. Respondent shall attend an ethics course approved of by the Board that focuses on professional conduct and licensing requirements. Said course shall be completed no later than 6 months after the date of the Board’s Order approving of this stipulation. Respondent shall be fully

responsible for the costs and fees associated with this course and shall provide proof of completion of this course to the Board.

3. Respondent shall be fined in the sum of \$500.00. Respondent shall pay said fine within thirty (30) days from the execution of the Board's Order approving of this stipulation.

4. Respondent shall be responsible for paying the costs and attorney's fees incurred by the Board in the investigation and prosecution of this action in an amount not to exceed \$2500.00.

5. If Respondent shall fail, neglect, or refuse to fully comply with any of the terms, provisions, or conditions herein, the license of the Respondent's license to practice medicine in state of North Dakota shall be immediately suspended in accordance with the law.

6. In the event the Board, in its discretion, does not approve this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this Stipulation, and if this case proceeds to a hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

7. This agreement for the disposition of the above-entitled contested case is a matter of public record and the obligations of the Board with respect thereto shall be governed by the laws of North Dakota and current Board policy.

8. All parties hereto recognize that the Board representatives who have engaged in discussions relative to an agreed disposition of this matter can only make recommendations to the North Dakota Board of Medicine, which recommendations can in no way be considered as binding upon the full membership of the Board who would ultimately decide the pending contested case, and this agreement is subject to acceptance by the full membership of the Board.

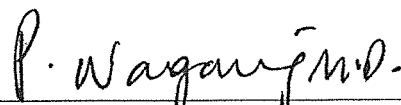
9. Respondent understands that she has the right and has been afforded the opportunity to have this agreement reviewed by an attorney, and that in the event she chooses to execute this document without taking the opportunity to avail herself of this right, such failure shall be deemed to be a waiver of such right.

10. Respondent specifically waives any claim that any disclosures made to the full membership of the Board for the purposes of consideration of this agreement have prejudiced her right to a fair and impartial hearing in the event that this agreement is not accepted by the full Board and if further proceedings ensue.

11. Respondent further agrees that there have been no inducements, threats or promises made in order to obtain her entry into this agreement.

12. The parties further agree that all statements contained herein are based upon the facts known to the Board on the date of execution of this agreement.

Dated this 14 day of August, 2018.



Padmini Nagaraj, M.D.

Dated this 10th day of September, 2018.

By 

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ORDER

WHEREAS, Investigative Panel A of the North Dakota Board of Medicine issued a Complaint against Respondent on August 10, 2018 alleging Respondent failed to inform the Board on her license renewal application that she had been charged with a crime and had been investigated by another agency which constitutes the use of any false, fraudulent, or forged statement or document, or the use of any fraudulent, deceitful, dishonest, or immoral practice, in connection with any of the licensing requirements as proscribed by N.D.C.C. § 43-17-31(1)(a). The Board requested Respondent be disciplined for her violations of the Medical Practices Act. The Board also requested it be awarded its fees and costs associated with this matter.

WHEREAS, Respondent and Investigative Panel A entered into a voluntary Stipulation dated September 10, 2018, wherein Respondent admitted the facts alleged in the complaint were true and were grounds for the Board to discipline her.

WHEREAS, the North Dakota Board of Medicine finds that the terms of that Stipulation are an appropriate disposition of this case.

IT IS HEREBY ORDERED THAT:

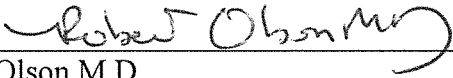
1. Respondent shall attend an ethics course approved of by the Board that focuses on professional conduct and licensing requirements. Said course shall be completed no later than six (6) months from the date of this Order. Respondent shall be fully responsible for the costs and fees associated with this course and shall provide proof of completion of this course to the Board.

2. Respondent shall be fined in the sum of \$500.00. Respondent shall pay said fine within thirty (30) days from the date of this Order. Said payment shall be sent to the Board.

3. Respondent shall be responsible for paying the costs and attorney's fees incurred by the Board in the investigation and prosecution of this action in an amount not to exceed \$2500.00.

This Order is effective November 16, 2018.

NORTH DAKOTA BOARD OF MEDICINE



Robert Olson M.D.
Chairman