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| IN THE MATTER OF | * | BEFORE THE |
| RINKU MUKHERJEE, M.D. | * | MARYLAND STATE BOARD OF |
| Respondent | * | PHYSICIANS |
| License Number: D61343 | * | Case Number: 2017-0241A |

CONSENT ORDER

On May 26, 2017, Disciplinary Panel A of the Maryland State Board of Physicians (the "Board") charged Rinku Mukherjee, M.D. (the "Respondent"), License Number D61343, with violating the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") § 14-101 *et seq.* (2014 Repl. Vol. & 2015 Supp.). The pertinent provisions of the Act provide the following:

Health Occ. § 14-404. Denials, reprimands, probations, suspensions, and revocations -- Grounds.

(a) *In general.* -- Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

...

(3) Is guilty of:

...

(ii) Unprofessional conduct in the practice of medicine;

...

(8) Is addicted to, or habitually abuses, any narcotic or controlled dangerous substance as defined in § 5-101 of the Criminal Law Article[.]

On September 13, 2017, Disciplinary Panel A was convened as a Disciplinary Committee for Case Resolution ("DCCR") in this matter. Based on negotiations occurring as a result of this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

Disciplinary Panel A finds:

BACKGROUND

1. At all times relevant, the Respondent was a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice on or about March 1, 2004, and her license is currently scheduled to expire on September 30, 2017.
2. The Respondent is board-certified in Internal Medicine. At all times relevant to these charges, she was employed as a locum tenens physician at Hospital A¹ in Baltimore, primarily working as a hospitalist.
3. On or about October 13, 2016, Hospital A notified the Board through a Mandated 10-Day Report (the "Report") that Hospital A had summarily suspended the Respondent's hospital privileges following an internal investigation based on two instances of alleged impairment that had occurred on September 22, 2016, and October 2, 2016.
4. On receipt of the Report, the Board initiated an investigation into Hospital A's allegations.
5. On or about December 16, 2016, the Board notified the Respondent of its receipt of the Report and requested a written response.
6. On or about February 6, 2017, the Board received a written response from the Respondent acknowledging her conduct, and notifying the Board she had undergone evaluation and treatment based on Hospital A's investigative findings.

¹ In order to maintain confidentiality, facility and employee names will not be used in this document.

HOSPITAL A's ACTION

7. On October 4, 2016, the Respondent's medical supervisor contacted her by telephone, and told her that her privileges had been suspended based on investigative findings by Hospital A that she had been impaired on or about September 22 and October 2, 2016.²

8. By letter dated November 10, 2016, Hospital A continued the Respondent's suspension based on issues of possible impairment.

BOARD'S INVESTIGATIVE FINDINGS

9. Board staff interviewed the Respondent and subpoenaed the Respondent's Quality Assurance file from Hospital A and her relevant treatment records.

10. Based on the Board's investigation, the evidence supports the disciplinary charges as set forth above.

II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Disciplinary Panel A concludes as a matter of law that the Respondent's conduct constitutes unprofessional conduct in the practice of medicine in violation of Md. Code Ann., Health Occ. II § 14-404 (a) (3)(ii); and is addicted to, or habitually abuses, any ... controlled dangerous substance as defined in § 5-101 of the Criminal Law Article in violation of Health Occ. § 14-404(a)(8).

III. ORDER

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

ORDERED that the Respondent is **REPRIMANDED**; and it is further

² Based on confidentiality, the specific details of Hospital A's investigation will not be disclosed in this document, but will be provided to the Respondent on request.

ORDERED that the Respondent is placed on **PROBATION** for a minimum period of **TWO (2) YEARS**.³ During the probationary period, the Respondent shall comply with all of the following probationary terms and conditions:

1. Within 10 days, the Respondent shall enroll in the Maryland Professional Rehabilitation Program ("MPRP"). 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 screening 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; and

3. 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, after **TWO (2) YEARS**, the Respondent may submit a written petition to the Board requesting termination of probation. There shall be no early termination of probation. After consideration of the petition, the probation may be terminated through an order of the Board or Panel A. The Respondent may be required to appear before the Board or Panel A to discuss her petition for termination. The Board or Panel A will grant the petition to terminate the probation if the Respondent has complied with all of the probationary terms and conditions and there are no pending complaints related to the charges; and it is further

³ If the Respondent's license expires while the Respondent is on probation, the probationary period will be tolled.

ORDERED that if the Respondent allegedly fails to comply with any term or condition of probation or 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

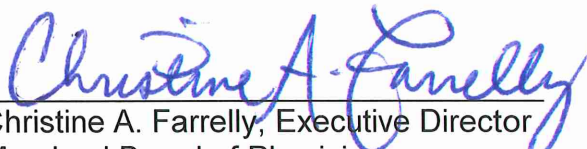
ORDERED that, after the appropriate hearing, if the Board or Disciplinary Panel determines that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Board or Disciplinary Panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice medicine in Maryland. The Board or Disciplinary Panel 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 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. §§ 4-101-4-601 (2014 & 2016 Supp.).

October 5, 2017
Date


Christine A. Farrelly, Executive Director
Maryland Board of Physicians

CONSENT

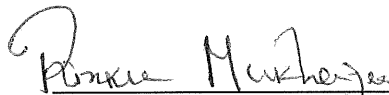
I, Rinku Mukherjee, License No. D61343, by affixing my signature hereto, acknowledge that:

I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the sole 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 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 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.

9/23/2017
Date


Rinku Mukherjee, M.D.
Respondent

STATE OF MARYLAND

CITY/COUNTY OF:

I **HEREBY CERTIFY** that on this 23rd day of September, 2017, before me, a Notary Public of the State and County aforesaid, personally appeared Rinku Mukherjee, M.D., and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.


Notary Public

My commission expires: 11/25/2019

