

FILED OF RECORD

FEB 28 2023

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2082

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY SMITHA SADIQ, M.D., LICENSE NO. C0122, 1685
STONE HOLLOW COURT, BOUNTIFUL, UTAH 84010

AGREED ORDER OF SURRENDER

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel B, and Smitha Sadiq, M.D., (hereafter "the licensee"), and, based upon their mutual desire to fully and finally resolve this pending matter without an evidentiary hearing, hereby ENTER INTO the following **AGREED ORDER OF SURRENDER**:

STIPULATIONS OF FACT

The parties stipulate the following facts, which serve as the factual bases for this Agreed Order of Surrender:

1. At all relevant times, Smitha Sadiq, M.D. ("the licensee"), was licensed by the Board and through the provisions of the Interstate Medical Licensure Compact to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is internal medicine/telemedicine.
3. On or about May 11, 2022, the Maryland State Board of Physicians filed charges against the licensee's Maryland license, alleging in part as follows:
 - The licensee was initially licensed to practice medicine in Maryland on December 11, 2020, via the Interstate Medical Licensure Compact (the "IMLC");
 - By email dated October 29, 2021, the Board notified the licensee that although she had reportedly completed the IMLC's application for renewal of her Maryland medical license and submitted the required renewal fees, she failed to complete step two of the process for renewing her medical license. The email advised the licensee that failure to complete the application for renewal by

November 12, 2021, would result in the matter being referred to the Board's Compliance Division for investigation. The Board provided contact information if she had any questions about the issues raised in the email. The licensee did not respond to this email or complete her Board license renewal application at that time;

- By letter dated November 3, 2021, the Board again notified the licensee that although she had reportedly completed the IMLC's application for renewal of her Maryland medical license and submitted the required renewal fees, she failed to complete step two of the process for renewing her Maryland medical license. The email advised the Respondent that failure to complete the Application for License Renewal form by November 12, 2021, would result in the matter being referred to the Board's Compliance Division for investigation. The Board provided contact information if she had any questions about the issues raised in the email. The licensee did not respond to this letter and did not complete her Board license renewal application at that time.
- By letter dated November 17, 2021, the Board notified the licensee that she had not submitted her Application for Renewal form and as a result, it had opened a preliminary investigation for potential discipline "based upon [her] failure to complete the Maryland license renewal process." The licensee did not respond to the letter and did not complete her Board license renewal application at that time.
- On November 22, 2021, the licensee entered the Board's licensure renewal portal and started filling out the renewal application but did not complete it.
- By letter dated December 21, 2021, the Board again notified the licensee that she failed to complete the process for renewing her license. The Board informed the licensee that her failure to renew her Maryland license on or before December 31, 2021, may result in the issuance of public disciplinary charges against her. The licensee did not respond to the letter or complete her license renewal application at that time.
- On March 17, 2022, Board staff attempted to contact the licensee, calling the telephone number identified on the licensee's IMLC Core Data Sheet. Board staff left a voicemail message for the licensee, reminding her of her need to complete her Maryland license renewal application. The licensee did not respond to the voicemail or complete her license renewal application at that time.
- On March 22, 2022, Board staff reached the licensee by telephone and informed her that she had not completed her license renewal application. Board staff stated that she would provide further instructions to the licensee about completing the application online. Board staff then sent the licensee a follow-up

email at 2:07 p.m., which informed the licensee that the online portal was operational and that she had until March 23, 2022 at 11:59 p.m. to complete the application. The licensee then telephoned Board staff and discussed some of the questions that were posed on the application, but then stated that she could not finish the application at that time but would come back to it. Board staff stressed to the licensee the importance of completing her application. The licensee did not complete her license renewal application that time.

4. This Board received notice of the licensee's surrender of her Maryland license via a report from the Federation of State Medical Boards. The licensee did not report or provide a copy of the Maryland action within ten days as required by 201 KAR 9:081(9)(2)(a)(2).
5. On or about December 21, 2022, the Board's Inquiry Panel B Chair issued an emergency order of suspension against the licensee's license to practice medicine in the Commonwealth of Kentucky pursuant to the Interstate Medical Licensure Compact.
6. On or about January 10, 2023, the licensee contacted this Board's staff and indicated a desire to relinquish her Kentucky license.
7. According to the licensee:
 - The Maryland Panel had reported no clinical violation by Dr. Sadiq, nor had any clinical/medical complaint been made against her by any patient. Instead, the negative treatment on Dr. Sadiq's license in Maryland was due to her inability to figure out how to file the online public profile section of her application. It was a "paperwork" problem, not a clinical complaint.
 - Dr. Sadiq had been practicing telemedicine during the COVID pandemic. The Maryland Board noted that Dr. Sadiq had "completed the IMLC's application for renewal of her Maryland medical license and submitted the required renewal fees," but had not finished step two which involved "submitting the Board's Application for License Renewal Form."
 - Dr. Sadiq had gone online several times to finish the public profile form and submit it but had found the online portal to be less than intuitive. Furthermore, she was very ill at the time with bilateral multi focal pneumonia and found it difficult to focus. At the same time, she was beginning to wonder if she really wanted to renew her license in Maryland. She was licensed and doing telemedicine in several other states and found the load so heavy that she thought perhaps she would like to reduce

the number of states where she was practicing. She thought perhaps that she would just like to “cancel” her license in Maryland and reduce her workload.

- However, while she was contemplating what she wanted to do, the Maryland Board referred the question of her license to the Compliance Division for investigation “based upon her failure to complete the Maryland license renewal process.” Still not sure she wanted to renew her license in Maryland, but not wanting a negative mark on her record, Dr. Sadiq tried again to renew online, but even with help from the Board IT staff, she could not figure out how to complete and submit it. The term “updated” popped up on the screen when she finished entering her information, but she later learned that the system had, once again, rejected her submission. It was her fourth attempt to submit the form.
 - Maryland thus scheduled a Panel for August 24, 2022, but an intervening event occurred, namely, Dr. Sadiq had finally decided not to renew and had asked for information from the Board about cancelling her license. She was contacted by attorney Robert Gilbert who, upon learning that Dr. Sadiq had decided not to continue practicing in Maryland, sent her a letter to sign.
 - English is not Dr. Sadiq’s mother tongue (she is from India), and she did not realize the connotations of the word “surrender” in the context of the letter she signed. She did not realize that the term “surrender” might make it seem to the public or to other state Boards that she had been disciplined for some clinical/medical failure, and that she had, therefore, decided to concede to the Board’s investigation against her rather than fight it. That is *not* what she meant by using the term “surrender.”
 - What she meant was that she had decided she no longer wanted to practice in Maryland; she wanted to simply let her license expire. Those were not the terms used in the agreement, however, and when the Board sent an October 6, 2022 “surrender” letter to the National Practitioner Data Bank and Federation of State Medical Boards, some other states, including Kentucky, began investigations into her license. Several states have since concluded their investigations with no negative actions taken.
8. The licensee agreed to enter into this Agreed Order of Surrender, in lieu of the issuance of a Complaint.

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Agreed Order of Surrender:

1. The licensee’s Kentucky medical license is subject to regulation and discipline by the Board.

2. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the notice provisions of KRS 311.595(12) and (17). Accordingly, there are legal grounds for the parties to enter into this Agreed Order of Surrender.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this pending investigation without an evidentiary hearing by entering into an informal resolution such as this Agreed Order of Surrender.

AGREED ORDER OF SURRENDER

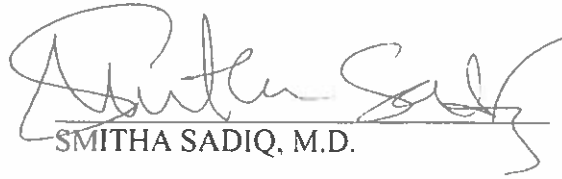
Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to resolve the pending matter without an evidentiary hearing, the parties hereby ENTER INTO the following **AGREED ORDER OF SURRENDER:**

1. The licensee, Smitha Sadiq, M.D., HEREBY SURRENDERS her license to practice medicine within the Commonwealth of Kentucky for an indefinite period of time, with that surrender to become effective immediately upon the date of filing of this Agreed Order of Surrender;
2. Following the effective date of the surrender of her license, the licensee SHALL NOT engage in any act which would constitute the "practice of medicine or osteopathy" as that term is defined by KRS 311.550(10) – the diagnosis, treatment, or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities – in the Commonwealth of Kentucky until approved to do so by the Board. The licensee acknowledges that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter;
3. The licensee SHALL NOT petition the Board for a license to again practice medicine in the Commonwealth until at least two (2) years have passed from the date of entry of this Agreed Order of Surrender;
4. If the licensee should in the future petition for a license to again practice medicine in the Commonwealth of Kentucky, she understands and agrees that the provisions of KRS 311.599, .604, and .607 SHALL apply to said petition;
 - a. The licensee understands and agrees that the burden SHALL be upon her to satisfy the Board that she is presently of good moral character and is qualified both physically and mentally to resume the practice of medicine, without undue risk or danger to his patients or the public;

- b. The licensee understands and agrees that the Board may require her to successfully complete assessments and evaluations from Board-approved evaluators, including but not limited to an impairment evaluation, a psychological evaluation and a clinical skills assessment (if more than two years have passed since she last practiced medicine) at her expense, prior to considering her petition to resume the practice of medicine and to assist the Board in its consideration of the petition;
 - c. The licensee understands and agrees that the decision whether to permit her to resume the active practice of medicine within the Commonwealth of Kentucky lies within the sole discretion of the Board and that the Board shall not be required to issue a new license. However, in the event that the Board should allow the licensee to resume the active practice of medicine at any time in the future, the licensee understands and agrees that she shall be under probation for a period of five (5) years (during which time she shall be required to maintain and comply with a monitoring contract with the Kentucky Physicians Health Foundation and any other terms deemed appropriate by the Board at that time), and any subsequent violation during the probation period shall result in automatic revocation of license;
5. The licensee expressly agrees that if she should violate any term or condition of this Agreed Order of Surrender, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that she has violated any term or condition of this Agreed Order of Surrender, the Panel Chair is authorized by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Agreed Order of Surrender would render the licensee's practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Agreed Order of Surrender; and
6. The licensee understands and agrees that any violation of the terms of this Agreed Order of Surrender would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13) and may provide a legal basis for criminal prosecution for practicing medicine without a license.

SO AGREED on this 24th day of February, 2023.


FOR THE LICENSEE:


SMITHA SADIQ, M.D.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:


DALE E. TONEY, M.D.
CHAIR, INQUIRY PANEL B


LEANNE K. DIAKOV
General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
Louisville, Kentucky 40222
(502) 429-7150

DEC 21 2022

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2082

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY SMITHA SADIQ, M.D., LICENSE NO. C0122, 1685
STONE HOLLOW COURT, BOUNTIFUL, UTAH 84010

EMERGENCY ORDER OF SUSPENSION
PURSUANT TO INTERSTATE MEDICAL LICENSURE COMPACT

The Kentucky Board of Medical Licensure (“the Board”), acting by and through the Chair of its Inquiry Panel B, considered a memorandum from Michael Rodman, Executive Director, dated December 21, 2022; e-mail correspondence from the Federation of State Medical Boards, dated November 17, 2022; *Charges Under the Maryland Medical Practice Act*, Case No. 222-0134B (Maryland State Board of Physicians); Surrender of License to Practice Medicine, Case No. 2222-0134B, dated October 26, 2022; e-mail correspondence from the licensee, dated November 29, 2022; and Article X(4) of the Interstate Medical Licensure Compact. Having considered this information and being sufficiently advised, the Chair of Inquiry Panel B enters the following EMERGENCY ORDER OF SUSPENSION, in accordance with KRS 311.592(1) and 13B.125(1):

FINDINGS OF FACT

Pursuant to KRS 13B.125(2) and based upon the information available to him, the Chair of Inquiry Panel B concludes there is probable cause to make the following Findings of Fact, which support this Emergency Order of Suspension:

1. At all relevant times, Smitha Sadiq, M.D. (“the licensee”), was licensed by the Board and through the provisions of the Interstate Medical Licensure Compact to practice medicine in the Commonwealth of Kentucky.
2. The licensee’s medical specialty is internal medicine/telemedicine.

3. On or about October 26, 2022, the licensee surrendered her license to practice medicine in the State of Maryland, a member board of the Interstate Medical Licensure Compact, after the Maryland Board of Physicians opened an investigation and issued disciplinary charges against her license in that state and in order to avoid further prosecution of the disciplinary charges.
4. The statements contained within the Letter of Surrender of License to Practice Medicine, Case No. 2222-0134B (Maryland State Board of Physicians), dated October 26, 2022, are incorporated herein by reference and attached to this Emergency Order of Suspension in support thereof.

CONCLUSIONS OF LAW

Pursuant to KRS 13B.125(2) and Article X(4) of the Interstate Medical Licensure Compact and based upon the information available to him, the Chair of Inquiry Panel B finds there is probable cause to support the following Conclusions of Law, which serve as the legal bases for this Emergency Order of Suspension:

1. The licensee's Kentucky medical license is subject to regulation and discipline by this Board.
2. KRS 311.592(1) provides that the Board may issue an emergency order suspending, limiting, or restricting a physician's license at any time an inquiry panel has probable cause to believe that a) the physician has violated the terms of an order placing him on probation; or b) a physician's practice constitutes a danger to the health, welfare and safety of his patients or the general public.
3. There is probable cause to believe that the licensee has violated KRS 311.595(12) and (17).
4. Article X(4) of the Interstate Medical Licensure Compact provides,

If a license granted to a physician by a member board is revoked, surrendered or relinquished in lieu of discipline, or suspended, then any licenses issued to the physician by any other member boards shall be suspended, automatically and immediately without further action necessary by the other member boards, for ninety (90) days upon entry of the order by the disciplining board, to permit the member boards to investigate the basis for the action under the Medical Practice Act of that state. A member board may terminate the automatic suspension of the license it issued prior to the completion of the ninety (90) day suspension period in a manner consistent with the Medical Practice Act of that state.

5. The Inquiry Panel Chair concludes there is probable cause to believe this licensee's practice constitutes a danger to the health, welfare and safety of his patients or the general public and that the licensee's license has become suspended by another member board of the Interstate Medical Licensure Compact.
6. The Board may draw logical and reasonable inferences about a licensee's practice by considering certain facts about a licensee's practice. If there is proof that a licensee has violated a provision of the Kentucky Medical Practice Act in one set of circumstances, the Board may infer that the licensee will similarly violate the Medical Practice Act when presented with a similar set of circumstances. Similarly, the Board concludes that proof of a set of facts about a licensee's practice presents representative proof of the nature of that licensee's practice in general. Accordingly, probable cause to believe that the licensee has committed certain violations in the recent past presents probable cause to believe that the licensee will commit similar violations in the near future, during the course of the licensee's medical practice.
7. The United States Supreme Court has ruled that it is no violation of the federal Due Process Clause for a state agency to temporarily suspend a license, without a prior evidentiary hearing, so long as 1) the immediate action is based upon a probable cause finding that there is a present danger to the public safety; and, 2) the statute provides

for a prompt post-deprivation hearing. Barry v. Barchi, 443 U.S. 55, 61 L.Ed.2d 365, 99 S.Ct. 2642 (1979); FDIC v. Mallen, 486 U.S. 230, 100 L.Ed.2d 265, 108 S.Ct. 1780 (1988) and Gilbert v. Homar, 520 U.S. 924 (1997), 117 S.Ct. 1807 (1997). Cf. KRS 13B.125(1).


KRS 13B.125(3) provides that the Board shall conduct an emergency hearing on this emergency order within ten (10) working days of a request for such a hearing by the licensee. The licensee has been advised of his right to a prompt post-deprivation hearing under this statute.

EMERGENCY ORDER OF SUSPENSION

Based upon the foregoing Findings of Fact and Conclusions of Law, the Chair of Inquiry Panel B hereby ORDERS that the license to practice medicine in the Commonwealth of Kentucky held by Smitha Sadiq, M.D., is SUSPENDED and Dr. Sadiq is prohibited from performing any act which constitutes the "practice of medicine," as that term is defined by KRS 311.550(10) – the diagnosis, treatment, or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities - until ninety (90) days from October 26, 2022 or until further order of the Inquiry Panel, whichever shall occur first.

The Chair of Inquiry Panel B further declares that this is an EMERGENCY ORDER, effective immediately.

SO ORDERED this 21st day of December, 2022.



DALE E. TONEY, M.D.
CHAIR, INQUIRY PANEL B

CERTIFICATE OF SERVICE

I certify that the original of this Emergency Order of Suspension was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed via certified mail return-receipt requested to the licensee, Smith Sadiq, M.D., License No. C0122, 1685 Stone Hollow Court, Bountiful, Utah 84010, and emailed to the licensee's email of record, smithasadiq@gmail.com, on this 21st day of December, 2022.



Leanne K. Diakov

General Counsel

Kentucky Board of Medical Licensure

310 Whittington Parkway, Suite 1B

Louisville, Kentucky 40222

(502) 429-7150

Smitha Sadiq, M.D.

October 26, 2022

Date: _____

Damean W. E. Freas, D.O., Chair
Disciplinary Panel B
Maryland State Board of Physicians
4201 Patterson Avenue, 4th Floor
Baltimore, MD 21215-2299

Re: Surrender of License to Practice Medicine
Smitha Sadiq, M.D.
License Number: D90646
Case Number: 2222-0134B

Dear Dr. Freas and Members of Disciplinary Panel B:

Please be advised that, pursuant to Md. Code Ann., Health Occ. ("Health Occ.") § 14-403 (2021 Repl. Vol.), I have decided to **SURRENDER** my license to practice medicine in the State of Maryland, License Number D90646, effective immediately. I understand that upon surrender of my license, I may not give medical advice or treatment to any individual, with or without compensation, and cannot prescribe medications or otherwise engage in the practice of medicine in the State of Maryland as it is defined in the Maryland Medical Practice Act (the "Act"), Health Occ. §§ 14-101 *et seq.* and other applicable laws. In other words, as of the effective date of this Letter of Surrender, I understand that the surrender of my license means that I am in the same position as an unlicensed individual in the State of Maryland.

I understand that this Letter of Surrender is a **PUBLIC DOCUMENT**, and upon Disciplinary Panel B's ("Panel B") acceptance, becomes a **FINAL ORDER** of Panel B of the Maryland State Board of Physicians (the "Board").

I acknowledge that the Board initiated an investigation of my practice and on May 11, 2022, Panel B issued disciplinary charges against me under Health Occ. §§ 14-404(a)(33) and (43). Specifically, Panel B alleged that I failed to complete the second step in the renewal process for renewing my license through the Interstate Medical Licensure Compact, and thereafter failed to cooperate with the Board's investigation into my failure to submit documentation in support of my renewal. A copy of the charges is attached as Attachment 1. I have decided to surrender my license to practice medicine in

Damean W. E. Freas, D.O. and Members of Disciplinary Panel B

RE: Smitha Sadiq, M.D.

Letter of Surrender

Page 2

the State of Maryland to avoid further investigation and prosecution of these disciplinary charges.

I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender to avoid further prosecution of the disciplinary charges. I acknowledge that for all purposes related to medical licensure, the charges will be treated as if proven.

I understand that by executing this Letter of Surrender I am waiving my right to a hearing to contest the disciplinary charges. In waiving my right to contest the charges, I am also waiving the right to be represented by counsel at the hearing, to confront witnesses, to give testimony, to call witnesses on my own behalf, and all other substantive and procedural protections provided by law, including the right to appeal to circuit court.

I understand that the Board will advise the Federation of State Medical Boards and the National Practitioner Data Bank of this Letter of Surrender. I also understand that in the event I would apply for licensure in any form in any other state or jurisdiction that this Letter of Surrender may be released or published by the Board to the same extent as a final order that would result from disciplinary action, pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014), and that this Letter of Surrender constitutes a disciplinary action by Panel B.

I affirm that I will provide access to and copies of medical records to my patients in compliance with Title 4, subtitle 3 of the Health General Article. I also agree to surrender my Controlled Dangerous Substances Registration to the Office of Controlled Substances Administration [if applicable].

I further recognize and agree that by submitting this Letter of Surrender, my license will remain surrendered unless and until the Board grants reinstatement. In the event that I apply for reinstatement of my Maryland License, I understand that Panel B or its successor is not required to grant reinstatement; and, if it does grant reinstatement, may impose any terms and conditions the disciplinary panel considers appropriate for public safety and the protection of the integrity and reputation of the profession. I further understand that if I file a petition for reinstatement, I will approach Panel B or its successor in the same position as an individual whose license has been revoked.

I acknowledge that I may not rescind this Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have been advised of my right to be represented by an attorney of my choice throughout proceedings before Panel B, including the right to consult with an attorney prior to signing this Letter of Surrender. I have knowingly and willfully waived my right to be represented by an attorney before signing this letter surrendering my license to practice medicine in Maryland. I understand both the nature of Panel B's actions and this Letter of Surrender

Damean W. E. Freas, D.O. and Members of Disciplinary Panel B
RE: Smitha Sadiq, M.D.
Letter of Surrender
Page 3

fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Letter of Surrender. I make this decision knowingly and voluntarily.

Very truly yours,
Signature On File

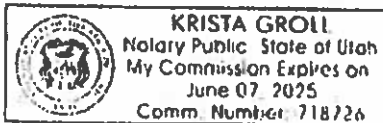
NOTARY

STATE OF Utah

CITY/COUNTY OF Davis

I HEREBY CERTIFY that on this 6th day of October, 2022 before me, a Notary Public of the City/County aforesaid, personally appeared Smitha Sadiq, M.D., and declared and affirmed under the penalties of perjury that the signing of this Letter of Surrender was a voluntary act and deed.

AS WITNESS my hand and Notarial seal.



Krista Groll

Notary Public

My commission expires: 6-7-2025

ACCEPTANCE

On behalf of Disciplinary Panel B, on this 26th day of October 2022, I, Christine A. Farrelly, accept the **PUBLIC SURRENDER** of Smitha Sadiq, M.D.'s license to practice medicine in the State of Maryland.

Signature On File

Christine A. Farrelly, Executive Director
Maryland State Board of Physicians *U*

Attachment 1

IN THE MATTER OF
SMITHA SADIQ, M.D.

Respondent

License Number: D90646

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case Number: 2222-0134B

* * * * *

CHARGES UNDER THE MARYLAND MEDICAL PRACTICE ACT

Disciplinary Panel B ("Panel B") of the Maryland State Board of Physicians (the "Board") hereby charges SMITHA SADIQ, M.D. (the "Respondent"), License Number D90646, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-101 *et seq.* (2021 Repl. Vol.).

Panel B charges the Respondent with violating the following provisions of the Act:

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:

(33) Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel; [and]

...

(43) Except for the licensure process described under Subtitle 3A of this title, violates any provision of this title, any rule or regulation adopted by the Board, or any State or federal law pertaining to the practice of medicine[.]

Health Occ. § 14-316. Term and renewal of licenses; notice of change of physician's address.

(c) Applications for renewal. – (1) Before the license expires, the licensee periodically may renew it for an additional term, if the licensee:

...

(iv) Submits to the Board:

1. A renewal application on the form the Board requires; and
2. Satisfactory evidence of compliance with any continuing medical education requirements set forth under this section for license renewal.

...

- (2) Within 30 days after a license renewal under Section 7 of the Interstate Medical Licensure Compact established under § 14-3A-01 of this title, a compact physician shall submit to the Board the information required under paragraph (1)(iv) of this subsection.

ALLEGATIONS OF FACT¹

Panel B bases its charges on the following facts that it has cause to believe are true:

1. At all relevant times, the Respondent was and is a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on December 11, 2020 via the Interstate Medical

¹ The allegations set forth in this document are intended to provide the Respondent with reasonable notice of the asserted facts. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with these charges.

Licensure Compact (the "IMLC"), under License Number D90646. The Respondent's Maryland medical license expires on September 30, 2023, subject to renewal.

2. The Respondent is board-certified in Internal Medicine.

3. By email dated October 29, 2021, the Board notified the Respondent that although she had reportedly completed the IMLC's application for renewal of her Maryland medical license and submitted the required renewal fees, she failed to complete step two of the process for renewing her medical license, which involved completing and submitting the Board's Application for License Renewal form. The email advised the Respondent that failure to complete the Application for License Renewal form by November 12, 2021, would result in the matter being referred to the Board's Compliance Division for investigation. The Board provided contact information if she had any questions about the issues raised in the email. The Respondent did not respond to this email or complete her Board license renewal application at that time.

4. By letter dated November 3, 2021, the Board again notified the Respondent that although she had reportedly completed the IMLC's application for renewal of her Maryland medical license and submitted the required renewal fees, she failed to complete step two of the process for renewing her Maryland medical license, which involved completing and submitting the Board's Application for License Renewal form. The email advised the Respondent that failure to complete the Application for License Renewal form by November 12, 2021, would result in the matter being referred to the Board's Compliance Division for investigation. The Board provided contact information if she had any questions about the issues raised in the email. The Respondent did not

respond to this letter and did not complete her Board license renewal application at that time.

5. By letter dated November 17, 2021, the Board notified the Respondent that she had not submitted her Application for Renewal form and as a result, it had opened a preliminary investigation for potential discipline "based upon [her] failure to complete the Maryland license renewal process." The Respondent did not respond to the letter and did not complete her Board license renewal application at that time.

6. On November 22, 2021, the Respondent entered the Board's licensure renewal portal and started filling out the renewal application but did not complete it.

7. By letter dated December 21, 2021, the Board again notified the Respondent that she failed to complete the process for renewing her license. The Board informed the Respondent that her failure to renew her Maryland license on or before December 31, 2021, may result in the issuance of public disciplinary charges against her. The Respondent did not respond to the letter or complete her license renewal application at that time.

8. On March 17, 2022, Board staff attempted to contact the Respondent, calling the telephone number identified on the Respondent's IMLC Core Data Sheet. Board staff left a voicemail message for the Respondent, reminding her of her need to complete her Maryland license renewal application. The Respondent did not respond to the voicemail or complete her license renewal application at that time.

9. On March 22, 2022, Board staff reached the Respondent by telephone and informed her that she had not completed her license renewal application. Board staff

stated that she would provide further instructions to the Respondent about completing the application online. Board staff then sent the Respondent a follow-up email at 2:07 p.m., which informed the Respondent that the online portal was operational and that she had until March 23, 2022 at 11:59 p.m. to complete the application. The Respondent then telephoned Board staff and discussed some of the questions that were posed on the application, but then stated that she could not finish the application at that time but would come back to it. Board staff stressed to the Respondent the importance of completing her application. The Respondent did not complete her license renewal application at that time.

10. To date, the Respondent has not completed or submitted her Maryland license renewal application.

11. The Respondent's actions, as described above, constitute, in whole or in part, a violation of the following provisions of the Act under Health Occ. § 14-404(a): (33) Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel; and/or (43) Except for the licensure process described under Subtitle 3A of this title, violates any provision of this title, any rule or regulation adopted by the Board, or any State or federal law pertaining to the practice of medicine.

NOTICE OF POSSIBLE SANCTIONS

If, after a hearing, a Board disciplinary panel finds that there are grounds for action under Health Occ. §§ 14-404(a)(33) and/or (43), the Board disciplinary panel may impose disciplinary sanctions against the Respondent's license in accordance with the

Board's regulations under COMAR 10.32.02.09 and 10.32.02.10, including revocation, suspension, reprimand, and/or probation, and may impose a fine.

**NOTICE OF DISCIPLINARY COMMITTEE FOR CASE RESOLUTION,
PREHEARING CONFERENCE AND HEARING**

A conference before Panel A, sitting as the Disciplinary Committee for Case Resolution ("DCCR") in this matter, is scheduled for **Wednesday, August 24, 2022 at 9:00 a.m.** at the Board's office, 4201 Patterson Avenue, Baltimore, Maryland 21215. The Respondent must confirm in writing the Respondent's intention to attend the DCCR. The Respondent should send written confirmation of the Respondent's intention to participate in the DCCR to: Christine A. Farrelly, Executive Director, Maryland State Board of Physicians, 4201 Patterson Avenue, 4th Floor, Baltimore, Maryland 21215. The nature and purpose of the DCCR is described in the attached letter to the Respondent.

If the case cannot be resolved at the DCCR, a pre-hearing conference and a hearing in this matter will be scheduled at the Office of Administrative Hearings, 11101 Gilroy Road, Hunt Valley, Maryland 21031. The hearing will be conducted in accordance with Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2021 Repl. Vol.).

BRIAN E. FROSH
Attorney General of Maryland

5/11/22

Date

Robert J. Gilbert 19th
Robert J. Gilbert, Deputy Counsel
Health Occupations Prosecution and Litigation Division
Office of the Attorney General
Suite 201, 300 West Preston Street
Baltimore, Maryland 21201
robert.gilbert@maryland.gov