

IN THE MATTER OF

YANJALAGERE K. RAMAIAH, M.D.

Respondent

License Number: D12975

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BEFORE THE

MARYLAND STATE

BOARD OF PHYSICIANS

Case Number: 2014-0873B

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### CONSENT ORDER

### PROCEDURAL BACKGROUND

On September 11, 2014, Disciplinary Panel B of the Maryland State Board of Physicians (the "Board") charged **YANJALAGERE K. RAMAIAH, M.D.** (the "Respondent"), License Number D12975, under the Maryland Medical Practice Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 14-101 *et seq.* and Md. Code Regs. ("COMAR") 10.32.17.01 *et seq.*

Disciplinary Panel B charged the Respondent with violating the following provisions of the Act under Health Occ. § 14-404:

- (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: (i) Immoral conduct in the practice of medicine; or (ii) Unprofessional conduct in the practice of medicine; [and/or]
  - (33) Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel[.]

Disciplinary Panel B charged the Respondent with violating the following provisions of COMAR 10.32.17, which provide:

### 10.32.17.01

This chapter prohibits sexual misconduct against patients or key third parties by individuals licensed or certified under Health Occupations Article, Titles 14 and 15, Annotated Code of Maryland.

### 10.32.17.02

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) Key third party.

(a) "Key third party" means an individual who participates in the health and welfare of the patient concurrent with the physician-patient relationship.

(b) "Key third party" includes, but is not limited to the following individuals:

- (i) Spouse;
- (ii) Partner;
- (iii) Parent;
- (iv) Guardian;
- (v) Surrogate; or
- (vi) Proxy designated by durable power of attorney.

(2) Sexual Impropriety.

(a) "Sexual impropriety" means behavior, gestures, or expressions that are seductive, sexually suggestive, or sexually demeaning to a patient or a key third party regardless of whether the sexual impropriety occurs inside or outside of a professional setting.

(b) "Sexual impropriety" includes, but is not limited to:

- (i) Failure to provide privacy for disrobing;
  - (ii) Performing a pelvic or rectal examination without the use of gloves;
  - (iii) Using the health care practitioner-patient relationship to initiate a dating, romantic, or sexual relationship; and
  - (iv) Initiation by the health care practitioner of conversation regarding the health care practitioner's sexual problems, sexual likes or dislikes, or fantasies.
- (3) "Sexual misconduct: means a health care practitioner's behavior toward a patient, former patient, or key third party, which includes:
  - (a) Sexual impropriety;
  - (b) Sexual violation; or
  - (c) Engaging in a dating, romantic, or sexual relationship which violates the code of ethics of the American Medical Association, American Osteopathic Association, American Psychiatric Association, or other standard recognized professional code of ethics of the health care practitioner's discipline or specialty.
- (4) Sexual Violation.
  - (a) "Sexual violation" means health care practitioner-patient or key third party sex, whether or not initiated by the patient or key third party, and engaging in any conduct with a patient or key third party that is sexual or may be reasonably interpreted as sexual, regardless of whether the sexual violation occurs inside or outside of a professional setting.
  - (b) "Sexual violation" includes, but is not limited to:
    - (i) Sexual intercourse, genital to genital contact;
    - (ii) Oral to genital contact;
    - (iii) Oral to anal contact or genital to anal contact;
    - (iv) Kissing in a romantic or sexual manner;
    - (v) Touching the patient's breasts, genitals, or any sexualized body part;
    - (vi) Actively causing the patient or key third party to touch the health care practitioner's breasts, genitals, or any sexualized body part;
    - (vii) Encouraging the patient to masturbate in the presence of the health care practitioner or

- masturbation by the health care practitioner while the patient is present;
- (viii) Offering to provide practice-related services, such as drugs, in exchange for sexual favors; and
- (ix) Intentionally exposing the health care practitioner's breasts, genitals, or any sexualized body part.

#### **10.32.17.03**

- A. Individuals licensed or certified under Health Occupations Article, Titles 14 and 15, Annotated Code of Maryland, may not engage in sexual misconduct.
- B. Health Occupations Article, §§ 14-404(a)(3) and 15-314(3), Annotated Code of Maryland, includes, but is not limited to sexual misconduct.

On September 24, 2014, and February 25, 2015, the Respondent appeared before Disciplinary Panel B. As a result of negotiations occurring before Disciplinary Panel B, the Respondent agreed to enter into the following Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law, Order, Consent and Notary.

### **FINDINGS OF FACT**

Disciplinary Panel B makes the following Findings of Fact:

#### **I. BACKGROUND**

1. At all times relevant hereto, the Respondent was licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on September 7, 1971, under License Number D12975.

2. At all times relevant hereto, the Respondent practiced at a medical office located at 447 North Kenwood Avenue, Baltimore, Maryland 21224.

3. Pursuant to an Order for Summary Suspension, dated September 9, 2014, Disciplinary Panel B summarily suspended the Respondent's medical license, finding

that he poses a substantial likelihood of a risk of serious harm to the public, which imperatively required the suspension of his license.

## **II. BOARD INVESTIGATION**

### **Charges pertaining to Health Occ. § 14-404(a)(3) and COMAR 10.32.17.01 *et seq.***

4. Disciplinary Panel B initiated an investigation of the Respondent after reviewing a media report, dated April 29, 2014, which stated that the Respondent had been charged in the District Court of Maryland for Baltimore City with committing third and fourth degree sex offenses and second degree assault, after a female patient ("Patient A")<sup>1</sup> reported that he sexually assaulted her on or about April 12, 2014, during a physical examination of her in his office.

5. According to Baltimore City Police reports, Patient A presented to the Respondent's office on or about April 12, 2014, with back complaints. Patient A reported that the Respondent engaged in sexual misconduct and sexual improprieties with her.

6. After taking Patient A's report, officers from the Baltimore City Police Department went to the Respondent's office. When the police arrived at the Respondent's office, the Respondent allegedly made the unsolicited statement, "What this (sic) is about, a sex offense?"

7. The Respondent gave a statement to police denying that he engaged in any improprieties during Patient A's examination but did admit that he did not use gloves when examining Patient A's vaginal area.

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<sup>1</sup> In order to maintain confidentiality, the names of patients will not be disclosed in this Consent Order. The Respondent is aware of the identity of all patients referenced herein.



8. The Respondent was charged in the Circuit Court of Maryland for Baltimore City with committing third and fourth degree sex offenses (see Md. Code Ann., Criminal Law §§ 3-307 and 3-308(b)(1), respectively) and second degree assault (see Md. Code Ann., Criminal Law § 3-203) against Patient A, occurring during the office visit on or about April 12, 2014. These charges are currently pending.

9. The Respondent's actions, as described above, constitute a violation of the following provisions of the Act: Is guilty of immoral conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(i); and Is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii).

10. The Respondent's actions, as described above, constitute a violation of the Board's sexual misconduct regulations, COMAR 10.32.17 *et seq.* The Board's sexual misconduct regulations prohibit sexual misconduct against patients or key third parties by individuals licensed or certified under Health Occupations Article, Titles 14 and 15, Annotated Code of Maryland. COMAR 10.32.17.01. The Respondent engaged in sexual improprieties with Patient A, as defined in COMAR 10.32.17.02B(2); sexual misconduct with Patient A, as defined in COMAR 10.32.17.02B(2), and sexual violations with Patient A, as defined in COMAR 10.32.17.02B(4). The Respondent violated COMAR 10.32.17.03A when he engaged in sexual misconduct with Patient A, which according to COMAR 10.32.17.03B, also constitutes immoral and unprofessional conduct in the practice of medicine under Health Occ. § 14-404(a)(3).

**Charges pertaining to Health Occ. §§ 14-404(a)(3)(ii) and (33)**

11. On or about August 15, 2014, Board representatives notified the Respondent of the Board's investigation and requested that he provide a written

response to the allegations within five days. The Board also issued a *subpoena duces tecum* ("SDT") for six patient records and a *subpoena ad testificandum* ("SAT") for an interview with Board investigators on August 25, 2014.

12. The Respondent did not provide a written response to the allegations within five days in compliance with the Board's letter, dated August 15, 2014; did not provide patient records in compliance with the Board's SDT; and did not appear for his August 25, 2014, interview in compliance with the Board's SAT.

13. The Respondent's failure to provide: a written response to the Board regarding the allegations; the patient records in compliance with the Board's SDT; and to submit to an interview in compliance with the Board's SAT, as set forth above, constitute a violation of the following provisions of the Act: Is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii); and Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel, in violation of Health Occ. § 14-404(a)(33).

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, Disciplinary Panel B concludes as a matter of law that the Respondent violated the following provisions of the Act: Is guilty of immoral conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(i); Is guilty of unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii); and Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel, in violation of Health Occ. § 14-404(a)(33). Disciplinary Panel B also concludes as a matter of law that the Respondent's actions constitute a violation of the Board's sexual misconduct

regulations, COMAR 10.32.17 *et seq.* The Board's sexual misconduct regulations prohibit sexual misconduct against patients or key third parties by individuals licensed or certified under Health Occupations Article, Titles 14 and 15, Annotated Code of Maryland. COMAR 10.32.17.01. The Respondent engaged in sexual improprieties with the Patient, as defined in COMAR 10.32.17.02B(2); sexual misconduct with the Patient, as defined in COMAR 10.32.17.02B(2), and sexual violations with the Patient, as defined in COMAR 10.32.17.02B(4). The Respondent violated COMAR 10.32.17.03A when he engaged in sexual misconduct with the Patient, which according to COMAR 10.32.17.03B, also constitutes immoral and unprofessional conduct in the practice of medicine under Health Occ. § 14-404(a)(3).

#### **ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

**ORDERED** that the Order for Summary Suspension, dated September 9, 2014, is hereby **TERMINATED**; and it is further

**ORDERED** that the Respondent's license to practice medicine in the State of Maryland is **PERMANENTLY REVOKED**; and it is further

**ORDERED** that the Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014).

9/2/2015  
Date

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

#### **CONSENT**

I, Yanjalagere K. Ramaiah, M.D., acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I agree and accept



to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact, Conclusions of Law and Order.

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 as provided by law. I acknowledge the legal authority and the jurisdiction of Disciplinary Panel B to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of Disciplinary Panel A that might have followed any such hearing.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

8/25/17  
Date

Yarjalagere K. Ramaiah  
Yarjalagere K. Ramaiah, M.D.  
Respondent

Read and approved by:

John W. Nowicki  
John W. Nowicki, Esquire  
Counsel for Dr. Ramaiah

NOTARY

STATE OF Maryland

CITY/COUNTY OF: HARFORD

I HEREBY CERTIFY that on this 25<sup>th</sup> day of August, 2015, before me, a Notary Public of the State and County aforesaid, personally appeared Yanjalagere K. Ramaiah, M.D., and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal

Amy E. Whitmore  
Notary Public



My commission expires: 9.29.15