IN THE MATTER OF

KATHERINE A. ASADI, D.O.

Respondent.

License No. H54970

- \* BEFORE THE MARYLAND
- \* STATE BOARD OF
- \* PHYSICIANS
- \* Case No. 7724-0059

# ORDER AFTER SHOW CAUSE HEARING

On February 5, 2024, Katherine A. Asadi, D.O., entered into a Consent Order with Disciplinary Panel A ("Panel A") of the Maryland State Board of Physicians (the "Board"). Panel A concluded that Dr. Asadi was guilty of unprofessional conduct in the practice of medicine; was professionally, physically, or mentally incompetent; and failed to cooperate with a lawful investigation conducted by the Board or a disciplinary panel, in violation of Health Occ. § 14-404(a)(3)(ii), (4), and (33), respectively.<sup>1</sup>

The Consent Order terminated as moot an Order of Summary Suspension issued against Dr. Asadi on September 27, 2023, reprimanded Dr. Asadi, suspended her Maryland medical license for a minimum period of six months, and required her to comply with certain terms and conditions of suspension, which included: undergoing a comprehensive evaluation by the Maryland Professional Rehabilitation Program ("MPRP") and/or its agents to determine her fitness to practice medicine safely; entering into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP; fully and timely cooperating and complying with all MPRP's referrals, rules, and requirements; and fully participating and complying with all therapy, treatment, evaluations, and screenings as directed by MPRP.

<sup>&</sup>lt;sup>1</sup> The February 5, 2024 Consent Order is incorporated by reference and is available upon request.

On June 12, 2024, MPRP notified the Board that it had closed Dr. Asadi's case for cause because Dr. Asadi, against medical advice ("AMA"), failed to comply with MPRP's treatment recommendations. On September 19, 2024, Panel A issued a Violation of Consent Order and Notice to Show Cause, charging Dr. Asadi with failure to comply with the MPRP's requirements, in violation of her February 5, 2024 Consent Order. On November 6, 2024, Panel A held a show cause hearing where Dr. Asadi had the opportunity to argue why her medical license should not be subject to further discipline. Panel A heard oral presentations from Dr. Asadi, her counsel, and the Administrative Prosecutor for the State. Panel A issues this Order after considering the entirety of the record evidence and presentations made by Dr. Asadi and the State before the Panel at the show cause hearing.

## **FINDINGS OF FACT**

Panel A finds the following facts proven by the preponderance of the evidence:

## Background and Disciplinary History

# September 27, 2023 Summary Suspension

On September 27, 2023, Panel A summarily suspended Dr. Asadi's license to practice medicine after concluding that a substantial likelihood of risk of serious harm to the public health, safety, or welfare imperatively required emergency action following a Board investigation, which revealed that she was unsafe to practice medicine due to her health conditions.<sup>2</sup> Dr. Asadi was notified of a subsequent post-deprivation hearing. She did not appear at the hearing, and did not communicate to the Board that she would not be attending. Following the post-deprivation hearing, Panel A reaffirmed the summary suspension.

<sup>&</sup>lt;sup>2</sup> For confidentiality and privacy reasons, the health conditions are not disclosed in this document.

# February 5, 2024 Consent Order

On October 4, 2023, Panel A charged Dr. Asadi with violating Health Occ. § 14-404(a): (3)(ii) Is guilty of: unprofessional conduct in the practice of medicine; (4) Is professionally, physically, or mentally incompetent; and (33) Fails to cooperate with a lawful investigation conducted by the Board or a disciplinary panel. The charges followed a Board investigation establishing that Dr. Asadi had inappropriately prescribed controlled dangerous substances to herself and two family members, failed to comply with two subpoenas issued by the Board during its investigation, and was unsafe to practice medicine due to her health conditions. To resolve the disciplinary charges, Dr. Asadi agreed to enter into a Consent Order with Panel A on February 5, 2024, that terminated the summary suspension of her license, imposed a reprimand, and suspended her license for a minimum of six months.

The Consent Order also required Dr. Asadi to undergo a comprehensive evaluation by MPRP and/or its agents to determine her fitness to practice medicine safely; to enroll in and enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP; to fully and timely cooperate and comply with all MPRP's referrals, rules, and requirements; to fully participate and comply with all therapy, treatment, evaluations, and screenings as directed by MPRP; and to take and successfully complete a course in medical ethics within one year. The Consent Order also stated that Dr. Asadi was "responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order." In addition, the Consent Order specified that if Dr. Asadi failed to comply with any of those terms or conditions, the Board or a disciplinary panel, after providing notice and an opportunity for an appropriate hearing, could take further disciplinary action against her. Dr. Asadi signed the Consent Order, accepting and agreeing to be bound by the Consent Order and all its terms and conditions, including her agreement to be responsible for all costs incurred.

Dr Asadi enrolled in MPRP and signed a Rehabilitation Agreement and Rehabilitation Plan with MPRP in a timely manner. On February 27, 2024, Dr. Asadi entered into a Participant Rehabilitation Agreement with MPRP, in which she agreed "to follow [MPRP's] treatment recommendations as detailed in her [Participant Rehabilitation] Plan" and that she fully understood all treatment costs were her responsibility. Dr. Asadi also entered into a Participation Plan which identified an MPRP-recommended treatment program ("Program")<sup>3</sup> to conduct a medical evaluation of Dr. Asadi. On March 29, 2024, based on MPRP's referral, Dr. Asadi completed a multi-day independent evaluation by the recommended Program, and the evaluation recommended, *inter alia*, that she receive medical treatment and remain in the Program for the duration of her medical treatment. Dr. Asadi agreed to enter treatment and to remain in the Program for the duration of the recommended treatment.

# Violation of MPRP Participant Rehabilitation Agreement and Plan and February 5, 2024 Consent Order

#### (1) MPRP Correspondence to the Board: May 1 through June 12, 2024

Emails between MPRP, the Program, and Dr. Asadi revealed that on May 1, the Program notified MPRP that Dr. Asadi reported financial issues that could affect her treatment. In an email to MPRP on that date, Dr. Asadi assured MPRP that she would never leave the Program AMA, stated that she did not control her finances, and was planning to get home and hoping to go to another treatment center. On May 3, MPRP emailed Dr. Asadi and cautioned her not to self-refer to another treatment center. MPRP explained that treatment hopping was not permitted, would violate the Rehabilitation Plan she had signed, and may result in MPRP closing her case for cause and reporting it to the Board.

<sup>&</sup>lt;sup>3</sup> For confidentiality reasons, the names of treatment programs or facilities will not be disclosed in this Order.

MPRP later reported to the Board that during a conference with Dr. Asadi, MPRP, and the Program treatment team on May 6, she would not give straight answers about her finances, stating "It is complicated." MPRP emphasized to Dr. Asadi the importance of completing her existing treatment, reminded her of her informed choice to remain in the Program with knowledge of the treatment costs, and discussed concerns about behavioral issues that she was working on in her treatment. During that conference, Dr. Asadi indicated that she was fully aware of the consequences if she left treatment AMA and stated that her financial issues had been resolved. On May 9, 2024, MPRP notified the Board of a report from the Program stating that Dr. Asadi had left treatment that day AMA.

On May 16, 2024, MPRP updated the Board on Dr. Asadi's status and informed the Board of a subsequent meeting with her on May 14 after she returned home, in which she told MPRP that she wished to complete treatment in another program. MPRP noted that Dr. Asadi did not fill out the pertinent financial aid forms, and they had no confirmation of any of her finances. Nevertheless, MPRP identified a new program that would accept and admit Dr. Asadi despite her leaving the previous Program AMA. MPRP reported that the new program was willing to address all of Dr. Asadi's issues, including finances. On June 3, 2024, MPRP reported that the new program was working hard with Dr. Asadi to set a start date, and to accommodate her financial needs. On June 12, 2024, following a meeting with Dr. Asadi and MPRP's clinical staff, MPRP notified the Board that Dr. Asadi indicated that she was unable to follow through with treatment recommendations to attend and complete another program at this time because of financial and family issues, and was aware that MPRP would be closing her case for cause. MPRP closed Dr. Asadi's case for cause on that date.

# (2) Program Discharge Summary: May 14, 2024

Regarding Dr. Asadi's response to treatment, a discharge summary from the Program dated May 14, 2024, confirmed that she did not successfully complete the Program, and discharged herself AMA on May 9, 2024 after five weeks of treatment. The discharge summary detailed the serious concerns of Dr. Asadi's treatment team about pervasive deceptive behavior by Dr. Asadi towards treatment staff and her peers throughout her treatment, including a lack of basic transparency and truth-telling, poor insight, and inconsistent narratives about family conflicts.

In addition, the summary disclosed Dr. Asadi's surreptitious effort to admit herself to another treatment facility that she had previously attended but had been explicitly disapproved by MPRP because it was inappropriate in her current circumstances. She had full knowledge that the facility was not MPRP-approved, and based on her prior familiarity with the facility, was aware that she did not meet the strict clinical criteria for admission, but was untruthful with the facility admission staff and failed to disclose that she was already in treatment. Upon discovery of these actions by the Program's treatment team, Dr. Asadi justified her behavior by blaming family and financial issues. Her Program treatment providers concluded that her overall compliance was poor, that she needed to resume and continue treatment, and that she was unable to practice medicine with reasonable skill and safety.

# (3) Dr. Asadi's Response: July 1, 2024

By letter dated June 14, 2024, the Board requested a written explanation from Dr. Asadi on why she failed to comply with MPRP's treatment recommendations. On July 1, 2024, Dr. Asadi provided a written response. She acknowledged that she left the initial Program and discussed circumstances and interactions that preceded her non-compliance and decision to leave. Throughout her response, she attributed her non-compliance to family and financial problems.

According to Dr. Asadi, she progressed exceptionally well during her month in the Program. She characterized her treatment plan as effective and successful, her treatment team as excellent, and stated that the Program recognized her serious dedication and willingness to remain in treatment. Dr. Asadi also expressed her desire to participate in an alternative program that she had previously attended twice, described calls she made to transfer to that alternative program, and her disappointment when MPRP warned her against self-referral to another treatment program and emphasized that treatment hopping was not permitted. She informed the Board about therapeutic steps she was taking since her discharge to facilitate a complete recovery, asserted that she had healed, and requested that the Board approve her to practice medicine part-time on a probationary period with strict follow-up and monitoring. On September 19, 2024, Panel A issued a Violation of Board Order and Notice to Show Cause charging Dr. Asadi with failure to comply with her Rehabilitation Agreement, in violation of the February 5, 2024 Consent Order.

# Show Cause Hearing: November 6, 2024

On November 6, 2024, Panel A held a show cause hearing at which Dr. Asadi appeared with her counsel. Through her counsel, she acknowledged that she was clearly in violation of the Consent Order because of her non-compliance with MPRP's recommendations and stated that her violation was due to a lack of financial control and access to funding, not a lack of interest or commitment. Dr. Asadi and her counsel also referred to her desire to go to the disapproved MPRP facility that she had chosen while at the initial Program, and reiterated her commitment to a complete recovery going forward and her firm dedication and ongoing recuperation efforts. Dr. Asadi further requested a solution that would not require her to give up her license.

In response, the State summarized the multiple concerns expressed in the discharge summary from the treatment Program, and the undisputed evidence of Dr. Asadi's lack of

compliance with her Consent Order and MPRP's treatment recommendations, despite her choice to obtain treatment at that specific Program. The State highlighted the critical clinical information regarding Dr. Asadi's pervasive deceptive behavior towards her peers and treatment staff, and her efforts to substitute another treatment facility of her choosing for the Program despite her knowledge that the facility was not approved by MPRP, by being untruthful to MPRP and the admission staff at that facility. In addition, the State emphasized the Program's conclusion that Dr. Asadi needed to continue treatment and follow-up, and recommended revocation of Dr. Asadi's medical license with the right to reapply after two years.

Dr. Asadi replied that she had reviewed the discharge summary and expressed shock and surprise with the information describing her deceptive behavior in the Program. She disputed the treatment team's conclusions about her behavior and ineffective progress. Dr. Asadi acknowledged, however, that she gave deceptive information to her chosen alternative facility when trying to admit herself there, and admitted that what she did was wrong. Consistent with her decisions not to comply with MPRP's recommendations, she stated that she did not view MPRP as helpful in her situation at this time.

#### **CONCLUSION OF LAW**

Panel A concludes, and it is undisputed, that Dr. Asadi violated the February 5, 2024, Consent Order by failing to comply with MPRP's treatment recommendations and the terms of her Participant Rehabilitation Agreement and Plan.

## **DISPOSITION**

The critical questions before the disciplinary panel are Dr. Asadi's understanding of the nature and causes of the disciplinary violations revealing that she was unsafe to practice medicine and whether the Panel is confident that repeat offenses can be ruled out in the future. Panel A has

considered the entire record in this case, including Dr. Asadi's disciplinary history, her non-compliance with the February 5, 2024 Consent Order and written response to the Board, the specific concerns identified by MPRP and the treatment Program, her presentation at the Show Cause hearing, and the arguments from the Administrative Prosecutor. The conclusions of the health care professionals who evaluated, worked with, and provided treatment to Dr. Asadi and her arguments to mitigate her culpability and justify her decision to discharge herself AMA from the Program are extremely concerning to the Panel. Considering her answers, the Panel is not persuaded that she appreciates or understands the gravity of her behavior at the Program, or that she has integrated her professional and ethical responsibilities as a physician with health conditions that may create risks for her future medical practice. Nor is the Panel reassured that her health conditions are resolved, or that she has acquired any meaningful insight regarding her attempt to deceive MPRP and the Program treatment team.

The privilege of medical licensure in Maryland involves a physician's obligation to fulfill the conditions necessary to ensure the ability to practice medicine safely. In the February 5, 2024, Consent Order, Dr. Asadi was given an opportunity to prove to Panel A, by undergoing a comprehensive evaluation and appropriate treatment, that she was safe to resume the practice of medicine. She agreed to comply with the Consent Order and MPRP's treatment recommendations but did not.

As the Program treatment team also observed, Dr. Asadi's strengths are utilizing adaptive strategies to combat symptoms of her health conditions, and her ability to begin to develop an appropriate network. To that end, the Panel lauds the considerable efforts and therapeutic steps she has undertaken to facilitate her recuperation since she left the Program. The Panel, however, finds

that Dr. Asadi's recovery process has not been sufficiently comprehensive to ensure that she is currently capable of safe medical practice and concludes that revocation of her license is necessary.

# **ORDER**

Based on the foregoing Findings of Fact and Conclusion of Law, it is, by an affirmative vote of a majority of the quorum of Board Disciplinary Panel A, hereby:

**ORDERED** that the license of Katherine A. Asadi, D.O. License No. H54970, to practice medicine in the State of Maryland, is **REVOKED** for a minimum of **TWO YEARS**; and it is further

**ORDERED** that this Order After Show Cause Hearing is a **PUBLIC** document pursuant to Health Occ. § 1-607, § 14-411.1(b)(2), and Gen. Prov. § 4-333(b)(6) (Repl. Vol. 2021).

Signature On File

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