

MIDDLESEX, SS.

In the Matter of

Sanjeev Sharma, M.D.

This matter came before the Board for final disposition on the basis of the Division of Administrative Law Appeal's November 9, 2018 Recommended Decision ("Recommended Decision"), which is attached hereto and incorporated by reference. The Board has fully considered the Recommended Decision, the Stipulation signed by the Parties and the Parties' Memoranda on Disposition. The Board adopts the Recommended Decision and imposes the following sanction.

The record demonstrates that the Respondent performed a Level II procedure on Patient A, while his office was only accredited as a Level I facility. The Respondent's actions were in violation of the Massachusetts Medical Society's Office Based Surgery Guidelines, which were adopted by the Board on July 20, 2011. By performing a Level II procedure when his office was only accredited as a Level I facility the Respondent has committed an offense against of the Commonwealth relating to the practice of medicine in violation of G.L. c. 112, § 5, eight par. (b) and 243 CMR 1.03(5)(a)2. In addition, the Respondent engaged in conduct which placed his competence to practice medicine into question, in violation of G.L. c. 112, § 5, eight par. (c) and 243 CMR 1.03(5)(a)3.

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2019)(concerns about physician's prescribing practices led to suspension and Probation Agreement requiring a skills assessment); *In the Matter of Hooshang Poor, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2018-063 (Consent Order, December 20, 2018)(concerns about the physician's record-keeping and overall care of patients led to suspension and Probation Agreement requiring an audit/skills assessment); and *In the Matter of Kim E. Bowman, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2018-051 (Consent Order, November 8, 2018)(concerns about physician's prescribing, documenting and overall care led to suspension and Probation Agreement, requiring a practice audit.)

In light of this precedent, the Board adopts the sanction, agreed to by the Parties, and hereby indefinitely suspends the Respondent's medical license; said suspension is to be immediately stayed upon his entrance into a standard Probation Agreement which shall require a Practice Audit by a Board-approved Auditor. The Practice Audit shall include randomly-selected chart reviews, as follows: ten (10) randomly-selected charts involving liposuction cases, ten (10) randomly-selected charts involving breast augmentation cases and ten (10) randomly-selected charts involving the Respondent's overall practice of medicine. The Probation Agreement shall also require that the Respondent comply with all recommendations made by the Board-approved Auditor.

The sanction is imposed for each violation of the law, and not a combination of any or all of them.

The Respondent shall provide a complete copy of this Final Decision and Order with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which the Respondent practices medicine; any in- or out-of-state health maintenance organization with whom the Respondent has privileges or any other kind of association; any state agency, in- or out-of-state, with which the Respondent has a provider contract; any in- or out-of-state medical employer, whether or not the

Respondent practices medicine there; the state licensing boards of all states in which the Respondent has any kind of license to practice medicine; and the Drug Enforcement Administration. The Respondent shall also provide this notification to any such designated entities with which the Respondent becomes associated for the duration of this stayed suspension and probation agreement. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive.

The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.

The Respondent has the right to appeal this Final Decision and Order within thirty (30) days, pursuant to G.L. c. 30A, §§14 and 15, and G.L. c. 112, § 64.

DATE: March 13, 2019

Candace Lapidus Sloane, MD

Candace Lapidus Sloane, M.D.,
Board Chair