COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS. Board of Registration in Medicine

Adjudicatory Case No. 2021-009

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In the Matter of )

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NAIYER IMAM, M.D. )

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**CONSENT ORDER**

Pursuant to Mass. Gen. Laws c. 30A, § 10, Naiyer Imam, M.D. (the “Respondent” or “Licensee”) and the Board of Registration in Medicine (the “Board”) (hereinafter referred to jointly as the "Parties") agree that the Board may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree that this Consent Order will have all the force and effect of a Final Decision within the meaning of 801 CMR 1.01(11)(d). The Respondent admits to the findings of fact specified below and agrees that the Board may make the conclusions of law and impose the sanction set forth below in resolution of Investigative Docket Number 20-012.

Findings of Fact

1. The Respondent was born on October 23, 1965. The Respondent graduated in 1990 from Brown University School of Medicine. He has been licensed to practice medicine in Massachusetts under license number 223609 since 2006.
2. The Respondent is Board certified in Diagnostic Radiology.
3. On November 9, 2019, the Minnesota Board of Medical Practice (“Minnesota Board”) and the Respondent entered into a Stipulation and Order (“Minnesota Order”) issuing a reprimand of Respondent’s license to practice medicine based on the Respondent’s care of Patient A.
4. With respect to the specific allegations regarding the care of Patient A:
   1. Patient A was 82 years old. The Respondent reviewed a single x-ray to confirm the correct placement of Patient A’s gastronomy tube and documented that contrast confirmed proper positioning of the tube.
   2. After the Respondent’s review, it was discovered that the tube was outside of Patient A’s stomach. The image reviewed by the Respondent showed that contrast was in the wrong quadrant of Patient A’s abdomen.
   3. As a result, Patient A experienced a leakage of fluid into the peritoneal cavity, which created an abscess. Patient A also experienced other complications, including respiratory failure, and ultimately died.
   4. The Minnesota Board determined that the Respondent’s conduct departed from or failed to conform to the minimal standards of acceptable and prevailing medical practice.
5. A true and accurate copy of the Minnesota Board Stipulation and Order is enclosed herewith as Attachment A and incorporated herein by reference.
6. On January 22, 2020, the Maryland State Board of Physicians (“Maryland Board”) and the Respondent entered into a Consent Order issuing a reprimand of the Respondent’s license to practice medicine based on the Minnesota Stipulation and Order.
7. A true and accurate copy of the Maryland Consent Order is enclosed herewith as Attachment B and incorporated herein by reference.
8. On February 20, 2020, the North Carolina Medical Board (“North Carolina Board”) and the Respondent entered into a Consent Order issuing a reprimand of the Respondent’s license to practice medicine based on his care of Patient A and the failure to conform to minimal standards of acceptable medical practice.
9. A true and accurate copy of the North Carolina Consent Order is enclosed herewith as Attachment C and incorporated herein by reference.
10. On June 5, 2020, the Medical Board of California (“California Board”) issued a Public Letter of Reprimand based on the Minnesota Stipulation and Order.
11. A true and accurate copy of the California Public Letter of Reprimand is enclosed herewith as Attachment D and incorporated herein by reference.
12. On July 10, 2020, the Arizona Medical Board (“Arizona Board”) and the Respondent entered into a Consent Order issuing a reprimand of the Respondent’s license to practice medicine based on the Minnesota Stipulation and Order and the Maryland Consent Order.
13. A true and accurate copy of the Arizona Order for a Letter of Reprimand and Consent is enclosed herewith as Attachment E and incorporated herein by reference.
14. On July 24, 2020, the Illinois Department of Financial and Professional Regulation (“Illinois Board”) and the Respondent entered into a Consent Order issuing a reprimand of the Respondent’s license to practice medicine based on the North Carolina Stipulation and Order.
15. A true and accurate copy of the Illinois Consent Order is enclosed herewith as Attachment F and incorporated herein by reference.
16. On July 29, 2020, the Mississippi State Board of Medical Licensure (“Mississippi Board”) and the Respondent entered into a Consent Order issuing a reprimand of the Respondent’s license to practice medicine based on the Minnesota Stipulation and Order and Maryland Consent Order.
17. A true and accurate copy of the Mississippi Consent Order is enclosed herewith as Attachment G and incorporated herein by reference.
18. On August 21, 2020, the Texas Medical Board (“Texas Board”) and the Respondent entered into a Consent Order issuing a reprimand of the Respondent’s license to practice medicine based on the Minnesota Stipulation and Order and North Carolina Consent Order.
19. A true and accurate copy of the Texas Consent Order is enclosed herewith as Attachment H and incorporated herein by reference.
20. On September 1, 2020, the Florida Board of Medicine (“Florida Board”) and the Respondent entered into a Consent Order issuing a reprimand of the Respondent’s license to practice medicine based on the Minnesota Stipulation and Order.
21. A true and accurate copy of the Florida Consent Order is enclosed herewith as Attachment I and incorporated herein by reference.
22. On October 16, 2020, the Michigan Board of Medicine (“Michigan Board”) and the Respondent entered into a Consent Order issuing a reprimand of the Respondent’s license to practice medicine based on the Minnesota Stipulation and Order.
23. A true and accurate copy of the Michigan Consent Order is enclosed herewith as Attachment J and incorporated herein by reference.

Conclusions of Law

* 1. The Respondent has violated 243 CMR 1.03(5)(a)(12), in that he has been disciplined in another jurisdiction in any way by the proper licensing authority for reasons substantially the same as those set forth in Mass. Gen. Laws c. 112, § 5 or 243 CMR 1.03(5), specifically:
     1. Mass. Gen. Laws c. 112, § 5, ¶ 9(c) and 243 CMR 1.03(5)(a)(3) (“Conduct which places into question the physician’s competence to practice medicine, including but not limited to gross misconduct in the practice of medicine or practicing medicine fraudulently, or beyond its authorized scope, or with gross incompetence, or with gross negligence on a particular occasion or negligence on repeated occasions.”);
     2. 243 CMR 1.03(5)(a)17: Malpractice within the meaning of M.G.L.c.112, §61.
     3. 243 C.M.R. 1.03(5)(a)18: Misconduct in the practice of medicine
     4. *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979) and *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982), which provide for discipline where, by proof satisfactory to a majority of the Board, a physician has engaged in conduct that undermines the public confidence in the integrity of the medical profession.

Sanction and Order

The Respondent is hereby reprimanded.

Execution of this Consent Order

Complaint Counsel and the Respondent agree that the approval of this Consent Order is left to the discretion of the Board. The signature of Complaint Counsel, the Respondent, and the Respondent’s counsel are expressly conditioned on the Board accepting this Consent Order. If the Board rejects this Consent Order in whole or in part, then the entire document shall be null and void; thereafter, neither of the parties nor anyone else may rely on these stipulations in this proceeding.

As to any matter in this Consent Order left to the discretion of the Board, neither the Respondent, nor anyone acting on his behalf, has received any promises or representations regarding the same.

The Respondent waives any right of appeal that he may have resulting from the Board’s acceptance of this Consent Order.

The Respondent shall provide a complete copy of this Consent 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 he practices medicine; any in- or out-of-state health maintenance organization with whom he has privileges or any other kind of association; any state agency, in- or out-of-state, with which he has a provider contract; any in- or out-of-state medical employer, whether or not he practices medicine there; and the state licensing boards of all states in which he has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. The Respondent shall also provide this notification to any such designated entities with which he becomes associated in the year following the date of imposition of this reprimand.  The Respondent is further directed to certify to the Board within ten (10) days that he 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.

Signed by Naiyer Imam, M.D. 12/22/20

Naiyer Imam, M.D. Date

Licensee

Signed by Katelyn Giliberti 1/5/21

Katelyn Giliberti Date

Complaint Counsel

So ORDERED by the Board of Registration in Medicine this 11th day of March , 2021.

Signed by George M. Abraham, M.D.

George M. Abraham, M.D.

Chair

To obtain a copy of the out-of-state disciplinary order, please contact the appropriate state’s medical licensing board directly. A list of state medical boards and contact information is available at <https://www.fsmb.org/contact-a-state-medica-board/>. You may also obtain a copy of the out-of-state disciplinary order by submitting a public records request (PRR) with the Massachusetts Board of Registration in Medicine. PRR forms and additional information can be found at <https://www.mass.gov/board-of-registration-in-medicine-public-records>.