COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS. Board of Registration in Medicine

Adjudicatory Case No. 2021-028

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In the Matter of )

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VISHAL VERMA, M.D. )

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**CONSENT ORDER**

Pursuant to G.L. c. 30A, § 10, Vishal Verma, M.D. (Respondent) and the Board of Registration in Medicine (Board) (hereinafter referred to jointly as the "Parties") agree the Board may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree 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 the Board may make the conclusions of law and impose the sanction set forth below in resolution of investigative Docket No. 20-083.

Findings of Fact

1. The Respondent was born on July 19, 1974 and is a 1998 graduate of the University of Miami School of Medicine. He is certified by American Board of Radiology in Diagnostic Radiology. The Respondent has been licensed to practice medicine in Massachusetts under certificate number 265206 since April 7, 2016.. The Respondent resides in California and is licensed to practice medicine in all fifty states and the District of Columbia.
2. The Respondent has been licensed to practice medicine in Maryland since January 23, 2012. On January 31, 2020 the Maryland State Board of Physicians (“Maryland Board”) reprimanded the Respondent’s license to practice medicine. In addition, the Maryland Board ordered the Respondent pay a $50,000 civil assessment and complete Board-approved courses in telemedicine, prescribing medication as terms of a six-month probationary period (“Maryland Final Decision and Order”). The Maryland Final Decision and Order is attached hereto as Attachment A and incorporated herein by reference.
3. The Maryland Final Decision and Order referenced above included the following information:
   1. From February 27, 2014 through September 7, 2017 and without a dispensing permit from the Maryland Board of Physicians, the Respondent prescribed and dispensed Latisse, a prescription medication that grows thicker, longer, darker eyelashes over the internet from California, where he was living and working, to 1,313 patients in Maryland.
   2. The Respondent prescribed Latisse based on a brief online questionnaire and without a synchronous audio-only or audio-visual evaluation.
   3. On June 16, 2017 the Texas Medical Board placed the Respondent on a Remedial Plan requiring him to complete at least four hours of continuing medical education on medical recordkeeping and four hours on risk management. This action was based on findings he failed to examine or establish a prior physician-patient relationship who he diagnosed and to who he prescribed a cosmetic medication via telemedicine. Dr. Verma completed all requirements of the Texas Remedial Plan and it was terminated on August 1, 2017.
   4. In 2016 and 2017 the West Virginia Board of Medicine investigated the Respondent. In August 2017 the Maryland Board informed the Respondent he was under investigation.
   5. Despite the information in the preceding paragraph, on September 11, 2017 the Respondent filed his Maryland license renewal application in which he answered negatively to the following questions:
      1. Whether a state licensing or disciplinary board took action against his medical license, including limitations of practice, required education, admonishment, or reprimand
      2. Whether a licensing or disciplinary board filed any complaints or charges against him or investigated him for any reason
   6. The Maryland Board concluded the Respondent failed to comply with the provisions of Section 12-102 of the Health Occupations Article of the Maryland Code by dispensing prescription drugs without possessing the required dispensing permit in violation of Md. Code Ann., Health Occ. § 14-404 (a)(28).
   7. As a result, the Maryland Board concluded the Respondent willfully made a false representation when making application for licensure in violation of Md. Code Ann., Health Occ. § 14-404 (a)(36).
   8. The Maryland Board further concluded the Respondent is guilty of unprofessional conduct in the practice of medicine in violation of Md. Code Ann., Health Occ. § 14-404 (a)(3)(ii).
4. As a result of the action taken by the Maryland Medical Board, the Respondent was reprimanded by the North Carolina Medical Board on April 27, 2020, admonished by the Colorado Medical Board on May 1, 2020, reprimanded by the Medical Board of California on May 18, 2020, reprimanded by the West Virginia Board of Medicine on July 29, 2020, reprimanded by Wisconsin Medical Examining Board on August 19, 2020, issued a license suspension by the Florida Board of Medicine on September 2, 2020, reprimanded by the Virginia Board of Medicine on September 29, 2020, reprimanded by the Georgia Composite Medical Board on October 5, 2020, reprimanded by the Rhode Island Board of Medical Licensure and Discipline on October 14, 2020, and reprimanded by the Mississippi State Board of Medical Licensure on November 18, 2020.
5. Based on the Maryland and North Carolina Board Orders, the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation, on behalf of the Illinois Medical Disciplinary Board (Illinois Board) issued a Consent Order reprimanding the Respondent on June 25, 2020. The North Carolina and Illinois Board Orders are attached hereto as Attachment B and incorporated 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 by the proper licensing authority for reasons substantially the same as those set forth in G.L. c. 112, § 5 or 243 CMR 1.03(5), specifically:
2. The Respondent engaged in conduct that undermines the public confidence in the integrity of the medical profession. *See* Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982); Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979).
3. The Respondent committed misconduct in the practice of medicine. *See* 243 CMR 1.03(5)(a)(18).
4. The Respondent fraudulently procured his certificate of registration or renewal. *See* 243 CMR 1.03(5)(a)(1)
5. The Respondent failed to issue a prescription in the usual course of the physician’s professional practice or within a physician-patient relationship, take an adequate medical history, or conduct a physical and/or mental status examination and document the findings. *See* G.L. c. 94C, § 19(a); Internet Prescribing Practices Policy and Guidelines, Policy No. 15-05 Section 4, Board of Registration in Medicine adopted October 8, 2015; Prescribing Practices Policy and Guidelines, Board of Registration in Medicine adopted August 1, 1989, amended November 17, 2010.

Sanction and Order

The Respondent’s license is hereby Reprimanded. This sanction is imposed for each violation of law listed in the Conclusion section and not a combination of any or all of them.

Execution of this Consent Order

Complaint Counsel, the Respondent, and the Respondent’s counsel 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 Orderwith 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; 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 the Respondent 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 Vishal Verma, M.D. 3/1/21

Vishal Verma, M.D. Date

Licensee

Signed by Vincent Roth 3/2/21

Vincent Roth Date

Attorney for the Licensee

Signed by Patrick G. Fitzgerald 3/2/21

Patrick G. Fitzgerald Date

Complaint Counsel

So ORDERED by the Board of Registration in Medicine this 3 day of June , 2021.

Signed by George Abraham, M.D.

George Abraham, M.D.

Board 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>.