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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**STATEMENT OF ALLEGATIONS**

The Board of Registration in Medicine (the “Board”) has determined that good cause exists to believe the following acts occurred and constitute a violation for which a licensee may be sanctioned by the Board. The Board therefore alleges that Naiyer Imam, M.D. (the “Respondent”) has practiced medicine in violation of law, regulations, or good and accepted medical practice as set forth herein. The investigative docket number associated with this order to show cause isDocket No. 20-012

Biographical Information

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.

Factual Allegations

1. The Respondent is Board certified in Diagnostic Radiology.
2. 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.
3. 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.
4. A true and accurate copy of the Minnesota Board Stipulation and Order is enclosed herewith as Attachment A and incorporated herein by reference.
5. 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.
6. A true and accurate copy of the Maryland Consent Order is enclosed herewith as Attachment B and incorporated herein by reference.
7. 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.
8. A true and accurate copy of the North Carolina Consent Order is enclosed herewith as Attachment C and incorporated herein by reference.
9. On June 5, 2020, the Medical Board of California (“California Board”) issued a Public Letter of Reprimand based on the Minnesota Stipulation and Order.
10. A true and accurate copy of the California Public Letter of Reprimand is enclosed herewith as Attachment D and incorporated herein by reference.
11. 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.
12. 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.
13. 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.
14. A true and accurate copy of the Illinois Consent Order is enclosed herewith as Attachment F and incorporated herein by reference.
15. 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.
16. A true and accurate copy of the Mississippi Consent Order is enclosed herewith as Attachment G and incorporated herein by reference.
17. 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.
18. A true and accurate copy of the Texas Consent Order is enclosed herewith as Attachment H and incorporated herein by reference.
19. 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.
20. A true and accurate copy of the Florida Consent Order is enclosed herewith as Attachment I and incorporated herein by reference.
21. 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.
22. 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.

The Board has jurisdiction over this matter pursuant to G.L. c. 112, §§ 5, 61, and 62. This adjudicatory proceeding will be conducted in accordance with the provisions of G.L. c. 30A and 801 CMR 1.01.

Nature of Relief Sought

The Board is authorized and empowered to order appropriate disciplinary action, which may include revocation of the Respondent's inchoate right to renew his license to practice medicine in Massachusetts.

Order

Wherefore, it is hereby **ORDERED** that the Respondent show cause why the Board should not discipline the Respondent for the conduct described herein.

By the Board of Registration in Medicine,

Signed by George M. Abraham, M.D.

George M. Abraham, M.D.

Board Chair

Date: March 11, 2021

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>.