

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF MEDICINE**

IN RE:

NEIL CHATTERJEE, MD

License No.: MD037882

Respondent

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CONSENT ORDER

This matter comes before the District of Columbia Board of Medicine (the “Board” or “D.C. Board”) pursuant to the Health Occupations Revision Act (HORA). D.C. Official Code § 3-1201.01, *et seq.* (2016 Repl.). The HORA authorizes the Board to regulate the practice of medicine in the District of Columbia. The Board has broad jurisdiction to impose a variety of disciplinary sanctions upon a finding of a violation of the HORA. D.C. Official Code, § 3-1201.03; *Mannan v. District of Columbia Board of Medicine*, 558 A.2d 329, 333 (D.C. 1989). The Council of the District of Columbia, in amending the HORA, “intended to strengthen enforcement of its licensing laws.” *Davidson v. District of Columbia Board of Medicine*, 562 A.2d 109, 113 (D.C. 1989). The HORA “was designed to ‘address modern advances and community needs *with the paramount consideration of protecting the public interest.*’” *Joseph v. District of Columbia Board of Medicine*, 587 A.2d 1085, 1088 (D.C.1991) (*quoting* Report of the D.C. Council on Consumer and Regulatory Affairs on Bill 6-317, at 7 (November 26, 1985)) (emphasis added by court).

Background

The Respondent is licensed to practice medicine in New York, Virginia, and Washington, DC. Respondent was originally licensed in D.C on March 23, 2009, but allowed his license to lapse as he was not practicing in the District at that time. Respondent submitted an application for a new license on July 17, 2014, and received his license in to practice in November 2014 after entering into a Negotiated Settlement Agreement (NSA) with the Board.

The NSA entered into by the Board and the Respondent, executed on November 13, 2014, was based on Respondent's conviction for driving while under the influence of alcohol in January 2014 for an offense that occurred on April 15, 2013. The NSA required, *inter alia*, that Respondent refrain from the use of alcohol and other non-prescription drugs, enter into a contract with the Medical Society of the District of Columbia Physician's Health Program (MSDC-PHP), and comply with all treatment recommendations of the MSDC-PHP. The NSA requirements were based on Respondent's conviction for driving while under the influence of alcohol. In September 2019, Respondent was terminated from the MSDC-PHP for refusal to comply with a recommendation for inpatient treatment. Since that time, Respondent has continued with testing and therapy. Respondent has not practiced medicine clinically since August 2019, but has instead pursued another business opportunity based upon his medical training, experience and active license.

As a result of Respondent's failure to comply with the terms of the NSA, he was served with a Notice of Intent to take Disciplinary Action (NOI) in November 2020. He requested a hearing in a timely fashion. Shortly thereafter, Respondent's counsel requested a meeting with the Board to discuss a possible settlement. A panel of the Board met with Respondent and his counsel on June 28, 2021. The Respondent provided to the Board for its consideration an

evaluation performed by Michael Labbe, LPC, Director of Lampost Wellness Centers, in addition to his negative drug test results. Based on the record before the Board and the discussions with Respondent and his counsel, Respondent and the Board have now reached an agreement to resolve the allegations in the NOI as outlined in this Consent Order (Order).

Conclusions of Law

The Board is authorized to sanction Respondent under the HORA for his actions, which are related to the practice of medicine. The HORA provides, in pertinent part:

Each board, subject to the right of a hearing as provided by this subchapter, on an affirmative vote of a quorum of its appointed members may take one or more of the disciplinary actions provided in subsection (c) of this section against any applicant for a license, registration, or certification, an applicant to establish or operate a school of nursing or nursing program, or a person permitted by this subchapter to practice a health occupation regulated by the board in the District who:

* * *

(27) Violates an order of the board or the Mayor, or violates a consent decree or negotiated settlement entered into with a board or the Mayor.

Respondent's failure to comply with the treatment recommendations and failure to stay enrolled with the MSDC-PHP constitute a violation of the NSA. This violation provides the Board with a basis in law and fact to take action against Respondent under the authority of D.C. Official Code § 3-1205.14(a)(3).

ORDER

ACCORDINGLY, based on the foregoing, it is by the District of Columbia Board of Medicine hereby,

ORDERED that Respondent will be placed on **PROBATION** for a period of not less than five (5) years from the date of execution of this Order (that is, the date the Order is signed by the Board Chair). The terms of the Probation are as follows:

1) Respondent will enter into a contract with Affiliated Monitors, Inc. (Affiliated) within thirty (30) days of the execution of this Order, and remain under contract with Affiliated until such time as the agreement is successfully terminated; that is, when Affiliated agrees that Respondent has completed all requirements and further monitoring is not needed. The agreement shall include, at a minimum:

- a. The agreement shall be for a minimum period of two (2) years unless Affiliated recommends and the Board agrees it should end sooner;
- b. Respondent shall comply with all requirements of his agreement with Affiliated until the agreement is successfully terminated;
- c. Respondent shall sign any and all releases, documents or papers allowing the Board and Affiliated to have full and complete access to any medical or substance abuse treatment, examination or test undergone by Respondent during the period of monitoring, and for the Board to have access to any records regarding the Respondent maintained by Affiliated;
- d. Respondent shall provide Affiliated with Mr. Labbe's evaluation dated June 8, 2021 and his agreement with Affiliated shall include compliance with all of the recommendations made by Mr. Labbe including:
 - i. Treatment with Dr. Shrikhande for medication and mood monitoring;
 - ii. Weekly psychotherapy for a minimum of two (2) years; and
 - iii. Random SoberLink device monitoring, for a period of two (2) years;
- e. Respondent shall comply with all requirements of Affiliated for additional evaluations and any subsequent treatment recommendations;

f. Respondent shall authorize and ensure that reports are submitted to the Board by Affiliated on a quarterly basis until the termination of his agreement with Affiliated. The first of these reports shall be due to the Board by close of business on the last business day of the third month following entry of the agreement with Affiliated, and shall thereafter continue to be submitted to the Board by the close of business on the last business day of each quarter. The reports shall be submitted to: D.C. Board of Medicine – Compliance, Health Regulation and Licensing Administration, DC Health, 2nd Floor, 899 North Capitol St. N.E., Washington DC 20002 or e-mailed to Lisaa.Robinson@dc.gov. These reports shall:

- i. Address Respondent's sobriety and whether he is compliant with the terms of the treatment program;
- ii. Include copies of the result of all drug tests conducted in the previous quarter; and
- iii. Continue to be submitted until the completion of Respondent's agreement with Affiliated.

2) Respondent shall notify the Board of any addition to, change in, or termination of agreement with Affiliated within ten (10) days of the change in status.

3) Respondent shall be available to appear before the Board for a check-in interview at the Board's request.

4) Respondent shall pay a fine of \$5000.00 within three (3) months of the execution date of this Order. The fine shall be paid by check made out to "DC Treasurer" and mailed to: D.C.

Board of Medicine, Health Regulation and Licensing Administration, DC Health, 2nd Floor, 899 North Capital St. NE, Washington DC 20002.

5) Prior to the resumption of any clinical practice, Respondent shall submit to the Board for its approval a Re-entry Plan in accordance with the Board's Re-entry Policy. Respondent shall not begin any clinical practice without the approval of the Board; and it is further

ORDERED that Respondent will refrain from the consumption of any alcohol or non-prescription drugs to include those contained in over-the-counter medications, herbal or health preparations, or drugs not prescribed by a treating physician for a legitimate medical need and, while under agreement with Affiliated, with the approval of Affiliated. Respondent may not self-prescribe himself any medications or recommend marijuana; and it is further

ORDERED that Respondent shall bear all costs affiliated with this Order; and it is further

ORDERED that Respondent may not request termination of probation while still under an agreement with Affiliated; and it is further

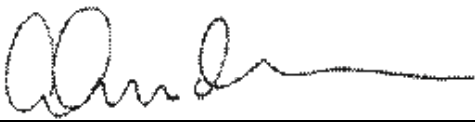
ORDERED, that Respondent shall comply with all laws, rules, and regulations of the District of Columbia; and it is further

ORDERED, that if Respondent fails to satisfactorily fulfill the terms of this Consent Order the D.C. Board may issue a notice of intent to take additional formal disciplinary action against Respondent's license; and it is further

ORDERED, that this is a public document.

DISTRICT OF COLUMBIA BOARD OF MEDICINE

08.05.2021
Date

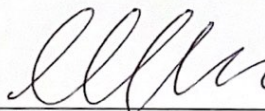

By: Andrea Anderson, MD, FAAFP
Chairperson

AGREEMENT OF RESPONDENT

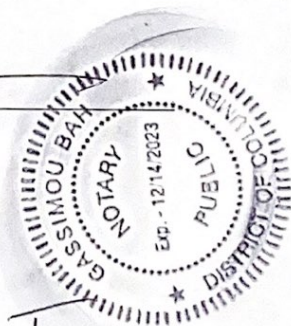
By signing this public consent order, I agree to accept and abide by its terms. I acknowledge its validity and acknowledge that I have agreed to the terms set forth in this order. I fully acknowledge that by signing this consent order, I am waiving my right to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections provided by law. I also recognize that I am waiving my right to appeal any adverse ruling by the Board that might have followed any such hearing. By signing this consent order, I waive all such rights.

I have had the opportunity to review this document and to seek the advice of my own legal counsel. I choose to sign this consent order willingly and without reservation and am fully aware of its meaning and effect.

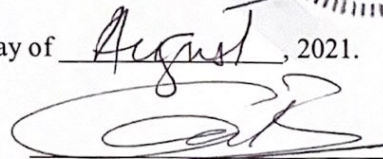
8/5/2021
Date



Neil Chatterjee, MD
License No.: MD037882



Sworn to and subscribed before me this 5 day of August, 2021.



Notary Public

This Consent Order shall be deemed a public document and shall be distributed as appropriate.