

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF HEALTH  
HEALTH REGULATION AND LICENSING ADMINISTRATION**



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**IN THE MATTER OF:**

**ASHEESH KUMAR, M.D.**

**Respondent.**

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**NOTICE OF SUMMARY ACTION TO SUSPEND LICENSE**

To: Asheesh Kumar, M.D.  
810 3rd Street, S.E.  
Washington, D.C. 20003

In accordance with the provisions of the District of Columbia Administrative Procedure Act, D.C. Code § 2-509; the District of Columbia Health Occupations Revision Act of 1985, D.C. Code § 3-1205.15(a); and 17 DCMR § 4118, the District of Columbia Department of Health (D.C. Health) gives you notice of the summary suspension of your medical license, MD043685, under D.C. Code § 3-1205.15(a).

Your license is summarily suspended effective immediately upon receipt of this notice. If you wish to appeal this summary suspension of your license, you must file a request for a hearing within 72 hours after service of this notice. Should you request a hearing, one will be held within 72 hours of a timely request, and a decision will be rendered within 72 hours after the close of the hearing. The request for a hearing must be submitted in writing to Suzanne Fenzel, Assistant General Counsel, D.C. Health. The request may be submitted by email to [Suzanne.Fenzel3@dc.gov](mailto:Suzanne.Fenzel3@dc.gov) or by mail to 899 North Capital Street, N.E., 6th Floor, Washington, D.C. 20002. Ms. Fenzel can be reached at (202) 724-8915.

The District of Columbia (the District) is represented by the Office of the Attorney General for the District of Columbia. A copy of your hearing request and any pleading or other written communication addressed to D.C. Health must also be delivered to Collin Cenci, Assistant Attorney General (AAG), Office of the Attorney General for the District of Columbia, Civil Enforcement Section, 400 Sixth Street, N.W., Suite 10100, Washington, D.C. 20001. AAG Cenci can be reached at (202) 705-1894 or by email at [Collin.Cenci@dc.gov](mailto:Collin.Cenci@dc.gov).

You may appear personally at the hearing, and you may be represented by legal counsel. You have the right to produce witnesses and evidence, to cross-examine witnesses against you, to examine evidence produced, and to have subpoenas issued to require the production of witnesses and evidence.

All hearings are conducted in the English language. If you or any witnesses to be called are deaf, have a hearing impediment, or cannot readily understand or communicate the spoken English language, an application may be made to the Administrative Law Judge for the appointment of a qualified interpreter.

A request for a hearing will not stay the suspension of your license.

The charges upon which the summary suspension is based are set forth below.

**Charge I:**                    **The State of Maryland suspended your medical license, for which D.C. Health can summarily suspend your license under D.C. Code § 3–1205.15(a)(1)(A).**

On July 13, 2022, the Maryland State Board of Physicians (Maryland Board) summarily suspended your license to practice medicine in Maryland, License No. D74085, Case No. 2222-128B. The Maryland Board based its summary suspension on information concerning your practice of anesthesiology while impaired and/or intoxicated at a health care facility (the Facility) from February 14, 2022 until your termination on April 7, 2022.<sup>1</sup> It did so after a Maryland Board investigation found your conduct constituted a substantial likelihood of a risk of serious harm to the public health, safety, or welfare. To date, Maryland has not reinstated your license to practice medicine.

**Charge II:**                    **Your conduct of providing services to patients under the influence of alcohol presents an imminent danger to the health and safety of the public, for which D.C. Health can summarily suspend your license under D.C. Code § 3–12015(a)(1)(D).**

The allegations in support of Charge I are incorporated by reference. Further, after your termination and during its investigation, the Maryland Board received a complaint from the Facility that on April 5, 2022, you practiced medicine and provided anesthesiology services to pediatric patients while impaired or intoxicated.

The Maryland Board investigated your practice. It interviewed under oath a physician who directly supervised you at the Facility (Facility Physician 1). Facility Physician 1 said that on April 5, 2022, your coworkers contacted him with concerns about your behavior. One coworker reported you were “acting funny” and may be unable to work. Facility Physician 1 learned you were acting sleepy and sluggish, sleeping between cases, and struggling with basic tasks. He told his superior (Facility Physician 2) about your concerning behavior and then contacted you. You told Facility Physician 1 that you felt

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<sup>1</sup> To maintain confidentiality, the Maryland Board did not identify the Facility or the names of witnesses, employees, or patients in its Order. According to the Maryland Board, you are aware of the identity of the Facility.

tired and unwell, and he advised you to stop working and go upstairs to the office. Facility Physician 1 then met you in the office, and you again said you felt unwell. He directed you to the Facility's urgent care department for evaluation. Facility Physician 1 later followed up with you, and you advised him that you tested positive for alcohol.

The Maryland Board also interviewed Facility Physician 2, a Facility supervisor for clinical care operations and physicians. Urgent care department staff provided Facility Physician 2 with your evaluation and positive test results for alcohol. The Facility fired you on April 7, 2022. At your termination meeting with Facility Physicians 1 and 2, you claimed recent personal life stressors overwhelmed you. Facility Physician 2 expressed concern that you may work while impaired again and doubted you could safely care for patients.

The Maryland Board also interviewed another physician (Physician Anesthesiologist) who worked with you in a clinical setting on March 10, 2022. The Physician Anesthesiologist smelled alcohol on you while you cared for pediatric patients around 9:00 a.m. and again that afternoon. Each time, the Physician Anesthesiologist stood a few feet from you, and you both wore masks. The Physician Anesthesiologist noted concerns that you would be drinking on your "first day of working at a brand-new site that [you] ha[d] never been to [when] taking care of patients, particularly pediatric patients. . ."


You submitted a written statement to the Maryland Board and attended an interview with the Maryland Board under oath. You admitted drinking during the afternoon of Monday, April 4, 2022 and continued to drink into the morning of Tuesday, April 5, 2022 until 3:00 a.m. When you woke at 5:00 a.m. for your shift at the Facility, you felt under the influence of alcohol. The details of your shift on April 5, 2022 were "hazy," but you remember working with pediatric gastroenterology patients. You said, "I don't recall exactly what my interactions were. I know I was helping the other physician with the case. On the second case that we did I started a peripheral IV." And you were taken from the room after starting the second case and directed to the office and then urgent care. You claimed you were sober for 2.5 years before relapsing on April 4, 2022. And you claimed to have consumed no alcohol on March 9 or 10, 2022; and explained your alcohol smell on those days was because you ate your mother's chicken made with red wine sauce. Lastly, you admitted beginning work at another health care facility as a staff anesthesiologist without informing your new employer why the Facility fired you.

To date, you have not sought treatment for your health condition. Your conduct of providing anesthesiology services under the influence of alcohol violated D.C. Code § 3-1205.14(a)(7) and presents an imminent danger to the health and safety of the public and the District.

Please note under 17 DCMR § 4103.2, your failure to appear at the time and place set for the hearing, either in person or through counsel, or both, will not preclude D.C. Health's proceeding in this matter.

8/11/2022

DATE

  
ARIAN R. GIBSON, M.S.  
Interim Senior Deputy Director  
Department of Health  
Health Regulation and Licensing Administration