

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

**IN RE:**

**ASHEESH KUMAR, MD**

**License No.: MD043685**

**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

Dr. Asheesh Kumar (Respondent) was originally licensed to practice medicine in Washington, DC on October 14, 2015. His medical license is currently summarily suspended. Respondent was also licensed in Maryland; his Maryland license is currently suspended and has a reprimand. *See Attachment A, Consent Order, In the Matter of Asheesh Kumar MD Before the Maryland State Board of Physicians, Case No. 2222-0128, dated 10/21/2022 (Maryland Consent Order).*

Dr. Kumar is board-certified in anesthesiology and anesthesiology, critical care medicine. Dr. Kumar primarily practiced at a health care facility (Facility) with locations in Maryland and the District beginning February 14, 2022, until his termination on April 7, 2022. The Maryland Board began its investigation of Dr. Kumar following receipt of a Mandated 10-Day Report from the Facility on April 12, 2022. According to the Maryland Board's Investigation, his colleagues observed him, and Dr. Kumar acknowledged being under the influence of alcohol while caring for pediatric patients at the Facility on April 5, 2022. Dr. Kumar's lab results came back positive for alcohol on April 5, 2022, and he was subsequently terminated from employment at the Facility on April 7, 2022. Dr. Kumar was also working at another health care facility as a staff anesthesiologist and did not inform his current employer of the circumstances surrounding his termination at the Facility.

During an interview, under oath, with the Maryland Board, Dr. Kumar said he took full responsibility for his actions and didn't have any excuses but did say he was under a lot of stress and feeling overwhelmed, with panic and anxiety attacks. He also said regarding the specific incident, he had begun drinking at approximately 2:00 pm on April 4, and continued throughout

the day and into the early morning hours of the 5th. His last drink was at “about 3:00 a.m. in the morning” and he then got up at 5:00 a.m. for his morning shift and “felt under the influence.” Before he was removed from service, he recalled doing “pediatric gastroenterology patients, kids’ colonoscopies or endoscopies” and he started a “peripheral IV.” The Maryland Board summarily suspended his license to protect the public’s health, safety, and welfare on July 13, 2022. The District of Columbia Department of Health took reciprocal action and summarily suspended Dr. Kumar’s license on August 11, 2022. The Maryland Board and Dr. Kumar subsequently entered into a Consent Order on October 21, 2022, with, *inter alia*, the following terms:

1. Reprimand;
2. Suspension from the practice of medicine for a minimum of six (6) months, during which period the Respondent will:
  - a. Enter into and comply with a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with the Maryland Professional Rehabilitation Program (MPRP);
  - b. Sign all necessary written release and consent forms to authorize MPRP to and the Board to make verbal and written disclosures between them relevant to Respondent’s participation and compliance, and to allow MPRP to exchange information about the Respondent with outside entities and treatment providers;
  - c. Take and successfully pass a course in professionalism, approved by the Board;and
3. After a period of at least six (6) months suspension, and after MPRP recommends that it is safe for Respondent to return to the practice of medicine, the Respondent may petition the Board for the termination of suspension. If the Board agrees to terminate

the suspension, Respondent will be placed on probation for a minimum period of two (2) years with the requirement to continue to stay enrolled in and comply with his Agreements with the MPRP.

*Id.*, pp. 9-11.

### **Findings of Fact**

The Board adopts and incorporates the Findings of Fact of the Maryland Board in the Maryland Consent 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:

\* \* \*

(3) Is disciplined by a licensing or disciplinary authority or peer review body or convicted or disciplined by a court of any jurisdiction for conduct that would be grounds for disciplinary action under this section . . .

D.C. Official Code § 3-1205(a)(3).

According to the Maryland Board, “the Respondent: is guilty of unprofessional conduct in the practice of medicine . . . is professionally, physically, or mentally incompetent. . . and provided professional services while under the influence of alcohol” all in violation of Maryland’s Health Occupation law § 14-404(a). These actions are grounds for discipline pursuant to D.C. Official Code § 3-1205.14(a)(5) (is professionally or mentally incompetent or physically incapable); D.C. Official Code § 3-1205.14(a)(7) (provides or attempts to provide, professional services while

under the influence of alcohol . . . ); and D.C. Official Code § 3-1205.14(a)(26) (fails to conform to standards of acceptable conduct and prevailing practice within a health profession).

**ORDER**

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

**ORDERED** that the Respondent be and is hereby **REPRIMANDED**; and it is further

**ORDERED** that the Respondent's Notice of Summary Suspension dated August 11, 2022 is **TERMINATED**; and it is further

**ORDERED** that Respondent's medical license is **SUSPENDED** with the following conditions:

1. Respondent shall stay enrolled and compliant with the MPRP;
2. Respondent shall provide a copy of this Consent Order to the MPRP within ten (10) days of signing his name below;
3. Respondent shall sign all necessary releases to allow MPRP to provide quarterly reports to the Board regarding his participation and compliance with the MPRP Agreements, and any concerns or recommendations the MPRP should have. The reports are to be emailed to: [dcbomed@dc.gov](mailto:dcbomed@dc.gov) or mailed to: DC Board of Medicine, Health Regulation and Licensing Administration, 2d Floor, 899 North Capitol St. NE, Washington D.C. 20002;
4. Respondent shall not consume any alcohol, controlled substances, or prescribed or over-the-counter drugs without the knowledge and approval of the MPRP;

5. Respondent may request termination of the suspension and reinstatement of his license<sup>1</sup> after the Maryland Board enters an Order terminating Respondent's suspension. It is further

**ORDERED** that if Respondent's suspension is terminated and license reinstatement approved, his license will be placed on **PROBATION** for a minimum of two (2) years. During the period of probation, Respondent shall comply with the following terms and conditions:

1. Continued participation and compliance with the MPRP agreements, to be reported to the Board on a quarterly basis as detailed above;
2. Continued abstinence of all alcohol and drugs other than that taken with the knowledge and approval of the MPRP; and
3. Other terms the Board may deem appropriate. It is further

**ORDERED** that the Respondent may not apply for early termination of probation; and it is further

**ORDERED** that, after the Respondent has complied with all terms and conditions of probation for a minimum of two (2) years, and after the Maryland Board has approved termination of probation for his Maryland license, Respondent may petition the Board for termination of his probation; and it is further

**ORDERED** that Respondent shall bear all costs of compliance with this Consent Order; and it is further

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

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<sup>1</sup> If Respondent has not practiced clinically for a period of more than two years prior to termination of the suspension and reinstatement of the license, he may be required to submit a re-entry plan for the Board's approval prior to resuming practice, in addition to compliance with the probationary terms.




**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 agreement. 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 settlement agreement, 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.

28 APRIL 2023  
Date

  
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Asheesh Kumar, MD  
License No.: MD043685

Sworn to and subscribed before me this 28 day of April, 2023.

  
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Notary Public

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

