

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

IN RE:

MITESH R. PATEL, M.D.

License No.: MD040032

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). And 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. Mitesh Patel (Respondent) has been licensed to practice medicine in the District of Columbia since July 22, 2011. On February 9, 2021, the Board received notice from his employer,

MedStar Medical Group, that his employment was terminated on Feb. 1, 2021, effective Feb. 2, 2021. The reason for his termination was inappropriate behavior towards a patient.

On January 6, 2021, MedStar Georgetown University Hospital received a complaint from a patient (Patient A). Patient A alleged that prior to an upper endoscopy and colonoscopy performed by Respondent on December 23, 2020, Respondent had “stroked her face and reassured her that she would be fine and called her ‘beautiful.’” Patient A said Respondent called her a few days later to inform her of the results. Patient A alleged that in addition to informing her that she was constipated and needed to take fiber, Respondent also asked her about her sexual partners and if she engaged in oral or anal sex. She also alleged that Respondent asked if she wanted to perform sex acts with a “handsome doctor.” Patient A declined and told him she has a boyfriend. Patient A alleged that she was advised to return to the office for a follow up with him for a rectal and vaginal exam to further evaluate her complaints. Respondent called Patient A a second time after the initial conversation to discuss scheduling an appointment, during which he intimated he could make a house call depending on where she lived.

Respondent denied that he stroked Patient A’s face and called her “beautiful” prior to her upper endoscopy and colonoscopy. Respondent explained that Patient A may have misinterpreted or misremembered what happened when he put the bite block around her face prior to receiving sedation. Respondent admitted calling the patient to discuss her endoscopy biopsy results and follow-up appointments. However, respondent denied that he ever propositioned the patient over the phone. Patient A reported persistent, severe constipation and discomfort. Respondent explained that he inquired about anal sex as relevant to her ongoing medical issue. Respondent explained that he told the patient to follow-up in the office for further evaluation, including a rectal and vaginal assessment to evaluate for pelvic floor dysfunction, which is a cause of unexplained

constipation. Respondent explained that his comment regarding a house call was meant to be a joke. Respondent explained that his phone calls to Patient A were not made with any ill intent, although in retrospect, he can see how his questions and attempts at humor could have made Patient A uncomfortable. Following his termination, Respondent wrote to the President, MedStar Health, and apologized for his poor judgment and inappropriate actions.

After Respondent's termination from MedStar, he voluntarily completed a three-day program in professional boundaries from the U.C. San Diego PACE program.

Respondent was served with a Notice of Intent to take Disciplinary Action (NOI) through his counsel on Nov. 8, 2021 and timely requested a hearing. Respondent and the Board now agree to enter into this Consent Order to resolve the charges in the NOI.

Findings of Fact

1. Respondent is a licensed physician in the District of Columbia and has been licensed here since July 22, 2011.

2. Respondent communicated with a patient (Patient A) by telephone and during the conversations, ostensibly about scheduling another appointment, asked about her sexual habits, asked her about where she lived for a possible weekend appointment, asked about her interest in a "handsome doctor," and suggested he could perform a vaginal exam.

3. Respondent's communication was conduct of a sexual nature that a reasonable patient could, and Patient A did, consider lewd and offensive.

4. Respondent denies the allegations, but nonetheless desires to enter into this Consent Order.

Conclusions of Law

The D.C. Board is authorized, pursuant to D.C. Official Code § 3-1205.14(a)(23)(C), to take action when a respondent engages in conduct of a sexual nature that a reasonable patient would consider lewd or offensive. Respondent's conduct with Patient A constituted a violation of D.C. Official Code §3-1205.14(a)(23)(C) and has provided 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)(23) (C).

ORDER

Based on the forgoing, it is by the District of Columbia Board of Medicine hereby, **ORDERED**, that Respondent's license to practice medicine in the District of Columbia is **REPRIMANDED**; and it is further

ORDERED that Respondent's license is **SUSPENDED** for one year, with such suspension to be stayed unless Respondent violates the Health Occupations Revision Act (D.C. Official Code §3-1201.01 *et seq* (2016 Repl.)) or the terms of this Consent Order; and it is further

ORDERED that Respondent shall pay a fine of five thousand dollars (\$5000.00), payable within six (6) months of the execution date of this Consent Order (that is, the date on which it is signed by the Board Chair). Payment shall be made by check or money order to the D.C. Treasurer, and mailed to the Board of Medicine, Health Regulation and Licensing Administration, DC Health, 2nd Floor, 899 North Capitol St. NE, Washington D.C. 20002; and it is further

ORDERED that Respondent's license is placed on **PROBATION** for a period of three (3) years and the terms of the probation are:

1. Respondent will have a chaperone present for all encounters with non-male patients. The chaperone cannot be a person engaged in any procedure for the patient, and the chaperone's name shall be documented in the medical record;
2. Respondent shall engage in long-term therapy with a focus on impulse control, to begin within sixty (60) days of the execution date of this Consent Order. Respondent shall provide proof to the Board, at the address stated above, of the initiation of the therapy and the name and CV of the therapist. Respondent shall also provide to the therapist a copy of this Consent Order. The determination of the duration of therapy shall be in the discretion of the therapist and Respondent may petition the Board to have this requirement lifted when the therapist deems it is appropriate;
3. Respondent shall engage an external scribe system such as "Deepscribe" for automatic recordings of all patient encounters, including telephonic encounters; and
4. Respondent may petition the Board for a change to the probationary terms after eighteen months of compliance with the terms of this Order; and it is further

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


ORDERED that Respondent shall comply with all laws, rules, and regulations of the District of Columbia, while within its jurisdiction;

ORDERED, that if Respondent fails to satisfactorily fulfill the terms of this Consent Order the 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

05.18.2022
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 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.

5/3/2022
Date



Mitesh R. Patel, M.D.
License No. MD040032

Sworn to and subscribed before me this 03 day of May, 2022.

Notary Public

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