

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

IN RE:

JAMAL YOUSEFI, MD

License No.: MD32228

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. Jamal Yousefi (Respondent) has been licensed to practice as a physician in the District of Columbia since February 25, 2000. Respondent is also licensed in Maryland and Virginia; his practice is primarily based in Virginia but he also has offices in the District and Maryland. The Virginia Board of Medicine (Virginia Board) entered into a Consent Order (Virginia Consent Order) with Respondent, effective January 10, 2019, after finding that Respondent had violated the following:

1. Virginia Code §§ 54.1-2916(A)(13) (Conducting his practice in such a manner as to be a danger to the health and welfare of his patients or to the public); (16) (Performing any act likely to deceive, defraud or harm the public); and (17) (Violating any provision of statute or regulation, state or federal, relating to the manufacture, distribution, dispensing or administration of drugs);
2. Virginia Code §§ 54.1-3404(C) and (D) (regarding the inventory, receipt, administration and records for controlled substances); and
3. Virginia Code § 54.1-3420 (Distribution of controlled substances with a written request of confirmation of receipt).

Specifically, the Virginia Board found that in or about 2017 through mid-2018 he failed to properly document and appropriately safeguard fentanyl, a Schedule II Controlled Substance that was ordered for, and received by, his cosmetic surgery practice. Among other issues, deliveries of injectable fentanyl were not always timely secured, appropriately safeguarded, or appropriately documented. Deliveries of fentanyl were often recorded late in the controlled substance log if the Respondent was not present when the drug was delivered, and the controlled substance log contained errors and was difficult to read and interpret. When the medication

wholesaler informed Respondent that liquid fentanyl was on backorder, he would “borrow” the medication from a dentist, and return an equivalent amount to the dentist when additional supplies were received from the wholesaler; on at least one occasion he returned the favor to the dentist, “loaning” the dentist 6 cc of fentanyl of which the same amount was returned a few days later. Finally, the controlled substance log could not be completely reconciled. Between March 10, 2017 and June 29, 2018, “approximately 14 orders of 0.05 mg/ml fentanyl (each order consisting of either twenty-five 2ml vials or ten 5ml vials) that had been ordered by the practice and shipped by the wholesaler could not be reconciled with Dr. Yousefi’s written records, including the surgery log book.” *See Attachment A, Virginia Consent Order pp. 1 – 2.* After the Virginia Board’s investigation, Respondent retained consultants to develop and implement new procedures for receiving, securing and logging controlled substances.

The Virginia Board and Respondent entered into the Virginia Consent Order, effective January 10, 2019 which instituted a reprimand against the Respondent. Subsequently, on March 22, 2019, the Maryland Board of Physicians (Maryland Board) entered an Order of Default (Maryland Order) against the Respondent as a reciprocal action, and also issued a reprimand against the Respondent. *See Attachment B, Maryland Order.*

On July 31, 2019, the D.C. Board of Medicine (Board) reviewed the actions taken against respondent by the Virginia and Maryland Boards and voted to take reciprocal action against the Respondent.

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 § 3-1205.14(a) (3) and

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

The Virginia Board reprimanded Respondent due to his failure to properly document and appropriately safeguard fentanyl, a Schedule II Controlled Substance that was ordered for, and received by, his cosmetic surgery practice. Therefore Respondent has had disciplinary action taken against him by the proper licensing authority of another state, authorizing the Board to impose disciplinary or corrective measure on him pursuant to D.C. Official Code § 3-1205.14 (2016 Repl.).

Accordingly, Respondent's conduct has provided the D.C. Board with a basis in law and fact to take reciprocal 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 be **REPRIMANDED**;

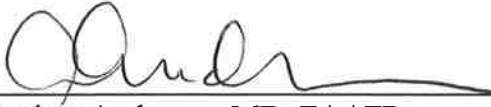
ORDERED, that Respondent shall comply with all laws, rules, and regulations of the District of Columbia, while within its jurisdiction;

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

10/30/19
Date

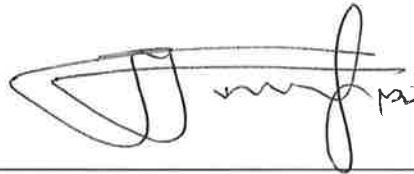

By: Andrea Anderson, MD, FAAFP
Chairperson

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.

10/15/19
Date



Jamal Yousefi, MD
License No.: MD32228

AUNG KYAW LIN
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #366762
My Commission Expires 4/30/2021

Sworn to and subscribed before me this 15th day of Oct, 2019.
Fairfax County
Virginia



Notary Public

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