

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

IN RE:

ASHEESH KUMAR, MD

License No.: MD043685

Respondent

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AMENDED 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. The status of his medical license is “probation” but he was unable to renew it when it expired December 31, 2022 as it had been summarily suspended. Respondent was also licensed in Maryland; he is currently on probation in Maryland. *See Attachment A, Consent Order Terminating Suspension and Imposing Probation, In the Matter of Asheesh Kumar MD Before the Maryland State Board of Physicians, Case No. 7723-0028, dated 05/01/2023 (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. 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 (2022 Maryland Consent Order), which suspended his license for a minimum of six (6) months and required him to enroll and participate in the Maryland Professional Rehabilitation Program (MPRP). The D.C. Board entered into a Consent Order with Dr. Kumar with similar terms and conditions on May 2, 2023, (2023 Consent Order) with the caveat that he could only petition to lift the suspension after his suspension in Maryland was terminated.

In accordance with the terms of the 2022 Maryland Consent Order, after MPRP submitted a recommendation that it was safe for Dr. Kumar to return to practice, he petitioned the Maryland Board to lift his suspension. By entry of the Maryland Consent Order, he was placed on probation for a minimum of two years with the following conditions:

1. Continued enrollment in the MPRP and:
 - a. Fully and timely cooperate with all MPRP's referrals and requirements including complaint with the Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s); and
 - b. Sign all necessary written release and consent forms to authorize MPRP to and the Maryland 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; and

2. If Dr. Kumar transfers his rehabilitation program to another state, he must fully comply with that program and ensure all necessary releases are signed to ensure the Maryland Board has full access to information regarding Dr. Kumar; and
3. He may petition the Maryland Board for termination of his probation after two years of full compliance with the probationary terms.

After Dr. Kumar's Maryland license was placed on probation, Dr. Kumar successfully petitioned the D.C. Board to terminate his suspension. Dr. Kumar submitted an application to reinstate his license which will be approved in accordance with this Amended Consent Order clarifying the terms of probation. This Amended Consent Order incorporates the Findings of Fact and Conclusions of Law of the 2023 Consent Order.

ORDER

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

ORDERED that the Respondent's **REPRIMAND** remains in effect; and it is further

ORDERED that the Respondent is placed on **PROBATION** for a minimum of two (2) years from the effective date of this Amended Consent Order (that is, the date the Amended Consent Order is signed by the Board Chair) with the following conditions:

1. Respondent shall stay enrolled and compliant with the MPRP;
2. Respondent shall provide a copy of this Amended 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 or mailed to: DC Board of Medicine, Health Regulation and Licensing Administration, 2d Floor, 2201 Shannon Place SE, Washington, D.C. 20020;

4. Respondent shall not consume any alcohol, controlled substances, or prescribed or over-the-counter drugs without the knowledge and approval of the MPRP; and 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 comply with the terms of the Re-entry Plan, incorporated as Attachment B, and shall not resume clinical practice until the Board has approved his supervisor or monitor; Respondent will ensure his supervisor provides quarterly reports to the Board regarding his performance and any concerns his supervisor may have during the previous quarter, until the Board is satisfied that no further supervision or monitoring is needed; 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

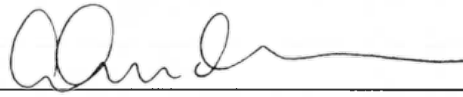
ORDERED, that if Respondent fails to satisfactorily fulfill the terms of this Consent Order the D.C. Board may issue a notice of intent to take additional formal disciplinary action against Respondent's license; and it is further

ORDERED, that this is a public document.

DISTRICT OF COLUMBIA BOARD OF MEDICINE

06.04.2024

Date



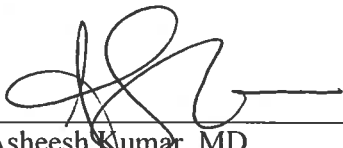
By: Andrea Anderson, MD, M.Ed., FAAFP
Chairperson

AGREEMENT OF RESPONDENT

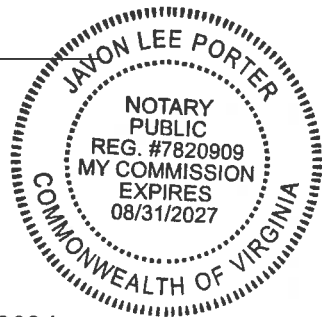
By signing this public consent order, I agree to accept and abide by its terms. I acknowledge its validity and acknowledge that I have agreed to the terms set forth in this agreement. I fully acknowledge that by signing this consent order, I am waiving my right to confront witnesses, to give testimony, 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.

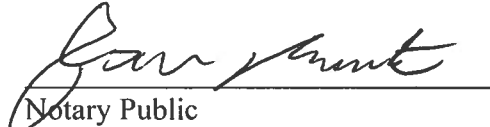
4/11/24
Date



Asheesh Kumar, MD
License No.: MD043685



Sworn to and subscribed before me this 11 day of April, 2024.



Notary Public

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