

FILED OF RECORD

FEB 28 2023

K.B.M.L.

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2082

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF
KENTUCKY HELD BY SMITHA SADIQ, M.D., LICENSE NO. C0122, 1685
STONE HOLLOW COURT, BOUNTIFUL, UTAH 84010

AGREED ORDER OF SURRENDER

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel B, and Smitha Sadiq, M.D., (hereafter "the licensee"), and, based upon their mutual desire to fully and finally resolve this pending matter without an evidentiary hearing, hereby ENTER INTO the following **AGREED ORDER OF SURRENDER**:

STIPULATIONS OF FACT

The parties stipulate the following facts, which serve as the factual bases for this Agreed Order of Surrender:

1. At all relevant times, Smitha Sadiq, M.D. ("the licensee"), was licensed by the Board and through the provisions of the Interstate Medical Licensure Compact to practice medicine in the Commonwealth of Kentucky.
2. The licensee's medical specialty is internal medicine/telemedicine.
3. On or about May 11, 2022, the Maryland State Board of Physicians filed charges against the licensee's Maryland license, alleging in part as follows:
 - The licensee was initially licensed to practice medicine in Maryland on December 11, 2020, via the Interstate Medical Licensure Compact (the "IMLC");
 - By email dated October 29, 2021, the Board notified the licensee that although she had reportedly completed the IMLC's application for renewal of her Maryland medical license and submitted the required renewal fees, she failed to complete step two of the process for renewing her medical license. The email advised the licensee that failure to complete the application for renewal by

November 12, 2021, would result in the matter being referred to the Board's Compliance Division for investigation. The Board provided contact information if she had any questions about the issues raised in the email. The licensee did not respond to this email or complete her Board license renewal application at that time;

- By letter dated November 3, 2021, the Board again notified the licensee that although she had reportedly completed the IMLC's application for renewal of her Maryland medical license and submitted the required renewal fees, she failed to complete step two of the process for renewing her Maryland medical license. The email advised the Respondent that failure to complete the Application for License Renewal form by November 12, 2021, would result in the matter being referred to the Board's Compliance Division for investigation. The Board provided contact information if she had any questions about the issues raised in the email. The licensee did not respond to this letter and did not complete her Board license renewal application at that time.
- By letter dated November 17, 2021, the Board notified the licensee that she had not submitted her Application for Renewal form and as a result, it had opened a preliminary investigation for potential discipline "based upon [her] failure to complete the Maryland license renewal process." The licensee did not respond to the letter and did not complete her Board license renewal application at that time.
- On November 22, 2021, the licensee entered the Board's licensure renewal portal and started filling out the renewal application but did not complete it.
- By letter dated December 21, 2021, the Board again notified the licensee that she failed to complete the process for renewing her license. The Board informed the licensee that her failure to renew her Maryland license on or before December 31, 2021, may result in the issuance of public disciplinary charges against her. The licensee did not respond to the letter or complete her license renewal application at that time.
- On March 17, 2022, Board staff attempted to contact the licensee, calling the telephone number identified on the licensee's IMLC Core Data Sheet. Board staff left a voicemail message for the licensee, reminding her of her need to complete her Maryland license renewal application. The licensee did not respond to the voicemail or complete her license renewal application at that time.
- On March 22, 2022, Board staff reached the licensee by telephone and informed her that she had not completed her license renewal application. Board staff stated that she would provide further instructions to the licensee about completing the application online. Board staff then sent the licensee a follow-up

email at 2:07 p.m., which informed the licensee that the online portal was operational and that she had until March 23, 2022 at 11:59 p.m. to complete the application. The licensee then telephoned Board staff and discussed some of the questions that were posed on the application, but then stated that she could not finish the application at that time but would come back to it. Board staff stressed to the licensee the importance of completing her application. The licensee did not complete her license renewal application that time.

4. This Board received notice of the licensee's surrender of her Maryland license via a report from the Federation of State Medical Boards. The licensee did not report or provide a copy of the Maryland action within ten days as required by 201 KAR 9:081(9)(2)(a)(2).
5. On or about December 21, 2022, the Board's Inquiry Panel B Chair issued an emergency order of suspension against the licensee's license to practice medicine in the Commonwealth of Kentucky pursuant to the Interstate Medical Licensure Compact.
6. On or about January 10, 2023, the licensee contacted this Board's staff and indicated a desire to relinquish her Kentucky license.
7. According to the licensee:
 - The Maryland Panel had reported no clinical violation by Dr. Sadiq, nor had any clinical/medical complaint been made against her by any patient. Instead, the negative treatment on Dr. Sadiq's license in Maryland was due to her inability to figure out how to file the online public profile section of her application. It was a "paperwork" problem, not a clinical complaint.
 - Dr. Sadiq had been practicing telemedicine during the COVID pandemic. The Maryland Board noted that Dr. Sadiq had "completed the IMLC's application for renewal of her Maryland medical license and submitted the required renewal fees," but had not finished step two which involved "submitting the Board's Application for License Renewal Form."
 - Dr. Sadiq had gone online several times to finish the public profile form and submit it but had found the online portal to be less than intuitive. Furthermore, she was very ill at the time with bilateral multi focal pneumonia and found it difficult to focus. At the same time, she was beginning to wonder if she really wanted to renew her license in Maryland. She was licensed and doing telemedicine in several other states and found the load so heavy that she thought perhaps she would like to reduce

the number of states where she was practicing. She thought perhaps that she would just like to “cancel” her license in Maryland and reduce her workload.

- However, while she was contemplating what she wanted to do, the Maryland Board referred the question of her license to the Compliance Division for investigation “based upon her failure to complete the Maryland license renewal process.” Still not sure she wanted to renew her license in Maryland, but not wanting a negative mark on her record, Dr. Sadiq tried again to renew online, but even with help from the Board IT staff, she could not figure out how to complete and submit it. The term “updated” popped up on the screen when she finished entering her information, but she later learned that the system had, once again, rejected her submission. It was her fourth attempt to submit the form.
 - Maryland thus scheduled a Panel for August 24, 2022, but an intervening event occurred, namely, Dr. Sadiq had finally decided not to renew and had asked for information from the Board about cancelling her license. She was contacted by attorney Robert Gilbert who, upon learning that Dr. Sadiq had decided not to continue practicing in Maryland, sent her a letter to sign.
 - English is not Dr. Sadiq’s mother tongue (she is from India), and she did not realize the connotations of the word “surrender” in the context of the letter she signed. She did not realize that the term “surrender” might make it seem to the public or to other state Boards that she had been disciplined for some clinical/medical failure, and that she had, therefore, decided to concede to the Board’s investigation against her rather than fight it. That is *not* what she meant by using the term “surrender.”
 - What she meant was that she had decided she no longer wanted to practice in Maryland; she wanted to simply let her license expire. Those were not the terms used in the agreement, however, and when the Board sent an October 6, 2022 “surrender” letter to the National Practitioner Data Bank and Federation of State Medical Boards, some other states, including Kentucky, began investigations into her license. Several states have since concluded their investigations with no negative actions taken.
8. The licensee agreed to enter into this Agreed Order of Surrender, in lieu of the issuance of a Complaint.

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Agreed Order of Surrender:

1. The licensee’s Kentucky medical license is subject to regulation and discipline by the Board.

2. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the notice provisions of KRS 311.595(12) and (17). Accordingly, there are legal grounds for the parties to enter into this Agreed Order of Surrender.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this pending investigation without an evidentiary hearing by entering into an informal resolution such as this Agreed Order of Surrender.

AGREED ORDER OF SURRENDER

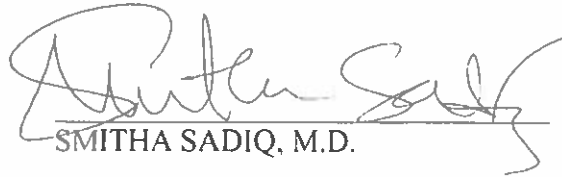
Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to resolve the pending matter without an evidentiary hearing, the parties hereby ENTER INTO the following **AGREED ORDER OF SURRENDER:**

1. The licensee, Smitha Sadiq, M.D., HEREBY SURRENDERS her license to practice medicine within the Commonwealth of Kentucky for an indefinite period of time, with that surrender to become effective immediately upon the date of filing of this Agreed Order of Surrender;
2. Following the effective date of the surrender of her license, the licensee SHALL NOT engage in any act which would constitute the "practice of medicine or osteopathy" as that term is defined by KRS 311.550(10) – the diagnosis, treatment, or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities – in the Commonwealth of Kentucky until approved to do so by the Board. The licensee acknowledges that the practice of medicine occurs where the patient is located at the time of the physician-patient encounter;
3. The licensee SHALL NOT petition the Board for a license to again practice medicine in the Commonwealth until at least two (2) years have passed from the date of entry of this Agreed Order of Surrender;
4. If the licensee should in the future petition for a license to again practice medicine in the Commonwealth of Kentucky, she understands and agrees that the provisions of KRS 311.599, .604, and .607 SHALL apply to said petition;
 - a. The licensee understands and agrees that the burden SHALL be upon her to satisfy the Board that she is presently of good moral character and is qualified both physically and mentally to resume the practice of medicine, without undue risk or danger to his patients or the public;

- b. The licensee understands and agrees that the Board may require her to successfully complete assessments and evaluations from Board-approved evaluators, including but not limited to an impairment evaluation, a psychological evaluation and a clinical skills assessment (if more than two years have passed since she last practiced medicine) at her expense, prior to considering her petition to resume the practice of medicine and to assist the Board in its consideration of the petition;
 - c. The licensee understands and agrees that the decision whether to permit her to resume the active practice of medicine within the Commonwealth of Kentucky lies within the sole discretion of the Board and that the Board shall not be required to issue a new license. However, in the event that the Board should allow the licensee to resume the active practice of medicine at any time in the future, the licensee understands and agrees that she shall be under probation for a period of five (5) years (during which time she shall be required to maintain and comply with a monitoring contract with the Kentucky Physicians Health Foundation and any other terms deemed appropriate by the Board at that time), and any subsequent violation during the probation period shall result in automatic revocation of license;
5. The licensee expressly agrees that if she should violate any term or condition of this Agreed Order of Surrender, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that she has violated any term or condition of this Agreed Order of Surrender, the Panel Chair is authorized by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Agreed Order of Surrender would render the licensee's practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Agreed Order of Surrender; and
6. The licensee understands and agrees that any violation of the terms of this Agreed Order of Surrender would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13) and may provide a legal basis for criminal prosecution for practicing medicine without a license.


SO AGREED on this 24th day of February, 2023.


FOR THE LICENSEE:


SMITHA SADIQ, M.D.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:


DALE E. TONEY, M.D.
CHAIR, INQUIRY PANEL B


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