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K.B.M.L.

COMMONWEALTH OF KENTUCKY  
BOARD OF MEDICAL LICENSURE  
CASE NO. 2131

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF  
KENTUCKY HELD BY ANAND P. LALAJI, M.D., LICENSE NO. 41552,  
3475 PIEDMONT ROAD, SUITE 1150, ATLANTA, GEORGIA 30305

**EMERGENCY ORDER OF SUSPENSION**

The Kentucky Board of Medical Licensure (“the Board”), acting by and through its Inquiry Panel A, considered this matter at its October 19, 2023 meeting. At that meeting, Inquiry Panel A considered a Panel Memorandum from Stephen Manley, Medical Investigator, dated September 26, 2023; National Practitioner Data Bank Report, dated January 25, 2023; Letter with attachments from Christopher J. Hines, Manager of Medical Staff, Mercy Health Lourdes Hospital, dated February 3, 2023; Letter from the licensee with attachment, undated; Summary For Review of Cases from Board Consultant with Expert Review Worksheets, undated; Letter from Richard L. Walter, counsel for licensee, dated August 21, 2023; and Final Report of Board Consultant, dated September 14, 2023.

Having considered this information and being sufficiently advised, Inquiry Panel A enters the following EMERGENCY ORDER OF SUSPENSION, in accordance with KRS 311.592(1) and 13B.125(1):

**FINDINGS OF FACT**

Pursuant to KRS 13B.125(2) and based upon the information available to him, Inquiry Panel A concludes there is probable cause to make the following Findings of Fact, which support this Emergency Order of SUSPENSION:

1. At all relevant times, Anand P. Lalaji, M.D. (“the licensee”), was licensed by the Board to practice medicine within the Commonwealth of Kentucky.

2. The licensee's medical specialty is Diagnostic Radiology.
3. The Board received a report concerning actions taken by Mercy Health Lourdes Hospital ("the Hospital"). According to the report, the licensee was placed on precautionary suspension due to concerns about quality of care that arose from close monitoring of radiological reports interpreted by the licensee.
4. On or about August 10, 2022, the Hospital served the licensee with a notice of a precautionary suspension of his privileges at the Hospital, effective August 9, 2022. The notice included eight radiological cases read by the licensee between June 13, 2022 and August 6, 2022 that had incorrect or missed readings, including a recently missed brain tumor and perirectal abscess. The Hospital's Medical Executive Committee ("MEC") reviewed and discussed the quality of his radiology reads in those eight cases. The MEC determined to continue the precautionary suspension to give the licensee the opportunity to meet and discuss the eight cases of concern.
5. On or about August 22, 2022, the MEC met to discuss the eight cases again. The licensee was invited to attend the meeting but was unable to attend.
6. On or about September 1, 2022, the licensee met with Dr. Brett Bechter, the Hospital's CCO, to discuss the cases. The licensee indicated that he could amend his terminology in a few of the cases to be more precise; that some of his issues were due to technical problems due to having implemented radiology coverage at the Hospital so quickly; that the technical errors have been since resolved with additional safeguards put into place; that several of the latter case issues would not have occurred if not for original delays in communication, which were addressed; and that some of the errors were due to doing high volumes of reads in a short time

frame to meet coverage needs and fill gaps. The licensee stated he felt confident the issues had been resolved.

7. On or about September 7, 2022, the MEC lifted the precautionary suspension but included a warning that should any future cases of concern be brought to the committee, it could result in the revocation of privileges in the future.
8. On or about November 29, 2022, the Hospital informed the licensee that he was suspended from reading any imaging based on a recent case. The MEC then met and expressed great concern for patient safety. The MEC addressed poor quality reading in August/September, and at that time, the licensee indicated the issues would be resolved moving forward. Yet, after continuous monitoring, the concerns for patient safety remained.
9. On or about January 25, 2023, the MEC recommended terminating the licensee's Medical Staff appointment and clinical privileges. It explained to the licensee, in part,

As you are aware, Mercy Health-Lourdes Hospital ("Hospital") received multiple clinical quality of care concerns regarding the care you provided at the Hospital. Upon receiving those complaints, conducting a thorough evaluation, and engaging in significant deliberation concerning all relevant information the Hospital's Medical Executive Committee ("MEC") determined that it should issue a recommendation to the Hospital's Board of Directors that your Medical Staff appointment and clinical privileges be terminated.

The basis of the MEC's recommendation is based upon the clinical quality of care concerns that were found to exist in your practice. More specifically, but without limitation, the MEC determined that you failed to meet appropriate clinical quality of care standards in that you have inaccurately, incompletely, and otherwise improperly read multiple diagnostic films, tests, and other procedures since you have exercised clinical privileges at the Hospital. Additionally, the MEC was also concerned by the fact that these issues had been brought to your attention previously and that you have been unable to appropriately address these matters. Accordingly, in the best interest of patient care, the MEC determined that issuing the

recommendation to terminate your Medical Staff appointment and clinical privileges was appropriate.

10. A subpoena was sent to the Hospital for the medical charts of ten (10) patients for which the Hospital had concerns.
11. A Board consultant was provided with the report, the subpoenaed patient charts and a response from the licensee. After a detailed review of the documents, the Board consultant submitted a report in which he found, in substantial part,

After reviewing the images of the 10 cases provided, then reviewing the interpretations provided by Dr. Lalaji, it appears that there are two types of issues which can be addressed.

[...]

The first type of issue regards the radiologist's interpretation of 5 MRI Brain studies as having "subacute lacunar infarcts". This indicates a lack of knowledge about the MRI appearance of a subacute infarct. There should be associated restricted diffusion for a subacute infarct. He even mentions no restricted diffusion. What he describes as subacute infarct in most cases actually represents chronic small vessel ischemic change which is a common finding in older patients. The case of [A.B.] is completely normal. This appears to represent a lack of understanding or a gap in his education in terms of neurological MR imaging. While this does not cause an immediate danger to the patient, it likely does cause an expensive and time consuming workup for recent cerebral infarction. There is also some risk in the fact that the patients may have been treated with anticoagulants that they did not necessarily need. There are of course, well known potential complications of anticoagulant therapy.

[...]

The case of patient [B.B.] also raises a small question as to the radiologist's knowledge of neuroanatomy as he correctly calls the presence calcification, but mislabels the location as the internal capsule instead of the basal ganglia, which is a common location for physiologic calcification.

The second type of issue is missed perception. Missed perception can occur due to a host of reasons, including distraction, interruption, unfamiliarity with the PACS system being used, exhaustion, overload and attempting to interpret too quickly, as well as other personal issues that I can't know about in this case.

[...]

All of the cases reviewed represent a deviation from the standard of care. However, humans make errors, and always will. Findings are not perceived by radiologists regularly. However, it is concerning that there seem to be a large number of erroneous interpretations in such a short period of time. (June through November 2022) Additionally, particularly with the CT cervical spine case, it seems unlikely that the images were seen, even briefly. I don't know if this is a new issue for this radiologist or if this pattern is standard for him ongoing or in the past. As I mentioned earlier, there are many reasons why findings are not perceived, and I don't know anything about any complicating circumstances. As far as an apparent gap in this radiologists knowledge of MRI brain findings, if this were the only issue, some form of re training may suffice.

12. On or about August 21, 2023, the licensee, by counsel, responded to the Board consultant's report, which disputed several points of contention in five (5) of the ten (10) cases reviewed by the consultant.
13. The Board consultant was provided with the licensee's response. The consultant opined, in part, "My opinion is unchanged. If anything, my opinions would be stated using stronger terminology." In conclusion, he stated, "The fact that Dr. Lalaji and his attorney have not even identified the subjects of investigation properly raises the question for me as to whether he is taking the issue seriously." And, "Frankly, I find the lack of a coherent or complete response disturbing."

#### CONCLUSIONS OF LAW

Pursuant to KRS 13B.125(2) and based upon the information available, Inquiry Panel A finds there is probable cause to support the following Conclusions of Law, which serve as the legal bases for this Emergency Order of Suspension:

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

2. KRS 311.592(1) provides that the Board may issue an emergency order suspending, limiting, or restricting a physician's license at any time an inquiry panel has probable cause to believe that a) the physician has violated the terms of an order placing him on probation; or b) a physician's practice constitutes a danger to the health, welfare and safety of his patients or the general public.
3. There is probable cause to believe that the licensee has violated KRS 311.595(9), as illustrated by KRS 311.597(4), and KRS 311.595(21).
4. The Inquiry Panel concludes there is probable cause to believe this physician's practice constitutes a danger to the health, welfare and safety of his patients or the general public.
5. The Board may draw logical and reasonable inferences about a physician's practice by considering certain facts about a physician's practice. If there is proof that a physician has violated a provision of the Kentucky Medical Practice Act in one set of circumstances, the Board may infer that the physician will similarly violate the Medical Practice Act when presented with a similar set of circumstances. Similarly, the Board concludes that proof of a set of facts about a physician's practice presents representative proof of the nature of that physician's practice in general. Accordingly, probable cause to believe that the physician has committed certain violations in the recent past presents probable cause to believe that the physician will commit similar violations in the near future, during the course of the physician's medical practice.
6. The United States Supreme Court has ruled that it is not a violation of the federal Due Process Clause for a state agency to temporarily suspend a license, without a prior evidentiary hearing, so long as 1) the immediate action is based upon a probable cause

finding that there is a present danger to the public safety; and 2) the statute provides for a prompt post-deprivation hearing. *Barry v. Barchi*, 443 U.S. 55, 61 L.Ed.2d 365, 99 S.Ct. 2642 (1979); *FDIC v. Mallen*, 486 U.S. 230, 100 L.Ed.2d 265, 108 S.Ct. 1780 (1988) and *Gilbert v. Homar*, 117 S.Ct. 1807 (1997). Cf. KRS 13B.125(1).

KRS 13B.125(3) provides that the Board shall conduct an emergency hearing on this emergency order within ten (10) working days of a request for such a hearing by the licensee. The licensee has been advised of his right to a prompt post-deprivation hearing under this statute.

### **EMERGENCY ORDER OF SUSPENSION**

Based upon the foregoing Findings of Fact and Conclusions of Law, Inquiry Panel A, hereby ORDERS that the license to practice medicine in the Commonwealth of Kentucky held by Anand P. Lalaji, M.D., is SUSPENDED and Dr. Lalaji is prohibited from performing any act which constitutes the “practice of medicine,” 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 - until the resolution of the Complaint setting forth the allegations discussed in this pleading or until such further Order of the Board.

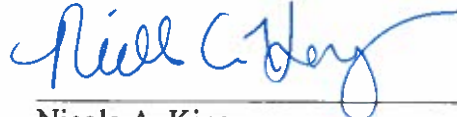
Inquiry Panel A further declares that this is an EMERGENCY ORDER, effective upon receipt by the licensee.

SO ORDERED this 14<sup>th</sup> day of November, 2023.

  
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WAQAR A. SALEEM, M.D.  
CHAIR, INQUIRY PANEL A

**CERTIFICATE OF SERVICE**

I certify that the original of this Emergency Order of Suspension was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; and copies were mailed via certified mail return-receipt requested to the licensee, Anand P. Lalaji, M.D., License No. 41552, 3475 Piedmont Road, Suite 1150, Atlanta, Georgia 30305 and his counsel, Richard Walter, Esq., Boehl, Stopher & Graves, LLP, 410 Broadway, Paducah, Kentucky 42001 on this 14<sup>th</sup> day of November, 2023.



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Nicole A. King  
Assistant General Counsel  
Kentucky Board of Medical Licensure  
310 Whittington Parkway, Suite 1B  
Louisville, Kentucky 40222  
(502) 429-7150



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**COMPLAINT**

Comes now the Complainant, Chair of the Kentucky Board of Medical Licensure's Inquiry Panel A, and on behalf of the Panel which met on October 19, 2023, states for its Complaint against the licensee, Anand P. Lalaji, M.D., as follows:

1. At all relevant times, Anand P. Lalaji, M.D. ("the licensee"), was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is Diagnostic Radiology.
3. The Board received a report concerning actions taken by Mercy Health Lourdes Hospital ("the Hospital"). According to the report, the licensee was placed on precautionary suspension due to concerns about quality of care that arose from close monitoring of radiological reports interpreted by the licensee.
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14. By his conduct, the licensee has violated KRS 311.595(9), as illustrated by KRS 311.597(4), and KRS 311.595(21). Accordingly, legal grounds exist for disciplinary action against his license to practice medicine in the Commonwealth of Kentucky.
15. The licensee is directed to respond to the allegations delineated in the Complaint within thirty (30) days of service thereof and is further given notice that:
- (a) His failure to respond may be taken as an admission of the charges;  
and
  - (b) He may appear alone or with counsel, may cross-examine all prosecution witnesses and offer evidence in his defense.
16. NOTICE IS HEREBY GIVEN that a hearing on this Complaint is scheduled for **May 6, 7 & 8, 2024**, at 9:00 a.m., Eastern Standard Time, at the Kentucky Board of Medical Licensure, Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222. Said hearing shall be held pursuant to the Rules and Regulations of the Kentucky Board of Medical Licensure and pursuant to KRS Chapter 13B. This hearing shall proceed as scheduled and the hearing date shall only be modified by leave of the Hearing Officer upon a showing of good cause.


WHEREFORE, Complainant prays that appropriate disciplinary action be taken against the license to practice medicine in the Commonwealth of Kentucky held by Anand P. Lalaji, M.D.

This 14<sup>th</sup> day of November, 2023.

  
WAQAR A. SALEEM, M.D.  
CHAIR, INQUIRY PANEL A

**CERTIFICATE OF SERVICE**

I certify that the original of this Complaint was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed to Keith Hardison, Esq., Hearing Officer, 2616 Bardstown Road, Louisville, Kentucky 40205; and copies were mailed via certified mail return-receipt requested to the licensee, Anand P. Lalaji, M.D., License No. 41552, 3475 Piedmont Road, Suite 1150, Atlanta, Georgia 30305 and his counsel, Richard Walter, Esq., Boehl, Stopher & Graves, LLP, 410 Broadway, Paducah, Kentucky 42001 on this 14<sup>th</sup> day of November, 2023.

  
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