

BEFORE THE BOARD OF MEDICINE

STATE OF NORTH DAKOTA

North Dakota Board of Medicine –)
Investigative Panel A,)
Complainant,)
vs.)
Padmini Nagaraj, M.D.,)
Respondent.)

COMPLAINT

COMES NOW, the Complainant, North Dakota Board of Medicine – Investigative Panel A, and for its Complaint against the Respondent, Padmini Nagaraj, alleges and states as follows:

I.

Investigative Panel A of the North Dakota Board of Medicine (“Board”) is authorized pursuant to N.D.C.C. Chapter 43-17.1 to conduct investigations related to the practice of any physician licensed to practice in this state and file a formal complaint against any licensed physician with the Board of Medicine.

II.

Padmini Nagaraj, M.D., was a physician licensed to practice medicine in the State of North Dakota.

FACTS

III.

At all times mentioned herein, Respondent did not practice medicine in the State of North Dakota but still maintained a license to practice medicine in North Dakota.

IV.

On February 8, 2018, Respondent was indicted in the United States Eastern District of Louisiana and charged with one count of conspiracy to receive illegal health care kickbacks, three counts of receiving healthcare kickbacks, one count of conspiracy to commit health care fraud and five counts of healthcare fraud. Respondent plead guilty to felony conspiracy to commit health care fraud. On April 27, 2020, Respondent entered into a Consent Order with the Louisiana State Board of Medical Examiners wherein Respondent's license to practice medicine in Louisiana was placed on indefinite suspension. The basis for Louisiana's disciplinary action was Respondent's guilty plea to felony conspiracy to commit health care fraud. Respondent is subject to discipline for: (1) being convicted of a felony determined by the Board to have a direct bearing upon a person's ability to serve the public as a practitioner of medicine as described by N.D.C.C. § 43-17-31(1)(c); (2) engaging in conduct that is dishonorable, unethical, or unprofessional, and that is likely to deceive, defraud, or harm the public as proscribed by N.D.C.C. § 43-17-31(1)(f), (3) obtaining any fee by fraud, deceit, or misrepresentation as described by N.D.C.C. § 43-17-31(1)(g) and (4) the imposition of disciplinary action by Louisiana against Respondent based upon acts or conduct by the Respondent that constitutes grounds for disciplinary action in accordance with N.D.C.C. § 43-17-31(1)(y).

WHEREFORE, Complainant respectfully requests Respondent, Padmini Nagaraj, M.D., be disciplined for her violations of N.D.C.C. § 43-17-31 and seeks an appropriate sanction(s) for those violations as authorized by N.D.C.C. § 43-17-30.1. Complainant also respectfully requests that the Board be awarded its costs and attorney's fees in having to bring this action pursuant to N.D.C.C. § 43-17-31.1.

NOTICE: Respondent must answer this Complaint within twenty (20) days after service of the complaint or the allegations may be deemed admitted and may result in a default order revoking the subject's license. Such answer must be served in the manner allowed for service under the North Dakota Rules of Civil Procedure.

Dated this 7th day of December, 2020.

By Stacy M. Moldenhauer

Stacy M. Moldenhauer (ID #06293)
Special Assistant Attorney General
smoldenhauer@smithporsborg.com
122 E. Broadway Avenue
P.O. Box 460
Bismarck, ND 58502-0460
Phone: (701) 258-0630
Facsimile: (701) 258-6498

Attorney for: North Dakota Board of
Medicine – Investigative Panel A

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STIPULATION

WHEREAS, the North Dakota Board of Medicine (hereinafter “the Board”) issued a Complaint requesting Respondent be disciplined for her violations of the North Dakota Medical Practice Act pursuant to N.D.C.C. § 43-17-31(1). In addition, the Board also requested it be awarded its costs and attorney’s fees in accordance with N.D.C.C. § 43-17-31.1.

WHEREAS, the Respondent admits service of the Summons and Complaint. Respondent admits the Board has grounds for disciplinary action because: (1) she has been convicted of a felony determined by the Board to have a direct bearing upon a person’s ability to serve the public as a practitioner of medicine as described by N.D.C.C. § 43-17-31(1)(c) and (2) of the imposition of disciplinary action by Louisiana against Respondent based upon acts or conduct by the Respondent that constitutes grounds for disciplinary action in accordance with N.D.C.C. § 43-17-31(1)(y). Respondent denies that she has obtained any fee by fraud, deceit, or misrepresentation and also denies engaging in conduct that is dishonorable, unethical, or unprofessional, and that is likely to deceive, defraud, or harm the public. Respondent admits the remaining allegations in the Complaint. Respondent further agrees the terms of this Stipulation are an appropriate resolution to the pending Complaint.

THEREFORE, IT IS HEREBY agreed by and between the parties to this action and the

North Dakota State Board of Medicine:

1. The Respondent hereby waives any procedural irregularity herein and her right to a hearing on the Complaint now pending in this action;
2. The Respondent agrees that her license to practice medicine in the State of North Dakota should be indefinitely suspended.
3. Respondent retains the right to reapply for reinstatement of her medical license in North Dakota at any time; however, any petition for reinstatement of her medical license shall be subject to the sole discretion of the Board.
4. Respondent shall be responsible for paying the costs and attorney's fees incurred by the Board in the investigation and prosecution of this action in an amount not to exceed \$2,500. The Board will notify Respondent of any such costs within a reasonable time after the Stipulation is approved by the Board and Respondent shall make payment within (30) days from receiving such notification.
5. If Respondent shall fail, neglect, or refuse to comply with any of the terms, provisions, or conditions herein, the Board shall take action against the Respondent that is in accordance with the law.
6. In the event the Board, in its discretion, does not approve this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this Stipulation, and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.
7. This agreement for the disposition of the above-entitled contested case is a matter

of public record and the obligations of the Board with respect thereto shall be governed by the laws of North Dakota and current Board policy.

8. All parties hereto recognize that the Board representatives who have engaged in discussions relative to an agreed disposition of this matter can only make recommendations to the North Dakota Board of Medicine, which recommendations can in no way be considered as binding upon the full membership of the Board who would ultimately decide the pending contested case, and this agreement is subject to acceptance by the full membership of the Board.

9. Respondent understands she has the right and has been afforded the opportunity to have this agreement reviewed by an attorney as Respondent has retained Harry Rosenberg to represent her in this action.

10. Respondent specifically waives any claim that any disclosures made to the full membership of the Board for the purposes of consideration of this agreement have prejudiced her right to a fair and impartial hearing in the event that this agreement is not accepted by the full Board and if further proceedings ensue.

11. Respondent further agrees there have been no inducements, threats or promises made in order to obtain her entry into this agreement.

12. The parties further agree that all statements contained herein are based upon the facts known to the Board on the date of execution of this agreement.

Date this 27 day of JANUARY, 2021.

P. Nagaraj M.D.
Padmini Nagaraj, M.D.

Dated this 29th day of January, 2021.

By Stacy M. Moldenhauer

Stacy M. Moldenhauer (ID #06293)
Special Assistant Attorney General
smoldenhauer@smithporsborg.com
122 East Broadway Avenue
P.O. Box 460
Bismarck, ND 58502-0460
Phone: (701) 258-0630
Facsimile: (701) 258-6498

2. Respondent has the right to apply for reinstatement of her medical license in North Dakota at any time. However, any petition/application for reinstatement of her medical license shall be subject to the sole discretion of the Board.
3. Respondent shall be required to pay the costs of the prosecution of this action not to exceed \$2,500.00. The Board will notify Respondent of the exact amount of said costs and Respondent shall remit payment in full within thirty (30) days of receiving such notification.

This Order is effective 19th day of February, 2021.

NORTH DAKOTA BOARD OF MEDICINE



Rupkumar Nagala, M.D.
Chairman