

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

In re: ) CONSENT AGREEMENT  
AJITPAL S. DHALIWAL, M.D. )  
Complaint No. CR15-97 )

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against the license to practice medicine in the State of Maine held by Ajitpal S. Dhaliwal, M.D. The parties to the Consent Agreement are: Ajitpal S. Dhaliwal, M.D. (“Dr. Dhaliwal”), the State of Maine Board of Licensure in Medicine (“the Board”) and the State of Maine Department of the Attorney General. This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 32 M.R.S. § 3282-A.

STATEMENT OF FACTS

1. Dr. Dhaliwal has held a license to practice medicine in the State of Maine since January 14, 2015 (license number MD20397), and he specializes in internal medicine.

2. On July 16, 2015, the Board initiated a complaint alleging that Dr. Dhaliwal, a participant in the Maine Medical Professionals Health Program (“MPHP”), had been administered a Phosphatidylethanol (PEth test) on April 28, 2015, which was reported positive. The complaint further alleged that Dr. Dhaliwal denied to MPHP staff that he had consumed alcohol and attributed the positive result to eating jalapeno peppers cooked in beer and that the consumption of food prepared with alcohol violated Dr. Dhaliwal’s contract with MPHP. In addition, the complaint alleged that on June 5, 2015, Dr. Dhaliwal was again administered a PEth test which was reported and

confirmed as positive. MPHP subsequently requested that Dr. Dhaliwal undergo further additional testing which he declined to submit to based upon religious beliefs. In addition, Dr. Dhaliwal declined to participate in additional therapy due to his decision to return to New York and his intent to transfer the MPHP contract to the New York Committee for Physician Health ("CPH"). The Board docketed that complaint as CR15-97, and sent it to Dr. Dhaliwal for a response.

3. By letter dated September 30, 2015, Dr. Dhaliwal responded to the complaint. In his response, he told the Board that he was committed to demonstrate that he has "safely and responsibly practiced medicine and that [he] continue[s] to do so." He informed the Board that he entered into a two year contract with CPH on August 18, 2015, for ongoing treatment and monitoring. He described both his former and current work arrangements and the challenges that he felt he faced when he was working part-time in Maine and with MPHP. He continued to deny consuming alcohol prior to either test, and stated that he was "baffled" by the result. He admitted to using mouthwash with alcohol prior to the April PEth test. He also stated that he used "copious amounts of alcohol based [hand] sanitizer" before and after examining every patient that he sees. He stated that prior to the June PEth test he had also used cough drops and cough medication.

4. At its meeting on November 10, 2015, the Board reviewed Complaint CR 15-97, and voted to set this matter for an adjudicatory hearing. In addition, the Board voted to offer Dr. Dhaliwal this Consent Agreement to

resolve this matter without further proceedings. Absent Dr. Dhaliwal's acceptance of this Consent Agreement by signing and dating it in front of a notary and mailing it to Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before February 5, 2016, the matter will be scheduled for an adjudicatory hearing.

#### COVENANTS

5. Dr. Dhaliwal admits the facts stated above and that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. §§ 3282-A(2)(B) (for misuse of alcohol, drugs or other substances that may result in the licensee performing services in a manner that endangers the health or safety of patients), and (2)(F) (for engaging in unprofessional conduct).

6. As discipline for the conduct described above, Dr. Dhaliwal agrees to accept the following discipline:

A LICENSE PROBATION for at least two (2) years subject to the following terms and conditions:

a) Dr. Dhaliwal must comply with and successfully complete his participation with the CPH, as reflected in his August 19, 2015 "Conditions for Participation," and any amendments, modifications or revisions thereto, the terms of which are fully incorporated herein as if fully set forth, including: participation in requested evaluations; obtaining recommended treatment; toxicology monitoring, abstinence from any non-prescribed substances, including alcohol, avoidance of certain substances including mouthwash and

hand gels that contain alcohol and poppy seeds; workplace monitoring; attendance at mutual help meetings; physician oversight; and cooperation with the CPH.

b) Dr. Dhaliwal hereby authorizes CPH to disclose and release to the Board all information obtained by CPH relating to his participation with CPH as set forth in the August 19, 2015 "Conditions for Participation," as modified, revised or amended, which authorization shall remain in effect for any period during which he holds or held a license to practice medicine in the State of Maine.

c) Dr. Dhaliwal shall execute any and all releases necessary for the Board, Board staff, and the Board's assigned Assistant Attorney General to: 1) communicate directly with the CPH regarding his compliance with that program; 2) review and obtain copies of any and all documentation regarding his participation in the CPH; 3) communicate directly with anyone who is involved with his care and treatment; and 4) review and obtain copies of any and all documentation regarding his medical care and treatment for substance abuse issues.

d) Dr. Dhaliwal shall provide any amendments, modifications or revisions to his August 19, 2015 "Conditions for Participation" to the Board within ten (10) days of the effective date of such amendment, modification or revision.

e) Within forty-eight (48) hours of being informed that a toxicology test result has been reported as positive for alcohol or a non-prescribed substance, Dr. Dhaliwal shall report such test result to the Board.

f) Dr. Dhaliwal shall notify the Board within three (3) days of any arrest, summons, information or indictment for any crime, and any summons or other charge for any civil violation that involves alcohol or drugs, including driving or operating under the influence, and any conviction or court finding related thereto.

g) Dr. Dhaliwal shall notify the Board within seven (7) days if he engages in the practice of medicine within the State of Maine and provide the Board with any information requested including the location and expected duration of such practice.

h) Dr. Dhaliwal agrees and understands that any positive toxicology result that is reported to the Board while this Consent Agreement remains effective shall result in the automatic and immediate revocation of his license to practice medicine in Maine, and that such revocation is not appealable and shall occur without hearing.

7. Violation by Dr. Dhaliwal of any of the terms or conditions of this Consent Agreement shall constitute grounds for discipline, including but not limited to modification, suspension, or revocation of licensure or the denial of re-licensure.

8. This Consent Agreement is not appealable and is effective until modified or rescinded in writing by the parties hereto.

9. The Board and the Department of the Attorney General may communicate and cooperate regarding Dr. Dhaliwal or any other matter relating to this Consent Agreement.

10. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408.

11. This Consent Agreement constitutes discipline and is an adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB), the Federation of State Medical Boards (FSMB), and other licensing jurisdictions.

12. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto. If any clause of this Consent Agreement is deemed illegal or invalid, then that clause shall be deemed severed from this Consent Agreement.

13. Dr. Dhaliwal acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Consent Agreement, that he executed this Consent Agreement of his own free will and that he agrees to abide by all terms and conditions set forth herein.

14. For the purposes of this Consent Agreement, the term "execution" means the date on which the final signature is affixed to this Consent Agreement.

I, AJITPAL S. DHALIWAL, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS AGREEMENT, I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO A HEARING BEFORE THE BOARD. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 02/24/16

  
AJITPAL S. DHALIWAL, M.D.

STATE OF NY  
Queens, S.S.

NOTARY PUBLIC, STATE OF NEW YORK  
CHRISTINA MATTOW  
NO. NO. 01MA6314250  
QUALIFIED IN QUEENS COUNTY  
MY COMMISSION EXPIRES NOV 3, 2018

Personally appeared before me the above-named Ajitpal S. Dhaliwal, M.D., and swore to the truth of the foregoing based upon his own personal knowledge, or upon information and belief, and so far as upon information and belief, he believes it to be true.

DATED: 2/24/16

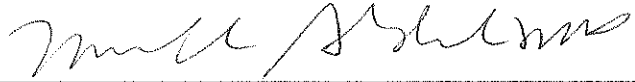
  
NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS: 11/3/18

STATE OF MAINE  
BOARD OF LICENSURE IN MEDICINE

DATED:

3/8/16



MAROULLA S. GLEATON, M.D., Chairman

STATE OF MAINE DEPARTMENT  
OF THE ATTORNEY GENERAL

DATED:

March 8, 2014



MICHAEL MILLER  
Assistant Attorney General

Effective Date:

3/8/2014