

**In The Matter Of:**  
*Board of Registration in Medicine v.*  
*Padmanabhan, M.D.*

---

*Bharanidharan Padmanabhan, M.D.*  
*Vol. 8*  
*March 09, 2015*

---

*Jones & Fuller Reporting*  
*10 High Street, Suite 702*  
*Boston, MA 02110*



Original File 0309Padmanabhan8.txt

Min-U-Script®

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

VOLUME: VIII

PAGES: 1113 - 1171

EXHIBITS: No. 30

COMMONWEALTH OF MASSACHUSETTS

DIVISION OF ADMINISTRATIVE LAW APPEALS

- - - - -x

BOARD OF REGISTRATION IN MEDICINE

v

DOCKET NO.

BHARANIDHARAN PADMANABHAN, M.D.

RM-14-363

- - - - -x

BEFORE: Kenneth Bresler

Administrative Magistrate

Held at

Office of the Civil Service Commission

One Ashburton Place - Room 503

Boston, Massachusetts 02108

Monday, March 9, 2015

11:01 a.m. - 12:19 p.m.

Reporter: Carole M. Wallace, CSR

1 APPEARANCES:

2

3 James Paikos, Complaint Counsel

4 Board of Registration in Medicine

5 200 Harvard Mill Square - Suite 330

6 Wakefield, Massachusetts 01880

7 (781) 876-8200 jim.paikos@state.ma.us

8 On behalf of the Petitioner

9

10 Lisa Siegel Belanger, Esq.

11 300 Andover Street - No. 194

12 Peabody, Massachusetts 01960

13 (978) 998-2342 lisa@belangerlawoffice.com

14 On behalf of Dr. Padmanabhan

15

16 ALSO PRESENT:

17 Loretta Cooke, Nurse Investigator, Board of

18 Registration in Medicine

19

20 Bharanidharan Padmanabhan, MD

21 30 Gardner Road - Unit 6A

22 Brookline, Massachusetts 02445

23 (617) 566-6047 scleroplex@gmail.com

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

I N D E X

Witness                      Direct    Cross    Redirect    Recross

PATIENT I

By Ms. Belanger	1117			
By Mr. Paikos		1148		
By Ms. Belanger			1156	
By Mr. Paikos				1157
By Ms. Belanger			1158	
By Mr. Paikos				1159

REBUTTAL TESTIMONY OF BHARANIDHARAN PADMANABHAN, MD

By Ms. Belanger	1162			
By Mr. Paikos		165		

\* \* \* \*

E X H I B I T S

No.	Description	In Evid.
Exhibit 30	Dr. Padmanabhan's profile .....	1160

The Magistrate retained the original exhibit

1 THE MAGISTRATE: Good morning. Are the  
2 parties ready to proceed?

3 MR. PAIKOS: Yes.

4 THE MAGISTRATE: Is there anything  
5 preliminarily and brief?

6 MR. PAIKOS: Counsel and I talked briefly  
7 about her notice of appearance. She is going to  
8 file a blanket notice of appearance given that  
9 the original was conditional and she is taking  
10 over from here.

11 THE MAGISTRATE: Ms. Belanger, is that  
12 correct, you are taking over from here?

13 MS. BELANGER: Yes.

14 THE MAGISTRATE: And we have one more  
15 witness for today?

16 MS. BELANGER: Yes. Yes.

17 DR. PADMANABHAN: To start officially,  
18 today is March 9, 2015 and it is the hearing of  
19 the Division of Administrative Law Appeals being  
20 held at the Civil Service Commission, One  
21 Ashburton Place, Boston, Massachusetts. This  
22 appeal has Docket No. RM-14-363. The petitioner  
23 is the Board of Registration in Medicine, the  
24 respondent is Bharanidharan Padmanabhan, MD. I

1 am Administrative Magistrate Kenneth Bresler.  
2 James Paikos, Esq. represents the petitioner;  
3 Lisa Siegel Belanger, Esq. has made an  
4 appearance for Dr. Padmanabhan. The parties'  
5 representatives are present.

6 All electronic devices that make noise  
7 should be shut off. There will not be and  
8 should not have been any recording devices or  
9 cameras being used during the hearing.

10 If you need a break, let me know. Nobody  
11 in the hearing room should be shaking head,  
12 nodding head, making faces or otherwise reacting  
13 to my rulings or testimony or any statements by  
14 the lawyers.

15 With that, Ms. Belanger, are you ready to  
16 call Dr. Padmanabhan's witness?

17 MS. BELANGER: Yes. I would like to call  
18 Patient I.

19 THE MAGISTRATE: Patient I, stand in  
20 front of the chair and raise your right hand.

21 PATIENT I, SWORN

22 THE MAGISTRATE: Please be seated. If  
23 you haven't been instructed, you are not to  
24 reveal your actual name. We are going to be

1 referring to you as Patient I, and you will  
2 refer to yourself as Patient I. Patient I,  
3 there are members of the public here. Do you  
4 have any objection to testifying in front of  
5 members of the public?

6 THE WITNESS: No.

7 THE MAGISTRATE: You may proceed.

8 MS. BELANGER: For purposes of ease and  
9 smoothness, I'm going to refer to my client as  
10 Dr. Bharani. Is that okay?

11 THE MAGISTRATE: That is okay.

12 Ms. Belanger, you may not be familiar  
13 with the procedure that we have used in the past  
14 to establish that Patient I actually is the  
15 patient corresponding in the Impoundment Order.  
16 Unless you have an objection, I'm going to ask  
17 Mr. Paikos to do that.

18 Are you willing to do that, Mr. Paikos?

19 MR. PAIKOS: I certainly can.

20 THE MAGISTRATE: This is Mr. Paikos, a  
21 lawyer with the Board of Registration in  
22 Medicine. He will have a couple of preliminary  
23 questions for you.

24 THE WITNESS: Do I need my ID or

1 anything?

2 THE MAGISTRATE: No, you don't.

3 MR. PAIKOS: Do you see your name on this  
4 list?

5 THE WITNESS: Yes.

6 MR. PAIKOS: Is it next to Patient I?

7 THE WITNESS: Yes.

8 MR. PAIKOS: And that is an Order to Use  
9 Pseudonyms and Impound Identities and Medical  
10 Records?

11 THE WITNESS: Yes.

12 THE MAGISTRATE: Thank you, Mr. Paikos.

13 Ms. Belanger, are you ready for  
14 questions?

15 MS. BELANGER: Yes.

16 DIRECT EXAMINATION BY MS. BELANGER

17 Q Are you a patient of Dr. Bharani's?

18 A Yes.

19 Q Can you please describe the circumstances how  
20 you became a patient of Dr. Bharani's.

21 A I had been having muscle spasms in my back  
22 coming up my shoulders and my neck and I had, it  
23 was causing like sharp, stabbing pains, burning  
24 feelings coming up over my head to my eyes. I



1 ended up going to the Whidden Cambridge Health  
2 Alliance emergency room. And the doctor that  
3 saw me there, I don't remember his name, he  
4 pretty much told me he does, there was nothing  
5 he could do for me and I needed to see a  
6 neurologist, and he gave my Dr. Bharani's name,  
7 so I made an appointment.

8 Q Other than seeing Dr. Bharani for medical  
9 visits, can you please describe the manner of  
10 your relationship with Dr. Bharani.

11 A Other than medical visits? None.

12 Q Have you communicated with Dr. Bharani other  
13 times when not seeing him physically for medical  
14 examination?

15 A Yes, we've contacted each other through e-mails  
16 since he hasn't been at Whidden. I have  
17 contacted him through e-mail. And he was  
18 working in an office with Dr. Gross who passed  
19 away, he was working there for a little while,  
20 so I have been able to contact him through  
21 e-mail if I had a medical question or problem I  
22 was having.

23 Q Have you met with Dr. Bharani on social  
24 occasions?

1 A No.

2 Q Are you currently being treated by Dr. Bharani?

3 A Yes.

4 Q Has he been giving you pain medications?

5 A What kind?

6 Q Pain prescriptions in terms of --

7 A Certain types of pain medications.

8 THE MAGISTRATE: Excuse me,  
9 Dr. Padmanabhan, if you want to confer with your  
10 lawyer, you can do so quietly, but you cannot do  
11 so audibly and feed answers to the witness.

12 Q (By Ms. Belanger) To clarify, in terms of like  
13 controlled substances like opiates?

14 A No.

15 THE MAGISTRATE: Just to clarify,  
16 Dr. Padmanabhan, I was not implying that  
17 Dr. Padmanabhan was doing anything untoward, or  
18 anything of an unintended possibility.

19 Q Who asked you to testify on behalf of  
20 Dr. Bharani?

21 A No one.

22 Q How is it that you came to testify today?

23 A When he -- When I first -- I was notified by  
24 Whidden Neurology that he was not there any

1 more. I contacted him and asked him if he was  
2 somewhere else, and he said no. And I told him  
3 that I, if this goes to court or if he needs me  
4 to write a letter, or I would testify or write a  
5 letter or anything like that.

6 Q Are you testifying here today because you are a  
7 friend of Dr. Bharani's?

8 A No, a patient.

9 Q Did you meet with Dr. Bharani or anyone else to  
10 discuss your being a witness in this matter?

11 A Yes.

12 Q What occasion was that?

13 A Yesterday I met with you and Dr. Bharani.

14 Q Have you met Dr. Bharani any other time to  
15 discuss this matter of you testifying?

16 A No.

17 Q Did Dr. Bharani or I tell you what you should be  
18 saying at this hearing?

19 A Just to tell the truth.

20 Q Have you been contacted by the Board of Medicine  
21 at any time?

22 A Not that I'm wear of. I was sent a letter at  
23 one point, but I don't know exactly who sent it.  
24 I don't remember. It was maybe over a year ago,

1 possibly even two years ago.

2 Q Has Dr. Bharani diagnosed you with any physical,  
3 medical condition?

4 A Yes.

5 Q Could you please tell us what those diagnoses  
6 are.

7 A One is cervical dystonia. It's like severe  
8 spasms of the neck area, the muscles; and the  
9 other one is undifferentiated mixed connective  
10 tissue disease which is basically a whole lot of  
11 inflammation. That's it.

12 Q How old are you?

13 A 35.

14 Q And during your teens did you suffer from any  
15 chronic medical conditions?

16 A I had migraines onset at 12. I began treatment  
17 at 13 years old. From the onset of my period I  
18 had, menstrual cycle, I had a lot of pelvic pain  
19 and ovarian cyst. I began getting treatment for  
20 that when I was about 15 or 16. I had chronic  
21 sinus infections, ear infections, lower back  
22 pain.

23 THE MAGISTRATE: Patient I, I'm going to  
24 interrupt you.

1 Is this necessary to your case?

2 MS. BELANGER: Yes, it is, Your Honor.

3 THE MAGISTRATE: Proceed.

4 Q So you talked about migraines --

5 THE MAGISTRATE: Rather than summarize,  
6 ask another question.

7 Q Are there any other medical conditions that you  
8 had suffered from during your teens?

9 A I think that's all of them.

10 Q Did you have IBS at all during your teens?

11 A Yes, but I didn't get treatment for that until I  
12 was -- 16, 17 is when it started, but I didn't  
13 get treatment until I was in my 20s.

14 THE MAGISTRATE: What is the condition?

15 THE WITNESS: IBS, irritable bowel  
16 syndrome.

17 Q And you were formally diagnosed when you were  
18 approximately 16?

19 A No. The symptoms began when I was mid to late  
20 teens. I didn't get diagnosed until my 20s.

21 Q But you were experiencing the symptoms --

22 A Yes.

23 Q -- during your teens?

24 A Yes.

1 Q Did you seek medical help for the migraines and  
2 the --

3 A Yes.

4 Q -- pelvic pain?

5 A Yes. The migraines when I was 13 I began  
6 treatment, and the pelvic pain I was about 16  
7 when I started treatments, sought help.

8 Q Can you describe the history of the medical  
9 events that happened regarding your pelvic pain?  
10 Did you have any procedures?

11 A Yes. When I was I believe January of 1998 I had  
12 a laparoscopy done which they take a camera and  
13 look around to see if there are any problems. I  
14 had an ovarian cyst that they planned to remove,  
15 and it actually ruptured a few days before. And  
16 I had the same procedure done again in mid 2005.  
17 Both times all that was found was inflammation,  
18 redness, excess fluid in the peritoneal cavity  
19 pertaining to all organs, ovaries, uterus.

20 Q Approximately in 2004 were you experiencing any  
21 symptoms regarding skin ailments?

22 A Yes. The summer of 2004 I began getting some  
23 hives. They would come, like probably twice a  
24 week I would get some hives in the upper body

1 area. I assumed it was like either from a  
2 detergent or just a contact dermatitis is what I  
3 thought it was, reaction to something, so I  
4 changed detergents and tried different things.

5 Q When did you first seek medical treatment for  
6 that?

7 A For the hives, I didn't. They left, didn't stay  
8 long and it just was itchy. I had a lot of  
9 other problems going on that were more important  
10 than hives.

11 Q During that year approximately that same time  
12 were you experiencing any problems with your  
13 thyroid?

14 A Yes. I developed a tumor in my right lobe of my  
15 thyroid. I got a necklace for my birthday, so  
16 feeling it all of a sudden there was a half an  
17 egg sticking out of my neck, so I made that  
18 appointment. It was a tumor and they biopsied  
19 and all of that. It ended up being a complex  
20 cyst which is a cyst filled with small tumors.  
21 In February of 2005 I had the right lobe  
22 removed.

23 Q Did they give you a diagnosis for that?

24 A For the tumor? Just that it was a complex cyst.

1           After the removal of one lobe it was a very,  
2           less than five percent chance that the thyroid  
3           would not work, take over my body. I'm in that  
4           percent, so I have to take medicine every day  
5           for, to replace the hormone, the thyroid  
6           hormone.

7           Q    After your surgery were you still experiencing  
8           problems with your thyroid?

9           A    Yes, for about three years afterwards it  
10          didn't -- Typically takes six months to balance  
11          hypothyroid levels with the medicine. It took  
12          about three years to stabilize mine.

13          Q    How did they stabilize that?

14          A    With medication.

15          Q    Is it fair and accurate to say --

16                    THE MAGISTRATE: I'm going to stop you.  
17           You can ask her an open-ended, direct  
18           examination question.

19          Q    Could you please state the years that you were  
20          experiencing the problems with your thyroid?

21          A    2004 when my thyroid came out, the tumor  
22          developed, to 2008. It still occasionally needs  
23          the medication adjusted. I have to have the  
24          level checked every six to 12 months and if it's



1 too high or too low, we adjust the medication  
2 accordingly.

3 Q During that time period of say 2005 to, 2004 to  
4 2008, were you experiencing problems with  
5 migraines?

6 A Yes.

7 Q During that same time period had you been  
8 experiencing problems with IBS?

9 A Yes.

10 Q At any time did you began seeking mental health  
11 treatment?

12 A Yes.

13 Q When was that, approximately?

14 A Probably 2005, 2004/2005. 2005.

15 Q For what reasons did you seek mental health  
16 treatment?

17 A I had anxiety as far as I can remember, general  
18 social anxiety, but I began having panic attacks  
19 in 2004 really bad on a daily basis. And also  
20 because I was always sick, I learned coping  
21 techniques because I went from being the girl  
22 that people call to change their tire to being,  
23 I couldn't get out of bed for more than five or  
24 ten minutes from all the problems.

1 THE MAGISTRATE: And this is relevant?

2 MS. BELANGER: Yes.

3 THE MAGISTRATE: Okay.

4 Q Say from your teens up through say 2007, what  
5 types of doctors had you seen regarding your  
6 various ailments?

7 A Primary care, orthopedic, rheumatologist,  
8 physiatrist, physical therapist, some doctor --  
9 I can't think, it was a specialist,  
10 gastroenterologist, gynecologist. Did I say  
11 orthopedic? Neurologist. Rheumatologist, did I  
12 say that?

13 Q Was there a time period that the intensity of  
14 your migraines changed?

15 A Yes, they got worse I think it was around 2006.  
16 It was when I ended up going to the emergency  
17 room and they referred me to Bharani. For about  
18 six months prior to that I was getting the  
19 horrible, the muscles tightened so much like to  
20 hold you up causing migraines. And I don't mean  
21 a headache, a migraine like I can't talk, I  
22 cannot get up, I'm vomiting, I will be shaking.  
23 It takes sometimes 24 to 48 hours to recover  
24 from a severe migraine.

1                   My sister was dragging me to the  
2                   emergency room, once, twice, four times a month.  
3                   They would give me IV and Toradol, an IV  
4                   medication to stop the migraines and they would  
5                   have to give me IV fluids because I was vomiting  
6                   so much and couldn't eat. Light bothers it,  
7                   noise, horrible.

8                   For about six months prior to the  
9                   emergency room visit where they referred me to  
10                  Dr. Bharani, the migraines were getting so much  
11                  worse from the muscles doing something to the  
12                  nerves, pinching the nerve that come over to my  
13                  eye.

14                  THE MAGISTRATE: By "muscles" you are  
15                  referring to your neck and shoulder muscles?

16                  THE WITNESS: Yes, from like between your  
17                  shoulder blades up.

18                  Q    (By Ms. Belanger) Prior to the time that you  
19                  had spoken about going to the emergency room  
20                  where the doctor made a referral, prior to that  
21                  how frequently had you, have you gone to the ER  
22                  for migraines?

23                  A    Not often for that. Rarely, rarely. I don't --  
24                  Initially when I was a teenager I was being seen

1 a lot until it was under control. When I  
2 started birth control later on in my teen years,  
3 I was pretty stable. Sometimes stress will  
4 cause them, hormone changes will cause  
5 migraines, if the muscles are tight or holding  
6 stress in. There are a lot of different  
7 reasons. But not often, certainly not anything  
8 more where I needed to take anything more than  
9 Aleve.

10 Q It's been referred to as prior to having seen  
11 Dr. Bharani, is that true?

12 A Yes.

13 Q You had described about when you had gone to the  
14 emergency room for the burning pain that you  
15 described going from your shoulders, neck?

16 THE MAGISTRATE: Ms. Belanger, instead of  
17 summarizing, just ask a question.

18 Q Please tell me if you had experienced those  
19 symptoms before that.

20 A No.

21 Q Were there times that you had experienced  
22 symptoms that were maybe not to that degree or I  
23 mean any burning sensation prior to that visit?

24 A Yes, just for the six months prior, I would get

1 the burning feeling, not that bad. I mean it  
2 was bad enough that I needed to figure out what  
3 was wrong in causing it, but I had two small  
4 kids and a lot going on at that time. So it  
5 would come and it would not be as bad. I think  
6 I saw my PCP for it and she gave me Flexeril, a  
7 muscle relaxer, and it didn't help much. But it  
8 came and went, it didn't last long enough that I  
9 went into a hospital.

10 THE MAGISTRATE: The burning was in your  
11 shoulder and neck?

12 THE WITNESS: Yes. Well, in the muscle  
13 from between the shoulder blades going up to the  
14 shoulders, up the neck, my entire scalp, head,  
15 eyes, everything. And numbness and like creepy  
16 crawly feelings like things walking all over  
17 you.

18 THE MAGISTRATE: You are indicating your  
19 forehead and temples?

20 THE WITNESS: Yes, that was included.

21 Q (By Ms. Belanger) Can you please describe the  
22 time period from about 2005 through 2008 what  
23 your day function was like.

24 A From 2005 the beginning of 2005 I was, I had a

1 lot of physical problems but I was still pretty  
2 active, out doing things every day with my kids,  
3 taking them to two different schools, one in  
4 preschool and the other was in third grade at  
5 the time. Parks, dance class, tumbling,  
6 gymnastics. I was very active with the kids'  
7 family, their side. My side as well. Big, big  
8 family so a lot, my life revolved round my kids.  
9 We did lots of stuff.

10 I had four step-kids at the time, so it  
11 was another four little girls. Two are older  
12 than my daughters, two were between these ages.  
13 We did a lot of stuff, berry picking, field  
14 trips, Coco Keys Water Park, all that stuff;  
15 clean the house, cook. We always danced around  
16 the house, in the back yard gardening.

17 And that declined. By the time I began  
18 seeing Dr. Bharani I was, the year before I saw  
19 him, my health declined horribly. I pretty much  
20 was in bed most of the day. My sister, any time  
21 she wasn't in work she was at my house helping  
22 me to take care of the kids, cooking, cleaning.  
23 She had a car. My car was not working at the  
24 time. If she worked, I would drop her at work

1           and keep the car so I could get my kids to  
2           school. One school is six minutes' walk from my  
3           house and from there another six minutes to the  
4           other school, maybe ten to 12 minutes back. And  
5           I couldn't make that walk by myself, I had to  
6           drive or be driven.

7                        I couldn't take my kids anywhere unless I  
8           had someone with me because I was afraid I would  
9           get a migraine and puking and not be able to  
10          take care of my kids. Only the past few years I  
11          ventured out with my kids alone without another  
12          adult with me. I was petrified that I would be  
13          incapacitated and my kids were small and they  
14          would be on their own.

15          Q    When you first started seeing Dr. Bharani, who  
16                was your treating primary care physician?

17          A    I'm not sure who I was seeing when I first began  
18                seeing him; but shortly after, I began seeing  
19                Dr. Somava Stout at Revere, like Revere  
20                Family -- I'm not sure what it is called. It's  
21                Cambridge Health Alliance in Revere, Broadway in  
22                Revere. We are still at that office.

23          Q    So Cambridge Health Alliance, that was the same  
24                organization that you were seeing Dr. Bharani?

1           A    Yes.  I figured it was easier because they could  
2                    just look in the computer.  So I tried, every  
3                    doctor I went to I tried to stay in the same  
4                    Cambridge Health Alliance because that way their  
5                    records are electronic in their system, it's  
6                    easier for them to be on the same page with my  
7                    health.  I like them to be on the same page.  
8                    They would access medications, treatments, they  
9                    were not re-doing them.

10          Q    When you saw Dr. Stout, how often did you see  
11                    her?

12          A    Not often, maybe annually for regular physicals,  
13                    and occasionally I would go in and see her if I  
14                    was sick or something was bothering me.

15          Q    Did you see her during that time period from  
16                    2005 to 2008?

17          A    Yes, just pretty much annually.  I might have  
18                    seen her one or two times that was out of the  
19                    ordinary.

20          Q    When you saw Dr. Stout for your annual exams or  
21                    when you went to see her for a medical issue,  
22                    did you talk at all about your medical treatment  
23                    that was going on with Dr. Bharani?

24          A    Yes.



1 Q From the time that you began seeing Dr. Bharani,  
2 which was approximately in 2006 or 2007, --

3 A Yes.

4 Q -- did you began to experience any improvement  
5 in your health?

6 A Yes, great improvements.

7 Q Can you please describe what those improvements  
8 were and approximately when they were.

9 A When, when I first saw him, we did like the  
10 first year was a lot of tests, MRIs. He sent me  
11 to other doctors, rheumatologist to get second  
12 opinions and things like that, and we tried  
13 different medications. So the first year I had  
14 some -- Yes, the second half of the first year  
15 from six to 12 months of seeing him I started to  
16 experience a lot of changes. Like I could get  
17 up and stay up longer. My sister, I didn't need  
18 her to be at my house all the time any more, I  
19 only needed her for longer appointments. Or she  
20 would come with me to events at the school to  
21 drive us or things like that, but for the most  
22 part I was on my own again, always able to do  
23 everything I needed to. I'll never be back to  
24 who I was before I became ill, but I can change

1 a car tire again.

2 Migraines were controlled for the most  
3 part other than occasionally I would have like a  
4 flair is what they call it where the problems  
5 would kind of stir up and I would take steroids  
6 to calm down the inflammation and it would go  
7 away.

8 Q Did you tell Dr. Stout at any time about the  
9 improvements that you were feeling?

10 A Yes, in detail. I always updated her with --  
11 She is my primary care, I have to keep -- I'm  
12 very involved when it comes to my health,  
13 doctors testing everything. A million  
14 questions, I go home and research it. That is  
15 how I am, very proactive with health. So, yes,  
16 I always kept her very updated with what is  
17 going on. With medication, the first thing the  
18 primary care does is check your medication list,  
19 update it. So I would let her know what I was  
20 on, what worked and what treatments helped, how  
21 I was doing in general.

22 Q At any time during the improvement that you  
23 described did it change at any time?

24 A When I stopped seeing him, when he wasn't at

1 Whidden Hospital any more, I had a serious  
2 decline in health.

3 Q Can you describe what your functioning was like  
4 after that.

5 A I was back into bed. I still had some things --  
6 Didn't go back to as bad as it was initially  
7 because I was still able to have some of the  
8 medications, but I lost the IV treatments, the  
9 Botox shots that he gave me and trigger point  
10 injections for the spasms and the migraines.

11 THE MAGISTRATE: You are pointing to your  
12 neck and shoulders, trigger point and Botox  
13 there?

14 THE WITNESS: Yes, neck and shoulders.

15 Q So prior to Dr. Bharani no longer being at the  
16 Cambridge Health Alliance, prior to that what  
17 was your regular medication that you were being  
18 prescribed by Dr. Bharani?

19 A The list of the --

20 Q I'm sorry?

21 A The list of them at the time?

22 Q If you remember what medications.

23 A Still pretty much the same except for the few  
24 that I don't take any more, Cymbalta, an

1           antidepressant but used for musculoskeletal  
2           pain, neuropathy pains which is why I take it  
3           for the pain; Plaquenil is an immune system  
4           suppressant. Apparently the hives I was getting  
5           was caused from the lupus, so that keeps me from  
6           the getting the hives. And I have pain and  
7           heaviness in the waist down. My legs will feel  
8           that I can't lift them up at all, and a lot of  
9           pain, and the Plaquenil takes that away. I take  
10          baclofen for muscle spasms. The thyroid  
11          medicine, that wasn't from him, though. I take  
12          Imitrex injections for migraines for like acute  
13          migraine attack. And treatments I got from him  
14          was like in the hospital was Botox injections in  
15          the shoulders, neck, trigger point injections in  
16          the shoulders and neck which were lidocaine and  
17          steroid, IV Solu-Medrol, IVIG and Percocet.

18          Q    When Dr. Bharani was no longer at the Cambridge  
19                Health Alliance, what did you do for treatment  
20                for the conditions that he had been providing  
21                for you?

22          A    Well, I didn't find out until about three weeks  
23                after and had just seen him like the day before,  
24                so I didn't even know about it. I didn't get a

1 letter from the hospital until months later.  
2 When I found out, I e-mailed him and said should  
3 I make an appointment to come in or should I  
4 just pick up my prescription at the desk.

5 He told me he wasn't there any more. I  
6 made an appointment with Dr. Stout and I asked  
7 her could she cover the medication. She can't  
8 do the injections. A neurologist or someone  
9 trained has to do that. So I asked her if she  
10 could cover me for the Solu-Medrol only if I  
11 absolutely needed it, the IV steroids, and if  
12 she would cover the prescriptions, any  
13 prescriptions I needed including Percocets which  
14 is an opiate-controlled substance.

15 When I called, she had me come in a  
16 couple days later and she wasn't comfortable  
17 with the treatments. Like the injections, I  
18 would have to go to a neurologist or pain  
19 clinic. She didn't want to do the Solu-Medrol  
20 IV and she wasn't comfortable with prescribing  
21 pain medication which I understand because she  
22 wasn't treating me for this initially.

23 I asked her if I go to a pain management  
24 clinic and they look me over, look at my records

1 and they support the fact that I need the  
2 medication, would you feel more comfortable.  
3 And she led me to believe, yes, she would  
4 prescribe it if that happened.

5 So I went to Mass. General Pain Clinic  
6 and they saw me and did an evaluation and they  
7 faxed her a letter stating that they believed I  
8 was on a low dose of pain medication and if it  
9 helps me and benefits me, they had no objection  
10 to it.

11 She still did not want to prescribe it,  
12 so she gave me a prescription -- I was on  
13 15 milligrams three times a day, three or four  
14 times a day at that point. She gave me a  
15 prescription that allowed me 10 milligrams three  
16 times a day for a week.

17 THE MAGISTRATE: Which medication?

18 THE WITNESS: Percocet.

19 A Then it was 5 milligrams twice a day, and then  
20 nothing. So she basically wanted to taper me  
21 over a two-week period after I had been on pain  
22 medication for years, which is not logical from  
23 a doctor.

24 Q Did you express to Dr. Stout that you were

1 fearful about the manner in which she was --

2 A Yes.

3 Q -- manner in which she was --

4 THE MAGISTRATE: We'll stop before you  
5 lead the witness. Don't make a face. Put a  
6 question in front of the witness. Put a  
7 question in front of the witness.

8 Q Did you have any concerns about what she had  
9 told you?

10 A Yes. I was afraid, for one, because when you  
11 are on a lot of medications not just opiates,  
12 your body becomes used to it and you have  
13 problems coming off it. I was afraid for one  
14 that I was dependent on an opiate at this point  
15 and as soon as I dropped the dose because  
16 without the treatments, a lot of pain comes  
17 through. So coming off pain meds alone, the  
18 pain that comes through, I would be bedridden  
19 again, and I did end up back in bed all day  
20 every day. I had to have family come over to  
21 drive the kids to school and back.

22 Q So did you return back to Dr. Stout?

23 A I did. I discussed it with her a few more  
24 times, twice over the phone. I made another

1           appointment with her, and she didn't seem to  
2           really care or want to help, and I didn't go  
3           back to her. The only time I went back to her  
4           after that was years later because I needed to  
5           get in with a PCP and she was still my PCP, so I  
6           saw her instead of finding a new doctor at the  
7           time.

8                           But not long after, she left for like an  
9           office job, so I switched the same practice but  
10          I have a different doctor now, a different PCP.

11          Q    Thereafter what did you do then seeing a doctor  
12               for the conditions that Dr. Bharani had been  
13               treating you for?

14          A    I didn't see any doctors.

15          Q    Why was that?

16          A    I don't know, I kind of -- I had seen so many  
17               doctors that I really lost faith in a lot of  
18               them because pretty much I would get sent to one  
19               specialist or one doctor and they would send me  
20               to another one, another one and nobody actually  
21               wanted to help. So Bharani helped me with so  
22               many things.

23                           But a few months after he was able to  
24           prescribe, so he would do like, I would meet him



1           and he would, basically like an office visit but  
2           in a public place and he was able to prescribe  
3           me some of the medications but I couldn't get  
4           the treatments because he wasn't affiliated with  
5           a hospital. He did work out at one point with a  
6           Quincy oncology that they would allow me on his  
7           orders to get the Solu-Medrol IV medications  
8           there. But I had trouble getting to Quincy, so  
9           I only ended up getting two treatments there.

10          Q    Can you describe how you were able to resume  
11           again with having Dr. Bharani treat you?

12          A    How I was able?

13          Q    You said you no longer go to Dr. Stout, and  
14           Dr. Bharani had left. At some point you went  
15           back to see Dr. Bharani again?

16          A    Yes, well, I kept in touch with him because when  
17           I couldn't get help from Dr. Stout, I asked him  
18           is there a pain clinic I can go to. So he was  
19           trying to help me to find somewhere I could go,  
20           a doctor or somewhere that could help me,  
21           through e-mail as much as he could. But at some  
22           point, it was only a few months, but he was able  
23           to prescribe, I guess. I don't know the legal  
24           stuff or what happened, but --

1 Q So he was able to see you as a --

2 THE MAGISTRATE: Ms. Belanger, --

3 Q -- a doctor?

4 THE MAGISTRATE: Ms. Belanger, when I  
5 address you, don't rush and finish the question.  
6 I was stopping you from asking a leading  
7 question.

8 Q (By Ms. Belanger) After resuming being seen by  
9 Dr. Bharani, did you continue to receive opiate  
10 prescriptions?

11 A Yes.

12 Q Was there a time that you stopped?

13 A Yes, in about May of 2012.

14 Q Why did you stop having him treat you for your  
15 pain management?

16 A The main reason was because my daughter's father  
17 didn't like, he didn't like any medicine, he  
18 didn't want me to have the surgery. We were  
19 together when the tumor came out. He didn't  
20 even want me to have the surgery because I would  
21 have to take a replacement. He felt you should  
22 just pray and you will be fine. He doesn't like  
23 any medication. And he, after a four-year  
24 absence from my daughter's life, decided to

1           accuse me of being a drug addict and took me to  
2           court for custody.

3                       What I did, I went into a detox place,  
4           seven days, and I stopped taking the Percocet  
5           when I went in there, and they used methadone to  
6           lower you. And in there they helped me to make  
7           an appointment with called CSAC, a methadone  
8           clinic in Chelsea, because methadone works  
9           pretty similar as a, actually works longer,  
10          stays in your system longer than Percocet. So  
11          you take it in front of them, they drug test  
12          you, that way my Ex couldn't say anything. When  
13          they drug tested me after he accused me, I only  
14          tested positive for the medication that I was  
15          prescribed. Then he said no other drugs, she  
16          takes too much of her medicine. I thought it  
17          was the best way to kind of make there be no  
18          question about it.

19          Q    Did you talk with the detox program about your  
20          pain management?

21          A    Yes and no. When, before I went in, you, I  
22          called a few places, the place called Friends.  
23          When I called them and told them the real  
24          situation, that I was a pain management patient,

1           they told me flat out you cannot, we can't take  
2           pain management patients, that is not what it's  
3           for, it's for drug abuse only. I told them I  
4           was abusing the drugs to get in there.

5           Q    But you had not been abusing drugs?

6           A    No.

7           Q    Have you ever been dissatisfied with the  
8           treatment that you received from Dr. Bharani?

9           A    No. Prior to him leaving the hospital, no. And  
10          afterwards the only problem is just that I can't  
11          get the IV treatments and the injections when I  
12          need them.

13          Q    During this course of treatment have there been  
14          any avenues that he has prescribed that has  
15          harmed you physically?

16          A    No.

17          Q    During the course of treatment that Dr. Bharani  
18          had given you, have any of those avenues  
19          emotionally harmed you?

20          A    No.

21          Q    Have you made any complaints to anybody about  
22          being harmed by Dr. Bharani's medical treatment  
23          of you?

24          A    No.

1 MS. BELANGER: I have no further  
2 questions.

3 THE MAGISTRATE: Patient I, Mr. Paikos  
4 from the Board of Registration in Medicine may  
5 have some questions for you.

6 CROSS EXAMINATION BY PAIKOS

7 Q You went in that methadone program after Dr.  
8 Padmanabhan left Cambridge Health Alliance?

9 A Yes, many years later.

10 Q And you told them it was an addiction place,  
11 correct?

12 A Um-hum.

13 Q And you were not, you are saying you weren't  
14 truthful with them when you got in there, you  
15 said you did have an addiction problem, correct?

16 A Correct. I began as a pain patient and that it  
17 wasn't working so I was taking too many of them  
18 is what I told them.

19 Q Was that your belief at the time about yourself?

20 A No.

21 Q You were in a methadone program previously,  
22 correct?

23 A No.

24 Q Had you had any issues or anybody claim that you

1 had addiction issues previously?

2 A I found out that Dr. Stout had put in my records  
3 something about methadone or something about  
4 drug abuse. That is completely untrue. I have  
5 no idea where they got it from, and I wanted to  
6 make a complaint about it or at least put  
7 something in my records at the time to object to  
8 it. I didn't even know that it was in there  
9 until a couple of years later when I requested  
10 copies of my records.

11 Q What year was that that you requested copies of  
12 your records?

13 A May have been 2011 or 2012.

14 Q Did you give any of those records to  
15 Dr. Padmanabhan?

16 A Yes.

17 THE MAGISTRATE: You understand we are  
18 talking about Dr. Bharani when we talk about  
19 Dr. Padmanabhan?

20 THE WITNESS: Yes.

21 MR. PAIKOS: I'll refer to him as  
22 Dr. Bharani.

23 Q (By Mr. Paikos) Who else are you currently  
24 seeing as physician or nurse practitioner

1           currently?

2           A    Dr. Simons is my PCP. I have only seen him once  
3           so far, though. The Revere office that started  
4           with Dr. Stout there is my fourth doctor there.  
5           They kind of have a high turnover. I'm hoping  
6           to stay with him because he seems like a good  
7           doctor. I have an appointment today if I can  
8           get to it.

9           Q    Are you currently seeing anyone else for  
10          physicians?

11          A    Yes, I see Dr. Bharani. I see a therapist and  
12          psychiatrist.

13          Q    Any other physicians or nurse practitioners?

14          A    Currently, no.

15                    THE MAGISTRATE: Therapists and  
16          psychiatrists is the same person?

17                    THE WITNESS: No, two people.  
18          Psychiatrist is a doctor and the therapist is  
19          certified or something.

20          Q    (By Mr. Paikos) You talked about that you got  
21          in contact with Dr. Bharani after he left  
22          Cambridge Health Alliance. Was that weeks or  
23          months after he left?

24          A    It was about three weeks because I saw him the

1 day before and I contacted him three weeks later  
2 to get my monthly prescriptions, so --

3 Q You e-mailed him?

4 A Yes.

5 Q How did you have his e-mail address?

6 A He gave it to me.

7 Q When did he give it to you?

8 A Within the first six months of seeing him, like  
9 he would send me test results. Well, after I  
10 saw him and he told it to me, he would e-mail it  
11 to me or articles about particular health  
12 problems or a name of a doctor I can go see for  
13 different problems and things like that.

14 Q Do you remember what his e-mail address was at  
15 that time?

16 A Scleroplex@gmail.com.

17 Q It wasn't at Cambridge Health Alliance, was it?

18 A I don't think they had their whole thing set up  
19 at that time. Now it's set up where you go into  
20 your account online and you leave a message  
21 online. It is less personal.

22 Q The question isn't about the My Chart. He  
23 didn't give you an e-mail address that had the  
24 Cambridge Health Alliance address in?



1           A    Yes, I believe I had that one, too.

2           Q    So at the same time he gave you the Scleroplex

3                one?

4           A    Yes.

5           Q    And do you remember the last time he saw you at

6                Cambridge Health Alliance?

7           A    Do I remember when?

8           Q    Do you remember that visit?

9           A    The visit, yes.

10          Q    Did he tell you he was referring you to a

11                rheumatologist at that time?

12          A    That day?

13          Q    Yes.

14          A    No.

15          Q    Did he tell you he was referring you back to

16                Dr. Stout for treatment of your pain?

17          A    No.

18          Q    How often do you currently see him?

19          A    I saw him about a month ago, and before that

20                maybe six months.

21          Q    So every six months? Every month?

22          A    No, probably twice a year.

23          Q    Do you talk to him on the phone?

24          A    No.

1 Q Do you continue to --

2 A Occasionally when he was at the doctor's office  
3 he would return the call or the nurse would.

4 Q Was that Dr. Gross's office?

5 A Yes. And when he was at Cambridge Health  
6 Alliance.

7 Q Where did he see you the last time he saw you?

8 A McDonald's.

9 Q How many times has he seen you in a public  
10 place?

11 A Twice.

12 Q Do you currently pay him?

13 A No.

14 Q Since going into that detox facility, he has not  
15 prescribed you Percocets?

16 A No.

17 Q Do you continue to have pain?

18 A Some. Fluctuates, yes, IV treatments.

19 Q I'm sorry?

20 A I need IV treatments and the injections, yes.  
21 Like this last month I have had a headache right  
22 now for about eight days. Today is the eighth  
23 day of a headache.

24 Q Did you ever complain about Dr. Stout allegedly

1            putting in something about you being in a  
2            methadone program?

3            A    I don't know if she wrote that I was in a  
4            methadone program. I don't know what she wrote.  
5            It was something regarding my previously,  
6            something about methadone. At that time I had  
7            not taken methadone and didn't know much about  
8            it. I was kind of like what the heck is that.  
9            I didn't complain. I wanted to complain and I  
10           filled out paperwork, but I didn't actually  
11           follow through with it. Just didn't feel it was  
12           worth the headache.

13           Q    Have you complained about any other physician?

14           A    No.

15           Q    No complaints to any agencies or the hospital?

16           A    No.

17           Q    At the time that you were seeing Dr. Bharani, do  
18           you remember having a rheumatologist?

19           A    Yes.

20           Q    Do you remember seeing an orthopedist?

21           A    Probably in the same timeframe. It might have  
22           been before I saw him. There was a lot of  
23           overlap with doctors and --

24           Q    Do you remember seeing a Dr. Shalnov?

- 1 A I remember the name. He was an orthopedist.
- 2 Q Do you remember the rheumatologist telling you  
3 there was no inflammatory issues?
- 4 A No.
- 5 Q Do you remember him telling you there was no  
6 rheumatology issues?
- 7 A No.
- 8 Q Have you ever been diagnosed with fibromyalgia?
- 9 A I had one orthopedic doctor tell me it could be  
10 fibromyalgia. I don't know what he wrote in my  
11 record. I believe, I don't believe I ever saw  
12 him again, maybe once after that.
- 13 Q Dr. Bharani during the course of treatment  
14 prescribed you Dilaudid as well, correct?
- 15 A For a brief period to see if it worked better  
16 than the Percocet.
- 17 Q Did he prescribe you oxycodone?
- 18 A That is Percocet, that is the drug name.  
19 Percocet is the brand name.
- 20 Q How do you know that?
- 21 A Because I look everything up.
- 22 Q Any other narcotics that he prescribed for you?
- 23 A No.
- 24 Q Did he ever give you Vicodin, do you remember?

1           A   Possibly. That is possible. That is similar to  
2                    Percocet. Just a little bit different,  
3                    hydrocodone.

4           Q   Do you remember him giving you Klonopin?

5           A   Yes. Those are not the opiates, those are  
6                    benzodiazepines. And Valium for muscle spasms.  
7                    He also gave me a medication for migraines.  
8                    That's a barbiturate.

9                    THE MAGISTRATE: Which one?

10                  THE WITNESS: I can't think of it right  
11                    now.

12          Q   Did he ever tell you on that last visit or  
13                    before that they couldn't figure out the  
14                    etiology for the inflammation that you had?

15          A   No.

16          Q   Did he ever tell you that they couldn't figure  
17                    out the reason for the inflammation?

18          A   No.

19                  MR. PAIKOS: No further questions.

20                  THE MAGISTRATE: Any follow-up questions  
21                    to Mr. Paikos' questions?

22                  MS. BELANGER: Yes.

23                  REDIRECT EXAMINATION BY MS. BELANGER

24          Q   You had stated that the last time that you saw

1 Dr. Bharani was at McDonald's. Was that for a  
2 medical examination?

3 A Yesterday, no. Just to clarify, when he asked  
4 me, I wasn't including yesterday. I was  
5 including only medical exams. Yesterday was to  
6 do with this hearing.

7 Q For what purpose were you prescribed Klonopin?

8 A Muscle spasms.

9 MS. BELANGER: No further questions.

10 RECROSS EXAMINATION BY MR. PAIKOS

11 Q Just to clarify two things: You talked about  
12 meeting with him in public places and you said  
13 about two times. One was yesterday?

14 A No, I wasn't including yesterday. You asked me  
15 about medical.

16 Q Was there a time that you met for a medical  
17 reason at McDonald's?

18 A Yes, once.

19 Q Was there a second time that you met with him  
20 for a medical reason in a nonmedical office  
21 setting?

22 A Yes. We met at Panera for a doctor's visit.

23 Q Did he give you prescriptions at either of those  
24 two times?

1 A Yes.

2 Q Was that before you went into the detox  
3 facility?

4 A No.

5 Q Did you tell him you went into the detox  
6 facility?

7 A Yes, he knew every step of the way. He knew  
8 before I went in.

9 Q At Panera, McDonald's, was there any physical  
10 examination?

11 A No, it was regarding an established problem and  
12 in order to get a refill, he required that he  
13 meet with me to discuss, is it the same, gotten  
14 worse, blah, blah, blah. Not blah, blah, blah,  
15 but the usual to make sure nothing changed.

16 Q Have you gotten Dr. Bharani's records from him  
17 of his treatment of you since he left Cambridge  
18 Health Alliance?

19 A No.

20 MR. PAIKOS: No further questions.

21 MS. BELANGER: I have one question.

22 FURTHER REDIRECT EXAMINATION BY MS. BELANGER

23 Q Regarding medical treatment, were you ever seen  
24 by Dr. Bharani in terms of home visits?

1           A    Once.  He met with my family, well, me and my  
2                    family and close friends at the time to discuss  
3                    medications and to help them understand the  
4                    problems that I have, if they had questions,  
5                    things like that basically.

6                            MS. BELANGER:  No further questions.

7                            FURTHER RECROSS EXAMINATION BY MR. PAIKOS

8           Q    By "home visit" you mean your home?

9           A    It wasn't my home.

10          Q    Family member's home?

11          A    Yes.

12                            THE MAGISTRATE:  That is it for  
13                            questions, Patient I.  I thank you for your  
14                            testimony.  You can step down from the chair.  
15                            You can stay in the hearing room or leave, as  
16                            you wish.

17                            [The witness was excused]

18                            DR. PADMANABHAN:  That's it for both  
19                            sides' cases?

20                            MR. PAIKOS:  The only thing in rebuttal I  
21                            would offer Dr. Padmanabhan's profile which I  
22                            provided to counsel this morning that indicates  
23                            that he accepts Medicaid.  There was some  
24                            question of Dr. Levin regarding him checking his



1 profile, what was on his profile, and testimony  
2 from Dr. Padmanabhan regarding what his  
3 insurance acceptance was, so I would offer this  
4 in the form of in a sense impeachment.

5 MS. BELANGER: I object to bringing in a  
6 report for the purpose of the conclusion of  
7 accepting Medicaid insurance as it is disputable  
8 that Dr. Bharani --

9 THE MAGISTRATE: Without --

10 MS. BELANGER: The document by itself  
11 does not reasonably show that that is what the  
12 purpose of the accepting Medicaid was for.

13 THE MAGISTRATE: I'm going to accept that  
14 as the next exhibit, whatever the number is. I  
15 believe your client had already testified about  
16 that.

17 [Exhibit 30 admitted into evidence]

18 THE MAGISTRATE: Do you want testimony in  
19 further rebuttal as this exhibit is coming in as  
20 rebuttal?

21 MS. BELANGER: Can I discuss that with  
22 him?

23 THE MAGISTRATE: Yes.

24 MS. BELANGER: Can we have a five-minute

1 recess?

2 THE MAGISTRATE: We're off the record and  
3 we will return in five minutes.

4 [Recess]

5 THE MAGISTRATE: We're back on the  
6 record. Ms. Belanger, do you want limited  
7 response to the Board's rebuttal?

8 MS. BELANGER: I'm sorry, in terms of?

9 THE MAGISTRATE: Mr. Paikos introduced an  
10 exhibit in the form of rebuttal. I believe you  
11 were conferring with your client about the  
12 possibility of him taking the stand to  
13 explain --

14 MS. BELANGER: He wants to take the  
15 stand.

16 THE MAGISTRATE: For the limited purpose?

17 MS. BELANGER: Yes.

18 MR. PAIKOS: I have the exhibit here  
19 which I can give you or mail it with the  
20 materials.

21 THE MAGISTRATE: Whatever your  
22 preference.

23 MR. PAIKOS: I can provide it now  
24 (Document handed.)

1                   THE MAGISTRATE: I'm going to ask you to  
2                   stand and raise your right hand,  
3                   Dr. Padmanabhan.

4                   BHARANIDHARAN PADMANABHAN, MD, SWORN

5                   DIRECT EXAMINATION IN REBUTTAL BY MS. BELANGER

6                   Q    Dr. Padmanabhan, when you renewed your profile,  
7                   why did you leave the field that says "accept  
8                   Medicaid" where it says "yes," why did you leave  
9                   that on there?

10                  A    The online profile for the Board for each  
11                  physician has two separate fields. One says  
12                  "accepts insurance plans" and other says  
13                  "accepts Medicaid." The Medicaid was a  
14                  government program for poor patients and so the  
15                  "accepts Medicaid" field is separate, so poor  
16                  patients can look at that field and will know  
17                  that this doctor accepts government insurance.

18                  Throughout my practice I had numerous  
19                  patients who came in to see me because I said I  
20                  accepted Medicaid. Many patients they look at  
21                  that profile, most patients don't, and the look  
22                  of glee on their face when they found out, yes,  
23                  I do take MassHealth or I was going to see them  
24                  for free anyhow.

1           The past four years I have kept that that  
2           says "accept Medicaid" on. One, I did not know  
3           this case would drag on this long. And, two, I  
4           did want poor patients to feel welcome. I have  
5           always been welcoming in my practice to poor  
6           patients, and that is the reason I have  
7           continued to maintain that, because it is a  
8           badge, a signal to poor patients that they are  
9           welcome.

10           I have not billed any insurance carrier  
11           since 2010. I have not received any payment  
12           from insurance carriers since 2010. It is  
13           simply as a message to poor patients that they  
14           are welcome.

15           Q    Could you please tell me, on that profile page  
16           the "accept Medicaid" field is completely  
17           separate from the insurance plans accepted?

18           A    Correct.

19           Q    Could you please tell me why there is a  
20           separation there?

21           A    The separation is surely to show people that  
22           this doctor accepts government insurance and  
23           poor patients are welcome. It's not just if you  
24           look through the "accept insurance plans," they

1           have a wide list of insurance plans that you can  
2           click on including Medicare and Medicaid. There  
3           is a separate Medicaid field to patients that  
4           this doctor accepts government insurance and  
5           poor patients are welcome. That is the way I  
6           have always understood it and the way I have  
7           always practiced it.

8           Q    Have you over the past four years, have you ever  
9           billed Medicare or Medicaid?

10          A    Never, not once.

11          Q    Over the past four years have you billed any  
12          form of insurance whatso --

13                    THE MAGISTRATE: Asked and answered. Do  
14                    you have another question?

15          Q    Well, any insurance?

16                    THE MAGISTRATE: He just testified to  
17                    that.

18          Q    (By Ms. Belanger) Have you received any form of  
19          payment from any insurance company?

20          A    No.

21                    THE MAGISTRATE: This is asked and  
22                    answered.

23          Q    Regarding the accepting Medicaid, how is it that  
24          you are able to help out poor people in terms of

1 where you are seeing them?

2 A I see my patients for free and so whether they  
3 are Medicaid or not, it makes no difference, I  
4 see them for free.

5 Q And where you are seeing them in terms of what  
6 office or --

7 A I did have access to an office until about a  
8 year ago, and this past year I have been doing  
9 mostly house calls. I go in usually on weekends  
10 when the patient is with family because MS  
11 patients need to have somebody else with them  
12 taking notes and paying attention. And this  
13 Patient I who testified today, I went --

14 THE MAGISTRATE: I'm going to stop right  
15 now. This is not in response to this exhibit.  
16 We're not having follow up, rehashing the case,  
17 more information. Questions about the form.

18 MS. BELANGER: That's all I have.

19 CROSS EXAMINATION BY IN REBUTTAL BY MR. PAIKOS

20 Q Is it true, Doctor, that you do not accept  
21 Medicaid?

22 A I have a Medicaid number, but for principles  
23 reason I have not billed any insurance company  
24 for four years, the reason being that when you

1 change office address, you have to --

2 Q Let me interrupt you. You currently have a  
3 Medicaid number, correct?

4 A I have had a Medicaid number since 2004.

5 Q So you are saying you don't bill Medicaid?

6 A I have not billed Medicaid.

7 MR. PAIKOS: No further questions.

8 THE MAGISTRATE: Follow-up questions to  
9 Mr. Paikos' questions?

10 MS. BELANGER: No.

11 [The witness is excused]

12 THE MAGISTRATE: That's it for testimony?

13 MR. PAIKOS: Yes.

14 THE MAGISTRATE: Testimony is closed,  
15 exhibits are closed.

16 MS. BELANGER: Except for one item as you  
17 brought up in the last hearing: I did not  
18 receive the Controlled Substance Certificate  
19 regarding Dr. Levin.

20 THE MAGISTRATE: Do you have that,  
21 Mr. Paikos?

22 MR. PAIKOS: I received a copy of it. My  
23 understanding is that it was mailed to  
24 Dr. Padmanabhan as well as to DALA.

1 THE MAGISTRATE: Ms. Belanger, did you  
2 get it?

3 MS. BELANGER: He has not received it as  
4 of yet.

5 THE MAGISTRATE: Mr. Paikos, you will be  
6 kind enough to close that loop and get it to  
7 Ms. Belanger?

8 MR. PAIKOS: Certainly.

9 MS. BELANGER: If I could have an  
10 opportunity to address that as an evidentiary  
11 issue when we receive it.

12 THE MAGISTRATE: What possible  
13 evidentiary issue?

14 MS. BELANGER: I'm really not sure until  
15 I see the paperwork as to what, whether there is  
16 an issue or not.

17 THE MAGISTRATE: You can file a motion if  
18 there is an issue. This is something that you  
19 sought to introduce, am I correct, something  
20 that --

21 MS. BELANGER: My understanding my client  
22 sought the information as to verifying what  
23 Dr. Levin's credentials were about controlled  
24 substances.



1 THE MAGISTRATE: When you see it, if you  
2 have a motion, you can file it. It's not,  
3 including moving it into evidence.

4 Earlier in the hearing there was an issue  
5 about whether Dr. Padmanabhan had received  
6 transcripts. Is that no longer an issue?

7 MS. BELANGER: We need to receive the  
8 transcripts from the last hearing.

9 THE MAGISTRATE: Ms. Belanger, is there  
10 still an issue of transcripts in general?

11 MS. BELANGER: We still need to receive  
12 them, yes.

13 THE MAGISTRATE: Do you have any  
14 transcripts?

15 MS. BELANGER: Yes, we do have  
16 transcripts up until the hearing held on Friday.

17 Excuse me.

18 THE MAGISTRATE: You may confer.

19 [The witness and counsel confer off the  
20 record]

21 MS. BELANGER: It was just one other  
22 transcript that we do need to, um --

23 THE MAGISTRATE: That I understand. I'm  
24 just confirming the previous issue with

1 Dr. Padmanabhan not having access to transcripts  
2 is no longer live, it's not an issue any more?

3 MS. BELANGER: It's no longer an issue.  
4 We borrowed money.

5 THE MAGISTRATE: All the transcripts that  
6 have been issued, Dr. Bharani has?

7 MS. BELANGER: The ones that have been  
8 issued you have, correct?

9 [The witness and counsel confer off the  
10 record]

11 THE MAGISTRATE: When Friday's transcript  
12 becomes available, you wish to use it to file a  
13 motion to have Dr. Levin de-certified in effect  
14 as an expert?

15 MS. BELANGER: Disqualified.

16 THE MAGISTRATE: Disqualified as an  
17 expert. One week after you receive the  
18 transcript, have that motion to me, not put in  
19 the mail, have it to me. I'm going to assume  
20 when I receive the transcript you receive the  
21 transcript.

22 Mr. Paikos, for reasons we discussed  
23 Friday, you will have two weeks to respond.  
24 Once I rule on your motion, the parties will

1           have four weeks to file a brief.  If something  
2           comes up, and things come up, please let me  
3           know, you can ask for a continuance and I'll  
4           entertain it.  I understand that lawyers have  
5           other deadlines as well.

6                     After I rule on the motion you are  
7           planning on filing, Ms. Belanger, I'm not going  
8           to set up a briefing schedule, it will be four  
9           weeks after that.

10                    MR. PAIKOS:  After your ruling?

11                    THE MAGISTRATE:  After my ruling.  If you  
12           are in the middle of something else and you have  
13           deadlines, let me know, but that is the  
14           understanding.

15                    Is there anything else for me today?

16                    MS. BELANGER:  No.

17                    MR. PAIKOS:  No.

18                    THE MAGISTRATE:  I thank the parties.

19                                   \* \* \* \*

20

21

22

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

C E R T I F I C A T E

I, Carole M. Wallace, Certified Shorthand Reporter, do hereby certify that the foregoing transcript is a true and accurate record of my stenographic notes taken to the best of my skill and ability on March 9, 2015.

Carole M. Wallace, CSR