

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN MEDICINE

Middlesex, ss.

Adjudicatory Case
No. 2014-027 (RM-14-363)

_____)
In the Matter of _____)
Bharanidharan Padmanabhan, M.D. _____)
_____)

**Order of Remand to the Division of
Administrative Law Appeals**

This matter came before the Board, on the basis of the Administrative Magistrate's Recommended Decision, dated August 7, 2015, for disposition as to Findings of Fact and Conclusions of Law only. After full consideration of the Recommended Decision, the Respondent's Specific Objections to the Recommended Decision (Respondent's Objections), Petitioner's Objections to the Recommended Decision (Petitioner's Objections), Respondent's Response to Petitioner's Objections, and Petitioner's Response to Respondent's Objections, the Board hereby remands the Recommended Decision to the Division of Administrative Law Appeals ("DALA").

The Board respectfully requests that the Magistrate:

- include credibility determinations in the Recommended Decision;
- acknowledge the written expert reports the Parties submitted and comment on the weight he gave to them;¹
- mention any evidence contrary to the testimony by the Board's expert and any weight given to it;
- explain the apparent inconsistency between Dr. Levin's testimony and the Magistrate's Conclusion of Law that the Respondent did not render substandard care to Patients A, B, E, and I;²
- clarify apparent inconsistencies as to whether the Respondent rendered substandard care to Patient H;³ and


¹ In their Objections, the Parties reference expert reports by Carol Warfield, M.D., David Horowitz, M.D., and the Greeley Company.

² The Board notes that, with respect to Patients A, B, E, and I, Dr. Levin opined that the Respondent's care on at least one date for each respective patient, was below the standard of care.

³ The Board notes that, on pages 2 and 92 of the Recommended Decision the Magistrate states that the Respondent misdiagnosed Patient H but does not state that the Board proved that the care rendered to Patient H was substandard.


- correct or clarify apparent scrivener's errors, as follows:
 - on page two, in the first and second sentences under "Recommended Decision," the DALA hearing is characterized as an "appeal";
 - on page four in line one, the DALA hearing is characterized as an "appeal";
 - on page 13, in Finding of Fact 70, it appears "decreased" should be substituted for "increased";
 - on page 13, in Finding of Fact 70, the pronoun "his" should be substituted for "her";
 - on page 20, in Finding of Fact 128, clarify whether "November 26, 2007" is the date intended;
 - on page 21, in Finding of Fact 143, clarify whether "August 13, 2008" is the date intended;
 - on page 23, clarify whether a word is missing in the beginning of Finding of Fact 161, which states, "In November and December 11, 2009";
 - on page 30, in Finding of Fact 206, clarify whether "January 28, 2008" is the date intended;
 - on page 44, in sentence two, clarify whether there is a word missing between "substandard" and "when";
 - on page 44, clarify whether "A complete medical record is necessary" is a complete sentence, since there is no period, or whether there are words missing;
 - on page 73, in the last sentence of the second full paragraph, it appears "G" should be substituted for "E" and
 - on page 92, in the fifth line of the third paragraph, it appears that "I" should be substituted for "H"

Dated: January 21, 2016



 Michael Henry, M.D., Member
 Board of Registration in Medicine

The Board notes that, on page 67, the Magistrate states, "The BRM has proved by a preponderance of the evidence that Dr. Padmanabhan provided substandard care to Patient H by misdiagnosing her condition as MS."

SENT CERTIFIED MAIL 1/22/16 



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January 22, 2016

Certified Mail 7015 0640 0004 5028 9768

Bharanidharan Padmanabhan, MD
30 Gardner Road, Suite 6A
Brookline, Massachusetts 02445

Re: In the Matter of Bharanidharan Padmanabhan, M.D.
Adjudicatory No. 2014-027 (RM-14-363)

Dear Dr. Padmanabhan:

Enclosed please find a copy of the Order of Remand to the Division of
Administrative Law Appeals in the above-referenced matter.

Sincerely,

Debra G. Stoller
Senior Board Counsel

DGS/mg
Enclosure

cc: James Paikos, Esq.
Complaint Counsel
Edward McGrath, Esq.
Division of Administrative Law Appeals



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Board of Registration in Medicine

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January 22, 2016

Edward McGrath, Esq.
Chief Administrative Magistrate
Division of Administrative Law Appeals
One Congress St., 11th Floor
Boston, MA 02114

Re: In the Matter of Bharanidharan Padmanabhan, M.D.
Adjudicatory No. 2014-027 (RM-14-363)

Dear Attorney McGrath:

Enclosed please find a copy of the Order of Remand to the Division of Administrative Law Appeals in the above-referenced matter.

Sincerely,

Debra G. Stoller
Senior Board Counsel

DGS/mg
Enclosure

cc: James Paikos, Esq.
Complaint Counsel
Bharanidharan Padmanabhan, M.D.