VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: MUDIT SHARMA, M.D.
License No.: 0101-241433

CONSENT ORDER

The Virginia Board of Medicine ("Board") and Mudit Sharma, M.D., as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. Sharma to practice medicine and surgery in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board adopts the following findings and conclusions in this matter:

1. Dr. Sharma was issued license number 0101-241433 by the Board to practice medicine and surgery in the Commonwealth of Virginia on March 19, 2007. Said license is currently active and will expire on June 30, 2016, unless renewed or otherwise restricted.

2. Dr. Sharma violated Section 54.1-2915.A(3) of the Code in his care and treatment of Patients A and B from approximately January 2008 through February 2010 in that he performed unnecessary surgeries and mismanaged the patients' post-surgical conditions. Specifically:

   a. On or about March 7, 2008, Dr. Sharma performed kyphoplasty of the spine on Patient A (a 32-year-old male who suffered an L1 compression fracture following an all-terrain vehicle rollover accident on January 19, 2008), a surgery that was unwarranted given that after Dr. Sharma diagnosed Patient A’s compression fracture on January 19, 2008, placed him in a rigid back brace and prescribed pain medication, Patient A’s fracture was clinically stable and improving, posing little long-term risk of developing a kyphotic deformity. During the kyphoplasty procedure, Patient A’s vertebral body was too dense to accept the cement which extruded out of the fracture planes into the epidural space. Dr. Sharma addressed this complication by performing
a posterior laminectomy and decompression of the thecal sac. Consequently, the laminectomy procedure subjected Patient A to a far greater risk for development of kyphosis than had existed prior to the kyphoplasty.

b. Dr. Sharma inappropriately performed a thoracic laminectomy on February 19, 2010 on Patient B (a 65-year-old male who first consulted Dr. Sharma on January 18, 2010 complaining of pain in his spine, chest, arms, and right lower extremity) after evaluating the patient’s November 25, 2009 MRI as showing spinal compression at T5-6 causing indentation of the thecal sac and nerve root stenosis. In fact, the MRI report described the thoracic cord as “normal,” did not show overt cord or nerve compression (only thickening of the ligamentum flavum at T5-6), and Patient B’s complaints did not correspond to the diagnosis of thoracic cord or thoracic nerve root compression. Following surgery, Patient B arrived in the post anesthesia care unit (PACU) exhibiting lower extremity paraparesis and Dr. Sharma failed to order any neural imaging to determine the cause of the paraparesis.

3. In a written response to the Board, Dr. Sharma stated that while kyphoplasty is more often used to treat osteoporotic compression fractures, he determined that, despite rest, pain medication, and a brace, Patient A’s fracture was not healing acceptably and there was nonunion of the vertebral body. Dr. Sharma stated that he was concerned that, without surgery, Patient A’s fracture might have healed in “a dramatically compressed fashion.”

4. Regarding Patient B, Dr. Sharma stated that he recognized that Patient B’s radiology report did not show “overwhelming” evidence of foraminal stenosis, which is primarily “bony,” and an MRI does not generally show bone well. However, after considering Patient B’s history,
physical examination, Patient B's complaints of pain radiating to his mid abdominal area, and the fact that multiple nerve blocks and steroid injections had become ineffective in controlling the patient's pain, Dr. Sharma believed the patient "had failed conservative management" and the [thoracic laminectomy] procedure was warranted.

CONSENT

I, Mudit Sharma, M.D., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document and am represented by Anisa Kelley, Esquire;

2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000.A et seq. of the Code of Virginia;

3. I have the following rights, among others:
   a. the right to an informal conference before the Board; and
   b. the right to appear in person or by counsel, or other qualified representative before the agency.

4. I waive all rights to an informal conference;

5. I admit the truth of the above Findings of Fact contained herein and agree not to contest the Findings of Fact, Conclusions of Law or any sanction in any future judicial or administrative proceedings where the Board is a party; and

6. I consent to the following Order affecting my license to practice medicine in the Commonwealth of Virginia.
ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that Dr. Sharma is issued a REPRIMAND.

It is further ORDERED that the license is subject to the following TERMS and CONDITIONS:

1. Within 6 months from entry of this Order, Dr. Sharma shall submit evidence satisfactory to the Board verifying that he has completed 10 hours of Board-approved CME in the subject of patient selection for spinal surgery. Such CME shall be approved in advance of registration by the Executive Director of the Board, and shall be completed through face-to-face, interactive sessions (i.e., no home study, journal, or Internet courses). Any CME hours obtained in compliance with this term shall not be used toward compliance with the Board’s continuing education requirements for license renewal.

2. Upon receipt of evidence that Dr. Sharma has complied with the requirements of this Order, the Committee authorizes the Executive Director to close this matter, or refer it to a special conference committee for review.

Dr. Sharma shall maintain a course of conduct in his practice of medicine commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

Violation of this Order may constitute grounds for suspension or revocation of Dr. Sharma’s license. In the event that Dr. Sharma violates this Order, an administrative proceeding may be convened to determine whether such action is warranted.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available
for public inspection and copying upon request.

Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD:

[Signature]

William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

11/30/15

ENTERED
COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF SPOTSYLVANIA, TO WHOM:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 20th day of NOVEMBER, 2015, by Mudit Sharma, M.D.

Donna Sue Hall
Notary Public
Commonwealth of Virginia
Reg. # 7534880
My Commission Expires May 31, 2016

I was commissioned as Donna Sue Hall.