

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE**

**Commonwealth of Pennsylvania
Bureau of Professional and Occupational
Affairs**

vs.

**Sri Chandra Swami, M.D.,
Respondent**

Case No.: 23-49-002635

MEMORANDUM ORDER

AND NOW, this 27th day of August, 2024, the State Board of Medicine (hereinafter referred to as the “Board”), upon consideration of the August 9, 2024 *Motion to Deem Facts Admitted and Enter Default* (hereinafter referred to as “*Motion*”) filed by the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs concerning the Commonwealth’s *Petition for Mental and Physical Examination* (hereinafter referred to as “*Petition*”) of *Sri Chandra Swami, M.D.* (hereinafter referred to as “*Respondent*”), license number MD034934L, and pursuant to section 41(5) of the Medical Practice Act of 1985, act of December 20, 1985, P.L. 457, No. 112, (“MPA”), as amended, 63 P.S. § 422.41(5) and the holding in *Lencovich v. Bureau of Professional and Occupational Affairs*, 829 A.2d 1238 (Pa. Cmwlth. 2003), the Board finds as follows:

1. On June 21, 2024, the Board’s Probable Cause Screening Committee¹ approved a *Petition to Compel Mental and Physical Examination* in the matter of the *Fitness of Sri Chandra Swami, M.D. to Practice as a Medical Physician and Surgeon with Reasonable Skill and Safety* and issued an *Order Compelling Mental and Physical Examination* (hereinafter referred to as

¹ The members of the Board that participated on the Probable Cause Screening Committee in this matter were Catherine Udekwu, M.D Michael R. Ripchinski, M.D. and Donald Yealy, M.D. Other than making the initial determination to order the mental/physical examination, the members of the Probable Cause Screening Committee have recused themselves from further consideration of this matter.

“*Order*”) requiring Respondent to attend a mental and physical examination at the time, date and place set forth in a *Notice of Mental and Physical Examination* (hereinafter referred to as “*Notice*”) (Motion at ¶¶ 1-2 and attached Exhibit A).

2. The *Notice* directed Respondent to submit to a mental and physical examination by Dr. Robert M. Wettstein on July 26, 2024, at 10:00 a.m. (Motion at ¶¶ 3-4 and attached Exhibit A)

3. On June 27, 2023, the Commonwealth sent the *Notice*, *Order* and *Petition* to Respondent by mailing one copy by certified mail, electronic return receipt requested, and another copy by first class mail, postage prepaid, to Respondent’s address on file with the Board, 1016 N. Keel Ridge Road, Hermitage, PA 16148 (Motion at ¶ 5 and attached Exhibit A at Certificate of Service).

4. The certified copy of the *Notice*, *Order* and *Petition* was confirmed delivered to Respondent by the United States Postal Service (USPS) and the first-class mail was not returned to the Commonwealth. (Motion at ¶ 6; Exhibit B).

5. This address was confirmed as Respondent’s most recent address during the service of a related Order of Immediate Temporary Suspension under a separate BPOA Case (23-49-001833) where Respondent is the subject licensee. (Motion at 7; Exhibit C).

6. On the day of the scheduled appointment, Respondent neither appeared for the appointment nor had provided his records to Dr. Wettstein. (Motion at ¶ 8; Exhibit D)

7. Per the *Notice* and *Order*, Respondent was required to submit to an examination, provide his CV, execute releases including ones for all of Respondent’s medical, substance abuse treatment, psychiatric and mental health records, and cause Respondent’s physicians and other health care providers to transmit said records directly to Dr. Wettstein at least ten (10) days prior to the examination. (Motion at ¶ 9)

8. To date, Respondent has failed to provide Dr. Wettstein with any of his medical records or his CV and has failed to participate in the evaluation. (Motion at ¶ 10).

9. Section 41(5) of the Medical Practice Act, 63 P.S. § 422.41(5) and paragraph 7 of the *Order* specify that Respondent's failure to comply with the *Order*, except for circumstances beyond Respondent's control, shall constitute an admission of the allegations upon which a Default and Final Order may be entered. (Order ¶ 7).

10. Respondent has not filed any response setting forth defenses or mitigation to the allegations in either the *Motion* or the *Petition* despite being offered the opportunity to do so. (Docket entries case number 23-49-002635).

Accordingly, it appears that Respondent is in default for failing to submit to the examination and the Board is authorized to **INDEFINITELY SUSPEND** Respondent's license to practice as a physician and surgeon, license number MD034934L, along with any other license, registration, certificate, approval, authorization or permit issued by the State Board of Medicine and held by Respondent (hereinafter "authorizations to practice the profession"), subject to notice, hearing, adjudication and appeal. The indefinite suspension will become effective unless, within twenty (20) days of the mailing of this Order, Respondent files an Answer and a written request for a hearing to challenge the validity of the *Order* compelling the examination or to contest the allegations of the *Motion to Enter Default and Deem Facts Admitted*.

To the extent Respondent challenges the validity of the *Order* compelling an examination, Respondent shall file an answer to the *Petition*, specifically admitting or denying each numbered paragraph of the *Petition*. To the extent Respondent opposes the *Motion to Enter Default and Deem Facts Admitted*, Respondent shall file an answer to the *Motion*, specifically admitting or

denying each allegation of each numbered paragraph of the *Motion*. Respondent shall file his request for hearing and answer with:

Prothonotary Department of State 2601 North Third Street P.O. Box 2649 Harrisburg, PA 17105-2649 ra-prothonotary@pa.gov
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A copy of the request for hearing and answer shall also be served on the prosecuting attorney identified below and mailed to the address set forth below.

If a timely answer and request for hearing is received by the Prothonotary, a hearing before a hearing examiner shall be scheduled within thirty (30) days of receipt of the request for a hearing and answer. Continuances will only be granted for good cause shown. If any future formal proceedings related to this matter occur, the record developed during the hearing described above may be introduced by the parties, subject to appropriate objections. The hearing examiner is directed to issue a final adjudication promptly after close of the record. Unless either party files a brief on exceptions under 1 Pa. Code § 35.211 (procedure to except to proposed report), the Board will permit the hearing examiner's proposed adjudication to become final under 1 Pa. Code § 35.226(3) (final orders include a proposed report upon the expiration of the time provided for an appeal to or review by the agency head without the appeal or review having been initiated). Nothing herein shall be construed as prohibiting the Commonwealth from bringing charges pursuant to any provisions of the MPA that the Commonwealth determines are warranted.

If a request for hearing and answer are not filed within the time period set forth above, Respondent's license, along with all other authorizations to practice the profession issued by the State Board of Medicine to Respondent, will be **SUSPENDED INDEFINITELY** effective **September 16, 2024** (20 days after the date of mailing of this order as indicated below) and

Respondent will be responsible for the costs of investigation, including those costs associated with failing to attend the mental and physical examination. A final adjudication and order to that effect will be issued by the Board.

If Respondent's authorizations to practice the profession are indefinitely suspended because he fails to request a hearing and file an answer within this time frame, Respondent shall, at reasonable intervals, be afforded an opportunity to demonstrate that he can resume competent practice as a respiratory therapist with reasonable skill and safety.

BY ORDER:

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**

STATE BOARD OF MEDICINE



**ARION R. CLAGGETT,
ACTING COMMISSIONER**

**MARK B. WOODLAND, M.D., M.S.
CHAIRPERSON**

Respondent:
9489.0090.0027.6644.2044.66

Sri Chandra Swami, M.D.
1016 N. Keel Ridge Road
Hermitage, PA 16148

For the Commonwealth

Berk V. Demiral, Esquire

Board Counsel:

Dana Wucinski, Esquire

Date of Mailing:

August 27, 2024

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE**

**Commonwealth of Pennsylvania,
Bureau of Professional and
Occupational Affairs
vs.**

**Sri Chandra Swami, M.D,
Respondent**

Case No. 23-49-001833

ORDER OF TEMPORARY SUSPENSION AND NOTICE OF HEARING

AND NOW, this 18th day of June, 2024, upon review of the Petition for Temporary Suspension of the license to practice as a medical physician and surgeon held by Sri Chandra Swami (*hereinafter* "Respondent"), license number MD034934L, filed by the Prosecuting Attorney for the Commonwealth of Pennsylvania, the State Board of Medicine (*hereinafter* "Board") makes the following findings and enters the following Order:

SUSPENSION ORDER

The Board finds the Prosecuting Attorney has alleged facts in the Petition, which, if taken as true, establish at each and every count that the Respondent's continued practice as a medical physician and surgeon within the Commonwealth of Pennsylvania, along with the exercise of any other licenses, registrations, certificates, approvals, authorizations, or permits (*hereinafter referred to collectively as* "authorizations to practice the profession") issued by the Board, makes Respondent an immediate and clear danger to the public health and safety. Therefore, in accordance with Section 40(a) of the Medical Practice Act of 1985, act of December 20, 1985, P.L. 457, No. 112, ("Act"), 63 P.S. § 422.40(a), the Board **ORDERS** that the license to practice as a medical physician and surgeon issued to the Respondent, license number MD034934L, along with any other authorizations to practice the profession issued by the Board to Respondent, are

Received & Filed On:
Jun 20 2024 11:32 AM
Department of State

TEMPORARILY SUSPENDED upon the service of this Order. Respondent shall surrender his wall certificate(s), biennial renewal certificate(s) and wallet card(s) (or notarized affidavit of their loss or destruction) to representatives of the Bureau of Enforcement and Investigation or the Bureau of Professional and Occupational Affairs, immediately upon service of this Order in accordance with Section 44 of the Act, 63 P.S. § 422.44.

PRELIMINARY HEARING

A preliminary hearing shall be scheduled and conducted by the Board or Office of Hearing Examiners to be convened within thirty (30) days from the date of issuance of this Order. The preliminary hearing shall be limited to evidence on the issue of whether there is a *prima facie* case to support the temporary suspension of the Respondent's license and other authorizations to practice the profession issued by the Board. The preliminary hearing will be held at a location designated by the Board or a hearing examiner for the Board.

The Respondent is entitled to be present at the preliminary hearing and may be represented by an attorney, cross-examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony and make a record of the proceedings.

If the Board or hearing examiner finds a *prima facie* case is not established, Respondent's license and other authorizations to practice the profession issued by the Board will be immediately restored. If a *prima facie* case is established, the temporary suspension shall remain in effect until vacated by the Board, but in no event longer than 180 days, unless otherwise ordered or agreed to by the participants.

ADDITIONAL FORMAL ACTION

In addition to this temporary suspension proceeding, the prosecuting attorney will commence a separate action to suspend, revoke or otherwise restrict Respondent's license and

other authorizations to practice the profession issued by the Board through the filing of a charging document, an Order to Show Cause. The Order to Show Cause may include, but not be limited to, the facts which were alleged in the Petition for Immediate Temporary Suspension. Any Order to Show Cause filed by the prosecuting attorney will be served upon the Respondent and the Order will direct Respondent to reply to the charges in a written answer within twenty (20) days of the issuance of the Order to Show Cause. A formal hearing on that Order to Show Cause will then be scheduled and conducted by the Board or the Hearing Examiner for the Board.

PROCEDURES

Continuances will be granted for good cause only. A request for a continuance must be filed with the Prothonotary, in writing, at least one (1) week prior to the date of the hearing. The requirement of the one (1) week advance filing of a request for continuance will be waived only upon a showing of good cause. The failure to have an attorney present and a request for continuance to retain an attorney will not be considered a valid reason for the granting of a continuance on the day of the hearing. **A request by the Respondent for an extension of time or a continuance which will delay the preliminary hearing or the formal hearing must be accompanied by the agreement of the Respondent that the 180-day temporary suspension will continue during whatever additional time is necessary to conclude the proceedings.**

All proceedings are conducted in accordance with the Administrative Agency Law, 2 Pa.C.S. §§ 501-508, 701-704; 63 Pa.C.S. Chapter 31, 63 Pa.C.S. §§ 3101-3118; and the General Rules of Administrative Practice and Procedure, 1 Pa. Code §§ 31.1-35.251. A record of the hearing will be stenographically prepared by an official reporting service. A copy of the transcript

may be secured by personally making arrangements with the reporting service at the time of the hearing.

Any document submitted in this matter must be filed with:

By E-mail: _____
ra-prothonotary@pa.gov

By Mail:
Prothonotary
Department of State
2525 N. 7th Street
PO Box 2649
Harrisburg, PA 17105-2649

By Facsimile:
(717) 772-1892

Also, you must send a separate copy of any documents submitted in this matter to the prosecuting attorney named below at:

Berk V. Demiral, Prosecuting Attorney
Pennsylvania Department of State
P.O. Box 69521
Harrisburg, PA 17106-9521
bdemiral@pa.gov

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE**

**Commonwealth of Pennsylvania,
Bureau of Professional and
Occupational Affairs
vs.**

Case No. 23-49-001833

**Sri Chandra Swami, M.D,
Respondent**

PETITION FOR IMMEDIATE TEMPORARY SUSPENSION

AND NOW, the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs, by and through its Prosecuting Attorney, Berk V. Demiral, petitions the State Board of Medicine (*hereinafter* “Board”) for the immediate temporary suspension of the license to practice as medical physician and surgeon issued to Sri Chandra Swami MD (*hereinafter* “Respondent”), along with any other licenses, registrations, certificates, approvals, authorizations, or permits (*hereinafter referred to collectively as* “authorizations to practice the profession”) issued by the Board to Respondent at the time this Petition is Granted, pursuant to Section 40(a) of the Medical Practice Act of 1985, act of December 20, 1985, P.L. 457, No. 112, (“Act”) as amended, (*hereinafter* “Act”), 63 P.S. § 422.40(a), and in support thereof alleges as follows:

1. Petitioner is a Prosecuting Attorney for the Bureau of Professional and Occupational Affairs, a departmental administrative agency within the Pennsylvania Department of State.
2. Respondent holds the following license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania: license no. MD034934L.
3. Respondent’s license was originally issued on July 2, 1973, and is current through December 31, 2024, and, absent further Board action, may be renewed, reactivated or reinstated thereafter upon the filing of the appropriate documentation and payment of the necessary fees.

4. At all times pertinent to the Factual Allegations, Respondent held a license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania.

5. Respondent's last known address on file with the Board is: 1016 N. Keel Ridge Road, Hermitage, PA 16148.

6. On or about March 4, 2020, Respondent was diagnosed with Alzheimer's Disease after a complete neurological examination.

7. The doctor who completed the neurology consultation and diagnosis, Michael Matthews, MD, concluded that Respondent was no longer able to practice medicine.

8. During Dr. Matthews' examination on or about March 3, 2020, Respondent was incorrect on the season, day of the week, and the date.

9. Respondent could not tell Dr. Matthews the name of the town he was in or what floor of the building he was on.

10. Respondent had delayed memory and recognition memory difficulties.

11. Respondent used delaying tactics to circumvent his inability to answer questions about simple facts.

12. Despite his diagnosis and the finding that Respondent is unable to practice medicine as a medical physician and surgeon, Respondent's license remains active.

13. Most recently, Respondent's license was renewed on November 16, 2022.

14. On or about January 7, 2023, Respondent was taken to UPMC Horizon Shenango Valley ("UPMC") Emergency Department.

15. While he was admitted for care in UPMC, among other things, it was noted that Respondent had Dementia with exacerbation.

16. Notably, Respondent could not answer what year it was or where he was.

17. It was further noted that Respondent prescribed his own diabetes medication.

18. When questioned as to his ability to self-prescribe, Respondent stated that he was retired, he no longer had a medical license, and saw no patients.

19. UPMC staff agreed that Respondent no longer had the capacity to prescribe his own medication.

20. Respondent was discharged on January 12, 2023, to a skilled nursing facility Quality Life Services (“QLS”), Mercer County.

21. After his discharge from UPMC to QLS, Respondent continued to deny any problems with his memory despite, at times, not being able to recall the current season, the current year, that he was in a nursing home, location of his room, and staff names and faces.

22. Despite his condition, Respondent continued to prescribe drugs to third-party patients, including Hydrocodone-Acetaminophen 7.5-325 mg (Opioid – Common brand names: Lortab, Norco, Vicodin), which contain a Schedule II Controlled Substance.

23. The United States Drug Enforcement Administration defines Schedule II drugs, substances, or chemicals as drugs with high potential for abuse, with use potentially leading to severe psychological or physical dependence and considers them dangerous.

24. Handwritten prescriptions signed under the name of Respondent to third parties for Hydrocodone-Acetaminophen are attached and incorporated here as **Exhibit A**.¹

25. Specifically, the prescriptions enclosed in Exhibit A demonstrate that despite his memory problems affecting his recollection of time, events, locations, faces, and individuals, Respondent was prescribing Schedule II controlled substances on February 1, 2023, July 3, 2023, September 4, 2023, and March 26, 2024.

¹ The name and date of birth of the patient has been redacted from the prescriptions. The identity of the patient was provided to Respondent along with this filing.

26. Respondent was interviewed by Bureau of Enforcement and Investigation (“BEI”) related to the above matter on January 3, 2024.

27. During his interview, Respondent was able to explain that his medical license is active but could not remember when he renewed it.

28. Respondent was aware that he is retired but could not remember when he closed his practice.

29. Respondent could not remember the location of his patients’ medical records.

30. Respondent said he no longer sees or examines patients but stated that he continues to call-in and write prescriptions for himself and other individuals.

COUNT 1

31. Paragraphs 1 through 30 are incorporated by reference.

32. Pursuant to Section 422.41(8) of the Medical Practice Act, Respondent may not engage in unprofessional conduct. 63 P. S. § 422.41(8).

33. As defined by the Board’s regulations, unprofessional conduct includes practicing the healing arts while the ability to practice is impaired by physical or mental disability. 49 Pa. Code § 16.61(a)(7).

34. Respondent suffers from mental health conditions that hinder his ability to practice the healing arts on himself, let alone other patients.

35. Without board intervention, it is likely that Respondent will continue to prescribe controlled substances to other individuals while lacking the requisite capacity to conduct the necessary examinations, reevaluations, or keep appropriate records, thereby jeopardizing the safety of his patients.

36. Based upon the foregoing factual allegations, the Respondent's continued practice as medical physician and surgeon in the Commonwealth of Pennsylvania, along with the exercise of any other authorization to practice the profession by the Board, makes Respondent an immediate and clear danger to the public health and safety.

WHEREFORE, the Petitioner respectfully requests that the Board issue an Order immediately suspending all of Respondent's authorizations to practice the profession issued by the Board, and in particular, the license to practice as a medical physician and surgeon, license number MD034934L, pursuant to the authority granted to it under Section 40(a) of the Medical Practice Act of 1985, act of December 20, 1985, P.L. 457, No. 112, ("Act"), 63 P.S. § 422.40(a).

Respectfully submitted,

/s/Berk V. Demiral

Berk V. Demiral
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State
P.O. Box 69521
Harrisburg, PA 17106-9521
(717) 783-7200

DATE: June 20, 2024

Exhibit A

DOB



S. CHANDRA SWAMI, M.D.
701 NORTH HERMITAGE ROAD
HERMITAGE, PA 16148

(724) 981-3322 TEL
(724) 981-6760 FAX

DEA #AS 5698278
LIC #MD 034934-L

NAME AGE
ADDRESS DATE 2/1/2023

R Hermitage PA

Hydrocodone/ Acetaminophen
7.5 / 325 mg.

Sig: Take (1) Tablet q-4-6
hours prn pain

REFILL 0 TIMES

Qty #120
(one hundred-twenty)

LABEL

SUBSTITUTION PERMISSIBLE

IN ORDER FOR A BRAND NAME PRODUCT TO BE DISPENSED,
THE PRESCRIBER MUST HAND-WRITE "BRAND NECESSARY"
OR "BRAND MEDICALLY NECESSARY" IN THE SPACE BELOW.

AS5698278

DOB

S. CHANDRA SWAMI, M.D.
791 NORTH HERMITAGE ROAD
HERMITAGE, PA 16148

(724) 981-3322 TEL
(724) 981-6760 FAX

DEA #AS 5698278
LIC #MD 034934-L

NAME

DATE

7/3/23

Rx Hermitage - PA

Hydrocodone/Acetaminophen
7.5/325mg

sig ① tablet every 4-6
hours, Prn pain

one hundred ⁽¹²⁰⁾ & twenty

①

REFILL zero TIMES

LABEL

SUBSTITUTION PERMISSIBLE

IN ORDER FOR A BRAND NAME PRODUCT TO BE DISPENSED,
THE PRESCRIBER MUST HAND-WRITE "BRAND NECESSARY"
OR "BRAND MEDICALLY NECESSARY" IN THE SPACE BELOW

A35698278

200



S. CHANDRA SWAMI, M.D.
701 NORTH HERMITAGE ROAD
HERMITAGE, PA 16148

(724) 981-3322 TEL
(724) 981-6760 FAX

DEA #AS 5698278
LIC #MD 034934-L

NAME



AGE

ADDRESS



DATE

9/4/23

R Hermitage PA



Hydrocodone/Acetaminophen
7.5/325mg

1 Tab q4h prn for pain

(120) one hundred
and twenty

~~REFILL~~ TIMES

LABEL

SUBSTITUTION PERMISSIBLE

S. Chandra Swami MD

IN ORDER FOR A BRAND NAME PRODUCT TO BE DISPENSED,
THE PRESCRIBER MUST HAND-WRITE "BRAND NECESSARY"
OR "BRAND MEDICALLY NECESSARY" IN THE SPACE BELOW.

AS 5698278

DOB

[REDACTED]

S. CHANDRA SWAMI, M.D.
701 NORTH HERMITAGE ROAD
HERMITAGE, PA 16148

(724) 981-3322 TEL
(724) 981-6760 FAX

DEA #AS 5698278
LIC #MD 034934-L

NAME [REDACTED] SEX [REDACTED]

ADDRESS [REDACTED] DATE 3/26/2024

R Hermitage PA [REDACTED]
hydrocodone/acetaminophen

7.5 / 325 mg

q 4-6 hours prn (120)

one hundred & twenty

REFILL _____ TIMES

LABEL 



SUBSTITUTION PERMISSIBLE _____

IN ORDER FOR A BRAND NAME PRODUCT TO BE DISPENSED,
THE PRESCRIBER MUST HAND-WRITE "BRAND NECESSARY"
OR "BRAND MEDICALLY NECESSARY" IN THE SPACE BELOW.

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**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
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**Commonwealth of Pennsylvania,
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vs.

**Sri Chandra Swami, M.D,
Respondent**

Case No.

23-49-001833

CERTIFICATE OF SERVICE

I, Berk V. Demiral, hereby certify that I have this 20th day of June, 2024, caused a true and correct copy of the foregoing Petition and Amended Order of Immediate Temporary Suspension to be served upon all parties of record in this proceeding in accordance with the requirements of § 33.31 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code § 33.31 (relating to service by the agency).

PERSONAL SERVICE AND CERTIFIED MAIL, ELECTRONIC RETURN RECEIPT:

Sri Chandra Swami
1016 N. Keel Ridge Road,
Hermitage, PA 16148.
9489 0090 0027 6582 3408 75

/s/Berk V. Demiral
Berk V. Demiral
Prosecuting Attorney
Commonwealth of Pennsylvania
Department of State
P. O. Box 69521
Harrisburg, PA 17106-9521
(717) 783-7200