

Complaint #: PH43149

May 10, 2025

My allegation is against the license of Tara N. Kumaraswami, M.D, lic. number 253191.

The plaintiff, Dylan Balmes, is a minor who brings this action through his father and next friend, Mercelo Rocha Balmes, a resident of Woburn, Middlesex County, Massachusetts.

**2481CV01633 Balmes, Dylan et al v. Kumaraswami, MD, Tara
Torts 06/20/2024 Malpractice - Medical Defendant
Open Middlesex County**

This licensee represented to the minor Dylan Balmes' parents that she was knowledgeable, competent, and qualified to diagnose and treat the minor plaintiff and his mother on or about 9/2/19 through 9/4/19.

On or about 9/2/19 through 9/4/19, the Dylan's mother submitted herself and Dylan to the care and treatment of this licensee who negligently, carelessly, and without regard for the minor plaintiffs and his mother's health and well being, treated the minor plaintiff and his mother in a manner resulting in the minor plaintiff's severe personal injuries.

The injuries sustained by the minor plaintiff, Dylan Balmes, were the direct and proximate result of the carelessness, unskillfulness, negligence and improper care and treatment by the licensee including, but not limited to the following:

- her misrepresentations to the Dylan's parents that she was knowledgeable, skillful, and competent to diagnose and treat the Dylan and his mother on or about 9/2/19 through 9/4/19;**
- her failure to adequately and properly diagnose the minor plaintiffs and his mother's medical condition on or about 9/2/19 through 9/4/19, and her failure to prescribe proper and timely treatment for said condition;**
- her failure to recognize, or have the knowledge to recognize her inability and lack of skill to diagnose and treat the minor plaintiff and his mother, when the defendant knew or should have known in the exercise of due care, the foreseeable consequences of her inability and failure to properly and skillfully provide the minor plaintiff and his mother with acceptable medical and diagnostic services;**
- this licensee's failure to possess or negligent failure to exercise that degree of skill, training, and care as is possessed and exercised by average qualified members of the medical profession practicing her specialty; and**
- her failure to inform and to warn of the risks involved in or associated with the minor plaintiffs and his mother's condition and failure to inform and to warn about the treatment of said condition.**

As a direct and proximate result of the negligence, carelessness, and unskillfulness of the this licensee, Dylan Balmes, was caused to sustain severe and permanent personal injuries; has incurred

and will continue to incur great expense for his medical, surgical, and hospital care and treatment; has suffered and will continue to suffer great pain of body and anguish of mind; has been and will continue to be hospitalized; has been and will continue to be unable to pursue normal activities; and his ability to enjoy life has been permanently adversely affected.

On or about 9/2/19 through 9/4/19, this licensee, breached her express and implied warranties by failing to perform and render professional services in accordance with accepted standards for the practice of medicine, and by failing to possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the medical profession practicing her specialty.

As a direct and proximate result of this licensee a breach of express and implied warranties, the Dylan Balmes, was caused to sustain severe and permanent personal injuries; has incurred and will continue to incur great expense for his medical, surgical, and hospital care and treatment; has suffered and will continue to suffer great pain of body and anguish of mind; has been and will continue to be hospitalized; has been and will continue to be unable to pursue normal activities; and his ability to enjoy life has been permanently adversely affected.

On or about 9/2/19 through 9/4/19, average qualified members of the medical profession practicing this licensee's specialty knew or should have known of the risks, potential consequences and alternatives to the defendant's choice of treatment of the Dylan and his mother.

On or about 9/2/19 through 9/4/19, this licensee knew or should have known of the risks, potential consequences and alternatives to the choice of treatment of Dylan and his mother.

This licensee has been sued numerous times previously too:

1)

**1785CV01493 Torts 09/13/2017 Wrongful Death -
Non-medical, G.L.c.229, §2A Kumaraswami, M.D., Tara
Defendant Worcester County**

2.)

**1785CV01570 Torts 09/25/2017 Malpractice - Other
Kumaraswami, M.D., Tara Defendant Open Worcester
County**

3.)

**1885CV00373 Torts 03/05/2018 Malpractice - Medical
Kumaraswami, M.D., Tara Defendant Open Worcester
County**

4.)

**2185CV00036 Torts 01/08/2021 Malpractice - Medical
Kumaraswami, M.D., Tara Defendant Open Worcester
County (See attached)**

The attorney's name for the plaintiff in this lawsuit is: Andrew C. Meyer, Esq. at 617-720-4447 if you need further information.

The Practice of Medicine is defined in 243 CMR 2.01(4). The definition of the practice of medicine means the following

conduct, the purpose or reasonably foreseeable effect of which is to encourage the reliance of another person upon an individual's knowledge or skill in the maintenance of human health by the prevention, alleviation, or cure of disease, and involving or reasonably thought to involve an assumption of responsibility for the other person's physical or mental well being: diagnosis, treatment, use of instruments or other devices, or the prescribing, administering, dispensing or distributing of drugs for the relief of diseases or adverse physical or mental conditions. The 243 CMR 2.08 has been violated. She lacks skills in the practice of medicine.

This licensee keeps being involved in medical complications and lawsuits. Perhaps she needs more educational courses.

It seems that this licensee might not be keeping up with her continued education as this medical mishap has occurred and should have been foreseen and avoided.

**She is a transplant from Illinois. She was sued in Illinois too.
(See attached.)**

In her license application she seemingly has failed to put down that she is working at other locations also. Also it is unclear if she admitted that she was previously sued in Illinois (Tarsha Krizka v. Kumaraswami) because her license application was too redacted by the Board of Medicine to reveal what exists or doesn't exist. Please investigate what she admitted on her license applications.

This licensee has been negligent and incompetent and this is

unacceptable.

This licensee is unskilled. Timely medical care consistent with widely identified medical principles relevant to her ex-patient's health seems to have been aborted. This licensee demonstrates poor clinical judgment that puts her future patients at risk. It is incumbent on me to take steps necessary to protect other patients by filing this complaint. This licensee is a direct threat to the public's health and safety.

It is unknown how many total complaints have previously been lodged against her license to the Board of Medicine so please check on this. There was at least one other previous complaint that exists though.

I'd like this documented as the public's health and safety could be at risk with these type of medical crisis incidents. I look forward to you taking action against her license. She should not be passing responsibility and redirecting patients to local hospital's emergency rooms and other physicians if complications do occur. This is a lack of quality care. She lacks clinical competence.

Please let me know that you received this complaint and the final outcome of this complaint.

Thank you very much.

Enclosures:

Lawsuit documents