

1
2 BEFORE THE ARIZONA MEDICAL BOARD

3
4 In the Matter of

5 **SANJAY KRISHNAN, M.D.**

6 Holder of License No. 34277
7 For the Practice of Allopathic Medicine
8 In the State of Arizona.

Case No. MD-11-1579A

**ORDER FOR LETTER OF REPRIMAND
AND PROBATION AND CONSENT TO
THE SAME**

9 Sanjay Krishnan, M.D. ("Respondent") elects to permanently waive any right to a
10 hearing and appeal with respect to this Order for Letter of Reprimand and Probation;
11 admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of
12 this Order by the Board.

13 **FINDINGS OF FACT**

14 1. The Board is the duly constituted authority for the regulation and control of
15 the practice of allopathic medicine in the State of Arizona.

16 2. Respondent is the holder of license number 34277 for the practice of
17 allopathic medicine in the State of Arizona.

18 3. Dr. Krishna entered into a Five Year Stipulated Rehabilitation Agreement
19 (SRA), effective February 9, 2010. The SRA required that Dr. Krishnan not consume
20 alcohol or any food or other substance containing poppy seeds or alcohol. On October 17,
21 2011, Dr. Krishnan tested positive for ethylglucuronide (EtG) on his urine drug screen. He
22 submitted to a PEth test on October 26, 2011 and the results were positive. On November
23 18, 2011; Dr. Michel Sucher of the Board's Physician Health Program (PHP) reported that
24 Dr. Krishnan's alcohol dependence was in relapse. On November 14, 2011, Dr. Krishnan
25 presented to Promises for an evaluation to include a polygraph. While at Promises, Dr.

1 Krishnan admitted to consuming alcohol, and Promises recommended that he undergo 90
2 days residential treatment for relapse on alcohol.

3 4. On November 22, 2011, Dr. Krishnan entered into an Interim Practice
4 Restriction with the Board. He entered into treatment at Promises on November 30, 2011
5 and successfully completed treatment on February 24, 2012. Dr. Sucher subsequently
6 submitted a PHP report to the Board that indicated Dr. Krishnan is safe to practice
7 medicine if enrolled in PHP. On March 15, 2012, Dr. Krishnan entered into an Interim
8 Order for PHP participation and the Interim Practice Restriction was terminated.

9
10 **CONCLUSIONS OF LAW**

11 1. The Board possesses jurisdiction over the subject matter hereof and over
12 Respondent.

13 2. The conduct and circumstances described above constitute unprofessional
14 conduct pursuant to A.R.S. § 32-1401(27)(f) (“[h]abitual intemperance in the use of alcohol
15 or habitual substance abuse.”)

16 3. The conduct and circumstances described above constitute unprofessional
17 conduct pursuant to A.R.S. § 32-1401(27)(r) (“[v]iolating a formal order, probation, consent
18 agreement or stipulation issued or entered into by the board or its executive director under
19 the provisions of this chapter.”)

20 **ORDER**

21
22 IT IS HEREBY ORDERED THAT:

- 23 1. Respondent is issued a Letter of Reprimand.
24 2. Respondent is placed on Probation for five years with the following terms
25 and conditions:

1 1. **Participation**¹. Respondent shall promptly enroll in and participate in the
2 Board's Physician Health Program (PHP) monitoring service which is administered by a
3 private contractor. ("Monitor").

4 2. **Relapse Prevention Group**. Respondent shall attend the Monitor's relapse
5 prevention group therapy sessions one time per week for the duration of this Order, unless
6 excused by the relapse prevention group facilitator for good cause. Individual relapse
7 therapy may be substituted for one or more of the group therapy sessions, if Monitor pre-
8 approves substitution. The relapse prevention group facilitators or individual relapse
9 prevention therapist shall submit monthly reports to the Monitor regarding attendance and
10 progress.

11 3. **12 Step or Self-Help Group Meetings**. If applicable, Respondent shall
12 attend ninety 12-step meetings or other self-help group meetings appropriate for
13 substance abuse and approved by the Monitor, for a period of ninety days. Upon
14 completion of the ninety meetings in ninety days, Respondent shall participate in a 12-step
15 recovery program or other self-help program appropriate for substance abuse as
16 recommended by the Monitor. Respondent shall attend a minimum of three 12-step or
17 other self-help program meetings per week.- Two meetings per month must be Caduceus
18 meetings. Respondent must maintain a log of all self-help meetings.

19 4. **Approved Primary Care Physician**. Respondent shall promptly obtain a
20 primary care physician and shall submit the name of the physician to the Monitor in writing
21 for approval. The approved primary care physician ("PCP") shall be in charge of providing
22 and coordinating Respondent's medical care and treatment. Except in an *Emergency*,
23 Respondent shall obtain medical care and treatment only from the PCP and from health
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¹ Respondent's PHP participation is retroactive to March 15, 2012

1 care providers to whom the PCP refers Respondent. Respondent shall promptly provide
2 a copy of this Order to the PCP. Respondent shall also inform all other health care
3 providers who provide medical care or treatment that Respondent is participating in PHP.
4 "Emergency" means a serious accident or sudden illness that, if not treated immediately,
5 may result in a long-term medical problem or loss of life.

6 5. **Medication.** Except in an *Emergency*, Respondent shall take no *Medication*
7 unless the PCP or other health care provider to whom the PCP refers Respondent
8 prescribes the *Medication*. Respondent shall not self-prescribe any *Medication*.
9 "*Medication*" means a prescription-only drug, controlled substance, and over-the counter
10 preparation, other than plain aspirin, plain ibuprofen, and plain acetaminophen. If a
11 controlled substance is prescribed, dispensed, or administered to Respondent by any
12 person other than PCP, Respondent shall notify the PCP in writing within 48 hours and
13 notify the Monitor immediately.

14 6. **No Alcohol or Poppy Seeds.** Respondent shall not consume alcohol, any
15 food, or other substance containing poppy seeds or alcohol.

16 7. **Biological Fluid Collection.** Respondent shall provide the Monitor in
17 writing with one telephone number that shall be used to contact Respondent on a 24 hour
18 per day/seven day per week basis to submit to biological fluid collection. For the purposes
19 of this section, telephonic notice shall be deemed given at the time a message to appear is
20 left at the contact telephone number provided by Respondent. Respondent authorizes any
21 person or organization conducting tests on the collected samples to provide testing results
22 to the Monitor. Respondent shall comply with all requirements for biological fluid
23 collection.

24 8. **Out of State Travel and/or Unavailability at Home/Office Telephone**
25 **Number.** Respondent shall provide the Monitor with written notice of any plans to travel

1 out of state.

2 9. **Payment for Services.** Respondent shall pay for all costs, including Monitor
3 costs associated with participating in PHP at the time service is rendered, or within 30
4 days of each invoice sent to the Respondent. An initial deposit of two months monitoring
5 fees is due upon entering the program. Failure to pay either the initial monitoring deposit
6 or monthly fees 60 days after invoicing will be reported to the Board by the contractor and
7 may result in disciplinary action up to and including revocation.

8 10. **Interviews.** Respondent shall appear in person before the Monitor for
9 interviews upon request, upon reasonable notice.

10 11. **Address and Phone Changes, Notice.** Respondent shall immediately notify
11 the Monitor in writing of any change in office or home addresses and telephone numbers.

12 12. **Relapse, Violation.** In the event of chemical dependency relapse by
13 Respondent or Respondent's use of drugs or alcohol in violation of the Order,
14 Respondent's license shall be **summarily suspended pending a hearing for**
15 **revocation.** In the alternative, Respondent may **SURRENDER HIS LICENSE** if he agrees
16 in writing to being impaired by alcohol or drug abuse. A.R.S. § 32-1452(G).

17 13. **Notice Requirements.** Respondent shall immediately provide a copy of this
18 Order to all current and future employers and all hospitals and free standing surgery
19 centers where Respondent has privileges. Within 30 days of the date of this Order,
20 Respondent shall provide the Monitor with a signed statement of compliance with this
21 notification requirement. Respondent is further required to notify, in writing, all employers,
22 hospitals and free standing surgery centers where Respondent currently has or in the
23 future gains employment or privileges, of a chemical dependency relapse..

24 14. **Out-of-State.** In the event Respondent resides or practices as a physician
25 in a state other than Arizona, Respondent shall participate in the rehabilitation program

1 sponsored by that state's medical licensing authority or medical society. Respondent shall
2 cause the monitoring state's program to provide written quarterly reports to the Monitor
3 regarding Respondent's attendance, participation, and monitoring. The monitoring state's
4 program and Respondent shall immediately notify the Monitor if Respondent: a) is non-
5 compliant with any aspect of the monitoring requirements; b) relapses; c) tests positive for
6 controlled substances; d) has low specific gravity urine drug test(s), missed and/or late
7 urine drug tests, or otherwise rejected urine drug tests; and e) is required to undergo any
8 additional treatment.

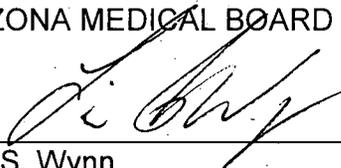
9 15. Respondent shall immediately obtain a treating psychotherapist approved by
10 the Monitor and shall remain in treatment with the psychotherapist for six months, at which
11 time he may request to have the requirement reviewed and removed if appropriate.
12 Respondent shall instruct the psychotherapist to release to the Monitor, upon request, all
13 records relating to Respondent's treatment, and to submit quarterly reports to the Monitor
14 regarding diagnosis, prognosis, medications, and recommendations for continuing care
15 and treatment of Respondent. Respondent shall provide the psychotherapist with a copy
16 of this order. Respondent shall pay the expenses of all the psychiatric care and for the
17 preparation of the quarterly reports.

18 16. This Order supersedes all previous consent agreements and stipulations
19 between the Board and/or the Executive Director and Respondent.

20 17. The Board retains jurisdiction and may initiate new action based upon any
21 violation of this Order.

22 DATED AND EFFECTIVE this 7th day of Aug, 2012.
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1 ARIZONA MEDICAL BOARD

2
3 By 
4 Lisa S. Wynn
Executive Director

5 **CONSENT TO ENTRY OF ORDER**

6 1. Respondent has read and understands this Consent Agreement and the
7 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
8 acknowledges he has the right to consult with legal counsel regarding this matter.

9 2. Respondent acknowledges and agrees that this Order is entered into freely
10 and voluntarily and that no promise was made or coercion used to induce such entry.

11 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
12 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
13 this Order in its entirety as issued by the Board, and waives any other cause of action
14 related thereto or arising from said Order.

15 4. The Order is not effective until approved by the Board and signed by its
16 Executive Director.

17 5. All admissions made by Respondent are solely for final disposition of this
18 matter and any subsequent related administrative proceedings or civil litigation involving
19 the Board and Respondent. Therefore, said admissions by Respondent are not intended
20 or made for any other use, such as in the context of another state or federal government
21 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
22 any other state or federal court.

23 6. Upon signing this agreement, and returning this document (or a copy thereof)
24 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
25 the Order. Respondent may not make any modifications to the document. Any

1 modifications to this original document are ineffective and void unless mutually approved
2 by the parties.

3 7. This Order is a public record that will be publicly disseminated as a formal
4 disciplinary action of the Board and will be reported to the National Practitioner's Data
5 Bank and on the Board's web site as a disciplinary action.

6 8. If any part of the Order is later declared void or otherwise unenforceable, the
7 remainder of the Order in its entirety shall remain in force and effect.

8 9. If the Board does not adopt this Order, Respondent will not assert as a
9 defense that the Board's consideration of the Order constitutes bias, prejudice,
10 prejudgment or other similar defense.

11 10. Any violation of this Order constitutes unprofessional conduct and may result
12 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
13 consent agreement or stipulation issued or entered into by the board or its executive
14 director under this chapter") and 32-1451.

15 11. *Respondent has read and understands the conditions of probation.*

16
17
18  M.D.
Sanjay Krishnan, M.D.

DATED: 7/15/2012

19
20 EXECUTED COPY of the foregoing mailed
this 15 day of Aug, 2012 to:

21 Sanjay Krishnan, M.D.
22 ADDRESS OF RECORD

23 ORIGINAL of the foregoing filed
24 this 15 day of Aug, 2012 with:

1 Arizona Medical Board
2 9545 E. Doubletree Ranch Road
3 Scottsdale, AZ 85258

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5 Arizona Medical Board Staff

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