BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of **Sudeep S. Punia, M.D.** Holder of License No. 20224 For the Practice of Allopathic Medicine In the State of Arizona.	Board Case No. MD-08-0277A **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** (Letter of Reprimand)

The Arizona Medical Board ("Board") considered this matter at its public meeting on April 1, 2009. Sudeep S. Punia, M.D., ("Respondent") appeared before the Board for a formal interview pursuant to the authority vested in the Board by A.R.S. § 32-1451(H). The Board voted to issue the following Findings of Fact, Conclusions of Law and Order after due consideration of the facts and law applicable to this matter.

FINDINGS OF FACT

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

2. Respondent is the holder of License No. 20224 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-08-0277A after receiving a complaint against a physician assistant (PA) that Respondent supervised.

4. Respondent serves as the owner and Medical Director of West Valley Urgent Care, a clinic that operates in three locations under Respondent's direction.

5. Pursuant to A.R.S. § 32-2531(E), a PA "shall not perform health care tasks in a place which is geographically separated from the supervising physician's primary place for meeting patients without the authorization of the supervising physician and the board." As a result of this provision, the Notice of Supervision for a supervising physician specifically asks if the PA will be performing delegated duties only at the business address listed on the Notice of Supervision.

6. In November 2007, Respondent hired a PA to work at West Valley Urgent Care. When Respondent filed the Notification of Supervision for this PA with the Arizona Regulatory Board of Physician Assistants in October 2007, he answered "yes" to the question, "Will the Physician Assistant be performing delegated duties at the above location only?"

7. In correspondence with Board staff, however, Respondent admitted that the PAs who work for him, including the PA he hired in November 2007, cover shifts at the other offices in addition to their primary location.

8. At the Formal Interview, Respondent maintained that the PA was the one who filled in the Notice of Supervision, so if there was an omission or mistake, it was the PA's responsibility, not his.

9. The Notice of Supervision form provides, however, that the supervising physician is responsible for completing the section that asks for information about the PA's work location. In addition, that form provides that it "must be fully completed by both, the supervising physician and the physician assistant." Finally, in signing the Notice of Supervision, the physician makes the following certification:

> By my signature below, I certify that I have read and will abide by Arizona Revised Statues pursuant to Title 32 and the Rules and Regulations A.A.C. Title 4, Chapter 17, and that any agents and the physician assistant are familiar with the Statutes and Rules regarding the practice of physician assistants and that I assume legal responsibility for health care tasks performed by the physician assistant and I accept responsibility for supervising the physician assistant and I understand the physician assistant may not perform any health care task until I receive written approval of this Notification of Supervision Application.

10. Pursuant to A.R.S. § 32-2532, "[a]ll prescription orders shall contain the name, address and telephone number of the supervising physician. A physician assistant shall issue prescription orders for controlled substances under the physician assistant's own drug enforcement administration registration number."

11. During the Formal Interview, Respondent admitted that one of the PAs under his supervision issued prescriptions on order forms that contained only the name of his urgent care center and did not contain his name.

12. In addition, the same PA wrote prescriptions for controlled substances using Respondent's Drug Enforcement Administration ("DEA number"). This PA wrote the prescriptions using Respondent's DEA number both before and after she was issued her own DEA number.

13. When questioned about his practice of allowing the PA to use his DEA number, Respondent contended that the Board should be the one responsible for not allowing a PA to work until he or she has obtained a DEA number.

14. When interviewed by Board Staff regarding the billing practices of her employer, one of the PAs working under Respondent's supervision stated that she had been told that she could check only one of two billing codes, 99204 or 99205.

15. According to the Board's Medical Consultant, billing code 99204 is for New Patient visits and has three components: a comprehensive history, a comprehensive examination and a medical decision of moderate complexity. The Medical Consultant reviewed a chart involving a patient with fungus under the nail that one of the PAs under Respondent's supervision had billed as a 99204 and concluded that the medical decision making in the case was straightforward and did not warrant the coding that the PA had been instructed to utilize.

16. When queried about the billing instructions his PAs were given, Respondent questioned what billing training has to do with the supervising physician. He suggested that billing should be explained by the PA's school or the PA should go to classes to learn billing. He also contended that the billing codes were a contractual matter between the urgent care centers and the insurance companies, and the Board had no regulatory authority over such matters.

CONCLUSIONS OF LAW

1. The Arizona Medical Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The Board has received substantial evidence supporting the Findings of Fact described above and said findings constitute unprofessional conduct or other grounds for the Board to take disciplinary action.

3. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. §§ 32-1401(27)(ii) ("[l]ack of or inappropriate direction, collaboration or direct supervision of a medical assistant or a licensed, certified or registered health care provider employed by, supervised by or assigned to the physician.")

4. In determining the degree of discipline, the Respondent's refusal to acknowledge that his conduct violated the law governing the supervision of physician assistants was an aggravating factor. A.A.C. 4-16-604(6).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED:

1. Respondent is issued a Letter of Reprimand.

2. Respondent is placed on probation for **one year** with the following terms and conditions:

a. Continuing Medical Education

Respondent shall obtain **15 - 20 hours** of Board Staff pre-approved Category I Continuing Medical Education (CME) in **the supervision of physician assistants and ethics** and **15 - 20 hours** of CME in **billing**, to be completed within six months. Respondent shall provide Board Staff with satisfactory proof of attendance. The CME hours shall be in addition to the hours required for the biennial renewal of medical license.

b. Obey All Laws

Respondent shall obey all state, federal and local laws, all rules governing the practice of medicine in Arizona, and remain in full compliance with any court ordered criminal probation, payments and other orders.

c. Tolling

In the event Respondent should leave Arizona to reside or practice outside the State or for any reason should Respondent stop practicing medicine in Arizona, Respondent shall notify the Executive Director in writing within ten days of departure and return or the dates of non-practice within Arizona. Non-practice is defined as any period of time exceeding thirty days during which Respondent is not engaging in the practice of medicine. Periods of temporary or permanent residence or practice outside Arizona or of non-practice within Arizona, will not apply to the reduction of the probationary period.

3. Pursuant to A.R.S. §32-2533(E)(2), Respondent shall not act as a supervising physician of a physician assistant while he is on probation.

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

RIGHT TO PETITION FOR REHEARING OR REVIEW

Respondent is hereby notified that he has the right to petition for a rehearing or review. The petition for rehearing or review must be filed with the Board's Executive Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The petition for rehearing or review must set forth legally sufficient reasons for granting a rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days after date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

Respondent is further notified that the filing of a motion for rehearing or review is required to preserve any rights of appeal to the Superior Court.

DATED this 4th day of June, 2009.

THE ARIZONA MEDICAL BOARD

By: _____
LISA S. WYNN
Executive Director

ORIGINAL of the foregoing filed this 4th day of June, 2009 with:

Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

Executed copy of the foregoing mailed by U.S. Mail this 4th day of June, 2009 to:

Paul Giancola
Snell & Wilmer

By: _____

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of **Sudeep S. Punia, M.D.** Holder of License No. **20224** For the Practice of Allopathic Medicine In the State of Arizona.	Board Case No. MD-08-0277A **ORDER DENYING MOTION FOR REHEARING OR REVIEW** (Letter of Reprimand and Probation)

At its public meeting on August 5, 2009, the Arizona Medical Board ("Board") considered a Petition for Rehearing or Review filed by Sudeep S. Punia, M.D. ("Respondent"). Respondent requested the Board rehear or review its June 4, 2009, Findings of Fact, Conclusions of Law and Order for Letter of Reprimand and Probation in Case no. MD-08-0277A. The Board voted to deny the Respondent's Petition for Rehearing or Review upon due consideration of the facts and law applicable to this matter.

ORDER

IT IS HEREBY ORDERED that:

Respondent's Petition for Rehearing or Review is denied. The Board's June 4, 2009, Findings of Fact, Conclusions of Law and Order for Letter of Reprimand and Probation in Case no. MD-08-0277A is effective and constitutes the Board's final administrative order.

RIGHT TO APPEAL TO SUPERIOR COURT

Respondent is hereby notified that he has exhausted his administrative remedies. Respondent is advised that an appeal to Superior Court in Maricopa County may be taken from this decision pursuant to title 12, chapter 7, article 6 of Arizona Revised Statutes.

DATED this 17TH day of August, 2009.

THE ARIZONA MEDICAL BOARD

By _____
Lisa S. Wynn
Executive Director

ORIGINAL of the foregoing filed this 17 day of August, 2009 with:

Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

Executed copy of the foregoing mailed by U.S. Mail this 17 day of August, 2009 to:

Paul Giancola
Snell & Wilmer, LLC
One Arizona Center
400 E. Van Buren
Phoenix, AZ 85004-2202

_____
Arizona Medical Board Staff