

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **KHUSHAL PATIL, M.D.**

4 Holder of License No. 40340
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-11-1705A

**ORDER FOR DECREE OF CENSURE
AND PROBATION AND CONSENT TO
THE SAME**

7 Khushal Patil, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Decree of Censure and Probation; admits
9 the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this
10 Order by the Board.

11 **FINDINGS OF FACT**

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

14 2. Respondent is the holder of license number 40340 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-11-1705A after receiving a complaint
17 from the Arizona Department of Health Services (ADHS) Medical Marijuana program
18 alleging that Respondent allowed an unlicensed person, Sharmila Patil, to perform patient
19 exams and sign the ADHS Medical Marijuana Physician Certification Forms at the Healing
20 Center of Tempe.

21 4. On December 22, 2011, Board staff opened an investigation as a result of a
22 complaint from ADHS alleging that Respondent allowed an unlicensed person, Sharmila
23 Patil, to perform patient exams and sign the ADHS Medical Marijuana Physician
24 Certification Forms at the Healing Center of Tempe. On January 12, 2012, Respondent
25 responded to the allegations stating that all forms were signed by him and that he
reviewed and assessed each patient's medical history and record.

1 5. On January 4, 2012 and January 19, 2012, Board staff contacted Wilda
2 Hoekstra, a former employee of the Healing Center. She stated that Ms. Patil told her that
3 if anyone asked about her qualifications she was to say that Ms. Patil was an intern.

4 6. On January 18, 2012, Board staff conducted a site visit at the Tempe office
5 and reviewed four boxes of patient records found there. Board staff contacted nine of the
6 patients and asked them to describe the physician who examined them at the Tempe
7 Center for Healing; six described Ms. Patil, one described a Caucasian woman in her 50s
8 and two described a Caucasian male.

9 7. On January 20, 2012, Board staff contacted Brittany Thompson, a former
10 employee who stated that she never saw Respondent in the office and witnessed Ms. Patil
11 signing Respondent's name. Ms. Thompson explained that if a patient did not have
12 medical records, Ms. Patil would schedule the patient for three or four appointments to
13 document their pain, creating a pain log and the required records.

14 8. On January 12, 2012, Board staff obtained documentation from the
15 Controlled Substance Prescription Monitoring Program (CSPMP) showing that
16 Respondent's login information had been used 223 times to request information on
17 patients' prescriptions during the period from September 15, 2011 to October 21, 2011.

18 9. On January 27, 2012, Board staff interviewed Ms. Patil, who admitted that
19 she examined patients without a medical license, signed Respondent's name on all
20 Certification Forms and accessed the CSPMP database under Respondent's login. She
21 also admitted that she had hired an unlicensed doctor from Nevada to examine patients.
22 On January 27, 2012, Board staff interviewed Respondent who stated that he did not
23 examine any patients the Tempe facility and that he was unaware of Ms. Patil's activities.

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1 CONCLUSIONS OF LAW

2 1. The Board possesses jurisdiction over the subject matter hereof and over
3 Respondent.

4 2. The conduct and circumstances described above constitute unprofessional
5 conduct pursuant to A.R.S. § 32-1401(27)(t) (“[k]nowingly making any false or fraudulent
6 statement, written or oral, in connection with the practice of medicine or if applying for
7 privileges or renewing an application for privileges at a health care institution”).

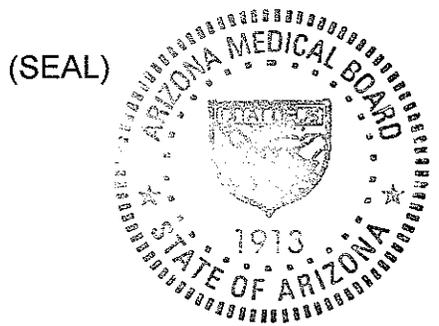
8 3. The conduct and circumstances described above constitute unprofessional
9 conduct pursuant to A.R.S. § 32-1401 (27)(cc) (“[m]aintaining a professional connection
10 with or lending one’s name to enhance or continue the activities of an illegal practitioner of
11 medicine.”).

12 ORDER

13 IT IS HEREBY ORDERED THAT:

- 14 1. Respondent is issued a Decree of Censure.
- 15 2. Respondent is placed on probation for five years.
- 16 3. Within thirty days of the effective date of this Order, Respondent shall pay a
17 civil penalty in the amount of \$2,000.
- 18 4. Respondent shall obey all state, federal and local laws, all rules governing
19 the practice of medicine in Arizona, and remain in full compliance with any court ordered
20 criminal probation, payments and other orders.

21 DATED AND EFFECTIVE this 25th day of JANUARY, 2013.



24 ARIZONA MEDICAL BOARD

25 By [Signature]
Lisa S. Wynn
Executive Director

CONSENT TO ENTRY OF ORDER

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2 1. Respondent has read and understands this Consent Agreement and the
3 stipulated Findings of Fact, Conclusions of Law and Order (“Order”). Respondent
4 acknowledges he has the right to consult with legal counsel regarding this matter.

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

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

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

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

19 6. Upon signing this agreement, and returning this document (or a copy thereof)
20 to the Board’s Executive Director, Respondent may not revoke the consent to the entry of
21 the Order. Respondent may not make any modifications to the document. Any
22 modifications to this original document are ineffective and void unless mutually approved
23 by the parties.

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

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

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

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

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

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15  ^{MD} DATED: 1/17/2013
16 Khushal Patil, M.D.

17
18 EXECUTED COPY of the foregoing mailed
19 this 25th day of January, 2013 to:

20 Robert Chelle, Esq.
21 Chelle & Zoldan, PLC
22 7400 E. Pinnacle Peak Rd. Ste. 204
Scottsdale, AZ 85255

23 ORIGINAL of the foregoing filed
24 this 25th day of January, 2013 with:

25 Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

