

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

**HARA P. MISRA, M.D.**

License No. 14933

For the Practice of Allopathic Medicine  
In the State of Arizona.

Case No. MD-02-0749~~8~~

**ORDER FOR PROBATION AND  
CONSENT TO SAME**

Hara P. Misra, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Probation; admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order by the Board.

**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 number 14933 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated an investigation in case number MD-02-0749A after receiving notice that Respondent had resigned staff privileges at Scottsdale Healthcare Shea pending an investigation into the quality of care provided patients.

4. In November 2000, Patient CM, a 54 year-old female, was admitted to the hospital six days after spinal surgery with a significant deep vein thrombosis in her left leg.

5. Respondent consulted on CM's case on November 10, 2000, and decided to perform surgery that evening with the placement of a Greenfield filter to prevent large clots from reaching CM's heart. The filter is about the size of a small shot glass when deployed. The filter is designed to open and has hooks to hold it in place in the vena

1 cava where it filters out large clots and protects the heart.

2 6. While placing the filter, it failed to properly deploy and migrated up the vena  
3 cava.

4 7. Respondent then placed a second filter. This filter maintained its position  
5 and Patient CM was admitted to intensive care.

6 8. The following day at midmorning, CM began to have runs of ventricular  
7 tachycardia, a serious arrhythmia that was immediately addressed by a call to a  
8 cardiologist. The cardiologist instituted an echocardiogram to locate the position of the  
9 foreign body, the filter, in the heart. A cardiac surgeon later removed the filter from the  
10 right ventricle by open heart surgery.

11 9. The standard of care for any foreign body embolus to the heart would include  
12 appropriate imaging studies to determine the site of the foreign body and telemetry to  
13 assess for arrhythmia. Respondent deviated from the standard of care by failing to  
14 determine the exact position of the first filter after it migrated upstream.

15 10. Respondent's failure to locate the filter exposed CM to potential harm in that  
16 the patient potentially could have had severe life threatening arrhythmias, enlargement  
17 of the foreign body in the right ventricle or across the pulmonary valve with resultant  
18 right heart failure, or perforation of the right ventricle or ventricular septum by the  
19 device.

## 20 CONCLUSIONS OF LAW

21  
22 1. The Board possesses jurisdiction over the subject matter hereof and over  
23 Respondent.  
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1 In the event Respondent should leave Arizona to reside or practice outside  
2 the State or for any reason should Respondent stop practicing medicine in Arizona,  
3 Respondent shall notify the Executive Director in writing within ten days of departure and  
4 return or the dates of non-practice within Arizona. Non-practice is defined as any period of  
5 time exceeding thirty days during which Respondent is not engaging in the practice of  
6 medicine. Periods of temporary or permanent residence or practice outside Arizona or of  
7 non-practice within Arizona, will not apply to the reduction of the probationary period.

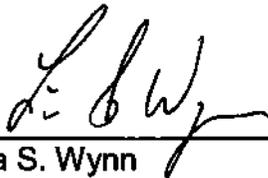
8 2. Respondent shall receive credit for his compliance with the terms of  
9 probation pursuant to the previous Order that was remanded in this case. Board staff has  
10 received evidence that Respondent has completed the CME and complied with the  
11 conditions of said probation.

12  
13 DATED AND EFFECTIVE this 2<sup>ND</sup> day of DECEMBER, 2009.



ARIZONA MEDICAL BOARD

By

  
\_\_\_\_\_  
Lisa S. Wynn  
Executive Director

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**CONSENT TO ENTRY OF ORDER**

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

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

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

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

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

13          6.     Upon signing this agreement, and returning this document (or a copy thereof)  
14 to the Board's Executive Director, Respondent may not revoke the consent to the entry of  
15 the Order. Respondent may not make any modifications to the document. Any  
16 modifications to this original document are ineffective and void unless mutually approved  
17 by the parties.

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

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

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

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

5           11. Respondent acknowledges that, pursuant to A.R.S. § 32-2533(E), he cannot  
6 act as a supervising physician for a physician assistant while his license is under  
7 probation.

8           12. ***Respondent has read and understands the conditions of probation.***

9  
10 Hara P. Misra, M.D.  
HARA P. MISRA, M.D.

DATED: 11. 10. 09.

11 EXECUTED COPY of the foregoing mailed  
12 this 2<sup>nd</sup> day of December, 2009 to:

13 Michael E. Bradford, Esq.  
14 Peter F. Fisher, Esq.  
15 Bradford Law Offices, P.L.L.C.  
16 4131 N. 24<sup>th</sup> Street, Suite C-201  
Phoenix, Arizona 85016-6256  
Attorneys for Respondent

17 EXECUTED COPY of the foregoing mailed  
18 this 2<sup>nd</sup> day of December, 2009 to:

19 Hara P. Misra, M.D.  
Address of Record

20 ORIGINAL of the foregoing filed  
21 this 2<sup>nd</sup> day of December, 2009 with:

22 Arizona Medical Board  
23 9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

24 Korinda Corley  
25 Arizona Medical Board Staff