

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation** )  
**Against:** )  
 )  
 )  
**JOHN N.S. RAJARATNAM, M.D.** )  
 )  
**Physician's and Surgeon's** )  
**Certificate No. A 51207** )  
 )  
**Respondent** )  
\_\_\_\_\_ )

**Case No. 26-2012-222216**

**DECISION**

**The attached Proposed Decision is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on January 11, 2013.**

**IT IS SO ORDERED December 14, 2012.**

**MEDICAL BOARD OF CALIFORNIA**

By: Reginald Low M.D.  
Reginald Low, M.D., Chair  
Panel B

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
STATE OF CALIFORNIA

In the Matter of the Petition for Penalty  
Relief of:

JOHN N.S. RAJARATNAM, M.D.

Petitioner.

Case No. 26-2012-222216

OAH Case No. 2012061062

**PROPOSED DECISION**

This matter came on regularly for hearing before Samuel D. Reyes, Administrative Law Judge, Office of Administrative Hearings, in Los Angeles, California, on October 15, 2012.

Charles M. Farano, Attorney at Law, represented John N.S. Rajaratnam, M.D. (Petitioner).

Margaret J. Phe, Deputy Attorney General, appeared pursuant to Government Code section 11522.

Petitioner filed a Petition for Penalty Relief (Petition), seeking reduction of his probationary period. The Attorney General argues that Petitioner should complete the five-year probationary period ordered at the time his license was placed on probation.

Oral and documentary evidence was received at the hearing and the matter was submitted for decision.

**FACTUAL FINDINGS**

1. The Petition was filed on March 18, 2012.
2. Petitioner was born in India. After graduating from medical school, he practiced five years as a primary care physician in his native country. He immigrated to the United States in 1988, and thereafter completed a psychiatric residency program, in 1992, and post-doctoral work, in 1994, at the University of California, Los Angeles. In 1994, Petitioner stated working as a psychiatrist for the County of Orange Health Care Agency (OCHCA). He also maintained a private practice while working for OCHCA.

3. a. On September 22, 1992, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate No. A 51207 to Petitioner. The certificate was placed on probation effective January 2, 2008, following adoption by the Board of a Proposed Decision issued by Administrative Law Judge Eric Sawyer. In his decision, Judge Sawyer found that Petitioner committed acts of dishonesty or corruption, that he had engaged in unprofessional conduct, that he created false medical records, that he created false documents with fraudulent intent, that he failed to maintain adequate and accurate records and billing records, that he was grossly negligent in writing false progress notes, and that he engaged in repeated negligent acts by writing progress notes falsely indicating that he had examined the patients, all in connection with the care and treatment provided to three patients while employed for the COHCA. In brief, Judge Sawyer determined that over a period in 2002 and 2003 Petitioner prepared and submitted false documentation for services not actually rendered.

b. In his Proposed Decision, Judge Sawyer cited as mitigating factors the facts that Petitioner was a caring and competent physician, that he took on difficult cases and did a good job, and that he was well-liked by supervisors and colleagues. Judge Sawyer also found, in aggravation, that Petitioner had failed to accept any responsibility for his misconduct.

c. Petitioner's certificate was revoked, which revocation was stayed for five years, subject to the conditions that included the following: actual suspension of one year; completion of a medical record keeping course; completion of an ethics course; billing monitoring; and standard terms and conditions for monitoring by the Board.

4: Petitioner has complied, and is complying, with all terms and conditions of probation. He served his suspension from January 18, 2008 until January 18, 2009. He completed a two-day Medical Record Keeping Course, offered by University of California, San Diego, Physician Assessment and Clinical Education Program (PACE), on April 25, 2008. On August 14, 2008, Petitioner completed the 15-unit Medical Ethics for Disciplined Professionals course offered by the University of Alabama, Birmingham.

5. Petitioner is current with his continuing medical education requirements, and continues to attend professional lectures and conferences.

6. After serving his suspension, Petitioner worked for the Choctaw Nation Health Services Authority (CNHSA) in McAlester, Oklahoma, from June 22, 2009, until December 2010. He started a solo psychiatry practice upon return to California. Although he prefers to treat children and adolescents, Petitioner now primarily sees adults. He sees approximately one to four patients per day. Some of the patients are referred to him by a charitable organization, the Christian Missionary Office, and he provides reduced cost or no-fee services to some of them.

7. His practice is being monitored by Sanjai Rao, M.D. (Rao), a physician affiliated with PACE's Physician Enhancement Program, who submits quarterly reports to the Board. In his last report, dated October 9, 2012, covering the April to June 2012 quarter, Dr. Rao wrote: "Overall, Dr. Rajaratnam's charting practices meet or exceed the standard of care, and showed excellent improvement since his last review. He has clearly incorporated essentially all the feedback given to him in his last review to improve his charting and medication management. He appears to be providing very good care to his patients, and I continue to be impressed by the amount of time he invests providing psychotherapy to some of his patients. I believe he is a dedicated and compassionate physician who serves his patients very well." (Exh. 1, at p. 2.)

8. Petitioner accepts full responsibility for his conduct that led to discipline, and vows not to repeat it. He has learned about billing codes and proper charting and billing procedures from the record keeping course, from Dr. Rao's monitoring, and from the monitoring and review done by CNHSA physicians. He also believes that the general trend toward electronic record keeping will help him keep better track of his time.

9. a. Petitioner submitted ten letters from individuals who attest to his character, professionalism, and skill. Three of the letters were from colleagues at CNHSA. His direct supervisor, James T. Howard, M.D. (Howard), reported that Petitioner demonstrated outstanding clinical judgment, provided accurate and timely comprehensive documentation for patient encounters, and worked well with colleagues. Jason Hill, D.O., Chief Medical Officer, echoed Dr. Howard's comments and urged termination of probation. Charles D. van Tuyl, M.D., a coworker during the entire time Petitioner was at CNHSA, noted that Petitioner was an exceptional psychiatrist, with an excellent knowledge of psychiatric diagnoses and appropriate treatment, who kept accurate and comprehensive documentation, and who was always sensitive to the needs of the patients.

b. Two letters were received from former colleagues at OCHCA. Lawrence Harrison, M.D. (Harrison), worked with Petitioner at OCHCA from 1998 through 2002. Dr. Harrison wrote about the difficulty he and others encountered at OCHCA adjusting to new billing administrative requirements. He witnessed Petitioner provide excellent services to the agency's clients and competent consultative services to other clinical staff. Lily E. Morganoff, L.C.S.W., a therapist and coworker at OCHCA from 1996 to 2004, similarly praised Petitioner's ability and willingness to help clients and coworkers despite the increased caseload and the apparent toll the work was taking on Petitioner's health.

c. The remaining five letters, including two from Dr. Nayana Shah, are from colleagues at other agencies where Petitioner provided services. Gary A. Chase, M.D., Ph.D., worked with Petitioner in an outpatient clinic providing mental health services to parolees, and wrote that Petitioner performed at a high level of professional competence. Janel Grobes, L.M.F.T., and Roberta L. Thomas, M.F.T., staff at Serenity Infant Care Homes, Inc., where Petitioner provided services as an independent contractor from April 2005 to January

2008, described him as caring, sensitive, professional and reliable. Dr. Nayana Shah, in whose practice Petitioner worked from January 1, 2005 through January 14, 2008, wrote that she has a great of respect for Petitioner's medical expertise and that his medical record keeping received high marks during regular audits.

10. Petitioner seeks to terminate probation early due to his record of compliance and to the financial strain caused by the probation restrictions. He has been denied interviews for two psychiatrist positions because of his license's probationary status.

11. By reason of the foregoing, Petitioner has established his rehabilitation and continued probation is no longer necessary for the protection of the public. Significantly, unlike his presentation at the hearing before Judge Sawyer, Petitioner now accepts full responsibility for his actions. In addition, because of his experience and the insights gained in the resulting training and monitoring, Petitioner is a better physician than he was in 2002 and 2003.

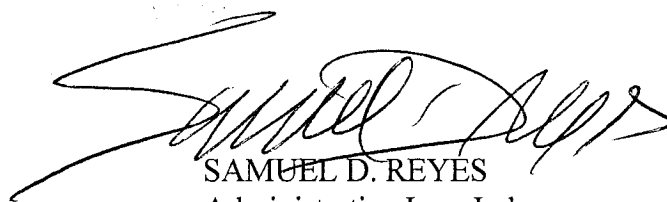
#### LEGAL CONCLUSION

Cause exists pursuant to Business and Professions Code section 2307 to terminate Petitioner's probation, by reason of factual finding numbers 1 through 11.

#### ORDER

Petitioner's probation is terminated and Physician's and Surgeon's Certificate No. A51207 is fully restored.

DATED: 11/9/12



SAMUEL D. REYES  
Administrative Law Judge  
Office of Administrative Hearings