

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH CARE SERVICES
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

MOHAN VISWA KAZA, M.D.
License Number: 43-01-075190

File Number: 43-15-136357

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Acting Director, Bureau of Health Care Services, files this Complaint against Mohan Viswa Kaza, M.D. (Respondent) as follows:

1. The Michigan Board of Medicine (Board) is an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq. Pursuant to section 16226 of the Public Health Code, supra, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Public Health Code.

2. Respondent has a license to practice as a medical doctor in the state of Michigan, has a current controlled substance license, and has an address of record with Complainant of Greenwich, Connecticut.

3. Section 16233(5) of the Public Health Code, supra, provides in pertinent part, as follows:

If a licensee or registrant is convicted of a felony; a misdemeanor punishable by imprisonment for a maximum term of 2 years; or a misdemeanor involving the illegal delivery, possession or use of a controlled substance, the department shall find that the public health, safety, or welfare requires emergency action and, in accordance with section 92. of the administrative procedures act of 1969, MCL 24.292, shall summarily suspend the licensee's license or the registrant's registration.

4. On April 9, 2013, Respondent was convicted of Operating While Impaired by Liquor, a misdemeanor not punishable by a maximum of two years imprisonment, in the 8th Judicial District Court, Kalamazoo County, Michigan, in case number 1307023SD. Respondent was ordered to pay \$1,126.58 in fines and costs. A copy of the conviction documents for case number 1307023SD, marked Exhibit A, is attached and incorporated.

5. On November 6, 2014, Respondent was convicted of Operating - While Intoxicated - 3rd Offense Notice, a felony, in the 40th Judicial Circuit Court, Lapeer County, Michigan in case number 14-011889-FH-H. Respondent was sentenced to 90 days in jail, placed on probation for 18 months with terms, and ordered to pay \$698.00 in fines and costs. A copy of the conviction documents for case number 14-011889-FH-H, marked Exhibit B, is attached and incorporated.

6. Respondent failed to notify Complainant of Respondent's April 9, 2013 or November 6, 2014, criminal convictions within 30 days of the date of each conviction.

COUNT I

Respondent's November 6, 2014 conviction, as set forth above, constitutes a felony conviction, in violation of section 16221(b)(v) of the Public Health Code, supra.

COUNT II

Respondent's April 9, 2013 conviction, as set forth above, evidences a conviction of a misdemeanor that is reasonably related to or that adversely affects Respondent's ability to practice in a safe and competent manner, in violation of section 16221(b)(xi) of the Public Health Code, supra.

COUNT III

Respondent's conduct, as set forth above, evidences a failure to notify Complainant of Respondent's convictions within 30 days from the date of each conviction, as required by section 16222(3) of the Public Health Code, supra, in violation of section 16221(f) of the Public Health Code, supra.

This Complaint is based upon files and records maintained by Complainant and the attached Affidavit of Terri Schrauben.

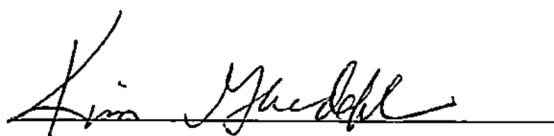
Complainant requests that a hearing be scheduled pursuant to the Administrative Procedures Act of 1969, MCL 24.201 et seq; the Public Health Code, supra, and the rules promulgated thereunder, to determine whether disciplinary action should be taken against Respondent for the reasons set forth above.

Pending a hearing and final determination of the within cause, and pursuant to section 16233(5) of the Public Health Code, supra, Complainant states that the public health safety and welfare requires emergency action and Respondent's license to practice as a medical doctor in the state of Michigan shall accordingly be summarily suspended.

Pursuant to section 16231(8) of the Public Health Code, supra, Respondent has 30 days from the date of receipt of this Complaint to submit a written response to the allegations contained herein. The written response shall be submitted to Complainant, Kim Gaedeke, Acting Director, Bureau of Health Care Services, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

Pursuant to section 16231(9) of the Public Health Code, supra, Respondent's failure to submit a written response within 30 days, as noted above, shall be treated as an admission of the allegations contained herein and shall result in transmittal of this Complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

Dated: 04/10/2015



Kim Gaedeke, Acting Director
Bureau of Health Care Services

Attachments

This is the final page of an Administrative Complaint in the matter of Mohan Viswa Kaza, M.D., File Number 43-15-136357, before the Disciplinary Subcommittee of the Michigan Board of Medicine, consisting of four pages, this page included.

SDM