

H-9656

IN THE MATTER OF  
THE LICENSE OF  
SUDHEER KAZA, M.D.

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BEFORE THE  
TEXAS STATE BOARD  
OF MEDICAL EXAMINERS

ORDER

On this the 20 day of October 2000, came on to be heard before the Texas State Board of Medical Examiners (hereinafter "the Board"), duly in session the matter of the license of Sudheer Kaza, M.D. (hereinafter "Respondent"). On September 15, 2000, Respondent appeared in person without counsel, before representatives of the Board to report on and address issues relating to Respondent's compliance with terms and conditions of an Agreed Order (hereinafter "Order") entered on August 22, 1998, pertaining to Respondent's medical license H-9656, and petition the Board for termination of the Order. Jon Porter represented Board staff.

David E. Garza and Paulette Southard, both members of the Board represented the Board. Upon recommendation of the Board's representatives, and with the consent of Respondent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order as set forth herein:

FINDINGS OF FACT

A. On August 22, 1998, the Board entered into an Order that restricted Respondent's medical license for three (3) years under various terms and conditions, based, in part, on the following Findings of Fact:

- “5. In April 1995, Respondent began treating an adult male patient for depression and addiction.
6. Respondent's treatment of the adult male patient consisted of patient office visits initially two to three visits weekly, and prescribing anti-anxiety and anti-depression medication, and then tapering to weekly and bi-weekly visits as the patient progressed.

7. This method of treatment continued until November 1995, when the patient was a no show for two visits in December and one in January, 1996, and was not seen again.
8. In July, 1995, Respondent was informed by the patient's wife that the patient would become suicidal because of financial hardship.
9. Respondent documented that Respondent believed that the patient might become suicidal.
10. Instead of appropriately addressing the patient's suicidal mental state through medically recognized intervention, Respondent loaned the patient and his wife several thousand dollars in order to assist the family. The loan was secured by a promissory note between Respondent and the patient, and the patient's wife who had solicited the loan.
11. Despite entering into a business relationship with the patient and his wife, Respondent failed to terminate the physician-patient relationship.
12. Respondent referred the patient to another physician and the patient refused because of the progress he was making in treatment with Respondent.
13. In January, 1996, a dispute arose between Respondent and the patient's wife as to repayment of the business transaction, and Respondent last saw the patient in November, 1996.
14. The patient or his wife attempted to subsequently obtain medications from a pharmacy in Respondent's name.
15. The patient credits Respondent with curing his addiction.
16. After the loan was defaulted, Respondent learned that the patient's wife had a history of arrests for illegal financial transactions.
17. In Respondent's medical care of the patient, Respondent failed to do the following:
  - failed to make adequate medical entries into the patient's record
  - failed to maintain proper physician-patient boundaries by making a loan to the patient

18. In 1993, Respondent began treating an adult female patient who presented with complaints of feeling depressed. Respondent diagnosed her as suffering from major depression during the initial patient visit.
19. From the initial patient visit through August, 1996, Respondent treated the patient on a regular and continuous basis.
20. Respondent's treatment of the adult female patient consisted primarily of prescribing Schedule IV controlled substances, such as Halcion and Xanax for anxiety and Darvocet and Schedule III controlled substances such as Vicodin for multiple somatic complaints, including headaches, joint pains, and body aches following explanation of leaking breast implants. Respondent prescribed these drugs without adequately documenting the medical rationale to support such prescribing.
21. Respondent failed to document in the patient's medical record all the drugs which he prescribed for her.
22. In November, 1994, during the course of Respondent's physician-patient relationship with the adult female patient, Respondent helped the patient to obtain a loan.
23. After entering into the business relationship, Respondent failed to terminate the physician-patient relationship and failed to refer the adult female patient to another physician. Instead, Respondent continued to treat the adult female patient.
24. The patients referenced in the above findings of fact are not related in any manner. The events involving the adult male patient and adult female patient, respectively, were separate patient cases involving separate and unrelated facts.
25. Separate and apart from his treatment of the aforementioned patients, Respondent wrote prescriptions for controlled substances such as Dexedrine, Phentermine and Restoril without proper documentation.

B. On October 15, 1999 the Board modified the Order

C. Respondent has completed two (2) years of his three (3) year Order. On September 15, 2000, the Board's representatives found the following:

1. Respondent admits he crossed patient-physician boundaries.
2. Respondent states that he has modified his practice to avoid such future boundary issues.
3. Respondent appears to be in compliance.
4. Respondent has served a significant portion of the required period of restriction and has fulfilled the requirements of his Order in a timely manner and cooperated with the Board and Board staff during the course of his Order in accordance with 22 Texas Administrative Code §§187.38(d)(4) and 187.38(d)(5).

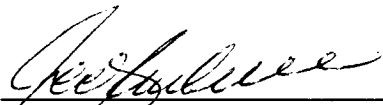
D. Based on the above-stated Findings of Fact and information available September 15, 2000, the Board representatives recommended that Respondent's request for termination be granted.

#### ORDER

Based on available information, the above Findings of Fact, and the recommendation of the Board's representatives, the Board ORDERS that the August 22, 1998 Order is hereby TERMINATED.

THIS IS A PUBLIC ORDER.

Signed and entered on this the 20 day of October 2000.

  
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Lee S. Anderson, M.D.  
President, Texas State Board of  
Medical Examiners