

LICENSE NO. J-1649

IN THE MATTER OF
THE LICENSE OF
RAJEN DESAI, M.D.

BEFORE THE DISCIPLINARY PANEL

OF THE

TEXAS MEDICAL BOARD

ORDER OF TEMPORARY SUSPENSION OR RESTRICTION OF TEXAS MEDICAL
LICENSE
[WITH NOTICE OF HEARING]

On January 26, 2011, came to be heard before the Disciplinary Panel (the "Panel") of the Texas Medical Board (the "Board"), composed of Manuel G. Guajardo, M.D., Chair, Charles E. Oswalt, III, M.D., and Paulette B. Southard, members of the Board duly in session, the matter of the Application for Temporary Suspension or Restriction (with Notice) of the license of Rajen Desai, M.D. ("Respondent"). Respondent appeared in person without counsel. Elaine Snow represented Board staff. Based on evidence submitted, the Board through this Panel makes the following Findings of Fact and Conclusions of Law and enters this Order of Temporary Suspension or Restriction of Texas Medical License:

FINDINGS OF FACT

1. Respondent is a Texas physician and holds Texas Medical License No. J-1649, issued by the Board on August 21, 1992, which was in full force and effect at all times material and relevant to this Order. All jurisdictional requirements have been satisfied.
2. At the direction and approval of a committee chair, member of the Executive Committee, or member of an ISC Panel, Irvin E. Zeitler, Jr., D.O., President of the Board, appointed the Panel to sit as a Disciplinary Panel in this matter, pursuant to the Medical Practice Act, TEX. OCC. CODE ANN. Title 3, Subtitle B (the "Act") §164.059(a) and 22 TEX. ADMIN. CODE §187.56.
3. Respondent's primary area of practice is psychiatry, and he is board certified by the American Board of Psychiatry and Neurology.

4. During the period of 2004 through 2010, Respondent treated Patient A, Patient B and Patient C (“the Patients”¹).

5. Patient A began seeing Respondent for treatment in 2004. After Patient A’s first session with Respondent, Respondent appeared, uninvited, at Patient A’s home. Respondent advised Patient A she did not need medication, rather, she needed a boyfriend. Respondent attempted several, unsolicited embraces that were rebuffed by Patient A. Patient A demanded Respondent leave her alone. Respondent finally left, but only after Patient repeatedly requested he do so. Patient A reported the incident to her counselor.

6. Respondent began treating a pediatric patient, Patient B, in 2009. During the visits, Respondent flashed suggestive, written statements to the child’s mother (“Parent”)². Respondent also sent unsolicited phone calls and text messages to the Parent, asking that she date him.

7. Respondent treated Patient C during the period of approximately 2005 to 2010. In 2010, Respondent pursued an intimate/personal relationship with Patient C. Respondent repeatedly sent Patient C unsolicited, inappropriate text messages. Although Patient C refused his advances, Respondent continued to pursue Patient C.

8. Respondent’s actions demonstrate a pattern of inappropriate behavior, which, over a period of time, is a pattern that is likely to repeat itself and thus, is a continuing threat to the public health and safety.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Panel concludes the following:

1. Section 164.059 of the Act authorizes the Disciplinary Panel to temporarily suspend or restrict the medical license of Respondent if the Disciplinary Panel determines from evidence

1 The Board will provide, under seal, a code of the names of the patients that correspond to their alphabetical letters referenced above.

2 The Board will provide, under seal, the name of the Parent referenced above.

presented to it that the Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare.

2. Based on the evidence presented and the Findings of Fact set forth herein, the Disciplinary Panel finds that Respondent also violated other various sections of the Act, specifically:

- a. Section 164.051(a)(1) of the Act, which authorizes the Board to take disciplinary action against Respondent based on Respondent's commission of an act prohibited under Section 164.052 of the Act.
- b. Section 164.051(a)(3) of the Act, which authorizes the Board to take disciplinary action against Respondent based on Respondent's commission or attempted commission of a direct or indirect violation of a rule adopted under this subtitle, either as a principal, accessory or accomplice.
- c. Section 164.051(a)(6) of the Act, which authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to practice medicine in an acceptable professional manner consistent with the public health and welfare.
- d. Section 164.052(a)(5) of the Act, which authorizes the Board to take disciplinary action against Respondent based on Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public, as more specifically defined in Board Rule 190.8(2):
 - 190.8(2)(E), engaging in sexual contact with a patient;
 - 190.8(2)(F), engaging in sexually inappropriate behavior or comments directed towards a patient;
 - 190.8(2)(G), becoming financially or personally involved with a patient in an inappropriate manner;
 - 190.8(2)(K), behaving in an abusive or assaultive manner towards a patient or the patient's family or representatives that interferes with patient care or could be reasonably expected to adversely impact the quality of care rendered to a patient;

- 190.8(2)(P), behaving in a disruptive manner toward licensees, hospital personnel, other medical personnel, patients, family members or others that interferes with patient care or could be reasonably expected to adversely impact the quality of care rendered to a patient, and
 - 190.8(2)(R), commission of the following violations of federal and state laws whether or not there is a complaint, indictment, or conviction: (ii), any offense in which assault or battery, or the attempt of either is an essential element and (iii), any criminal violation of the Medical Practice Act or other statutes regulating or pertaining to the practice of medicine.
- e. Section 164.053(a)(1) of the Act, which authorizes the Board to take disciplinary action against Respondent based on Respondent's commission of an act that violates state or federal law if the act is connected with the physician's practice of medicine, to wit, Chapter 81, Civil Practices and Remedies Code; Texas Penal Code, Section 22.01(a)(3)..

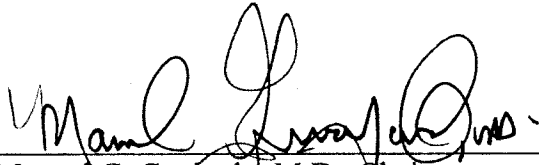
3. Based on the evidence presented and the above Findings of Fact and Conclusions of Law, the Panel determines that Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Panel ORDERS that:

1. Respondent's Texas medical license is hereby temporarily suspended/restricted as follows:
2. This Order of Temporary Suspension or Restriction of Texas Medical License (with Notice) is final and effective on the date rendered.
3. This Order of Temporary Suspension or Restriction of Texas Medical License (with Notice) shall remain in effect until it is superseded by a subsequent Order of the Board.

Signed and entered this day 26 of January, 2011.



Manuel G. Guajardo, M.D., Chair
Disciplinary Panel
Texas Medical Board