

LICENSE NO. Q4532

IN THE MATTER OF
THE LICENSE OF
SUJAN THYAGARAJ, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED ORDER ON FORMAL FILING

On the 3 day of March, 2017, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Sujan Thyagaraj, M.D. (Respondent).

On July 7, 2016, Respondent did not appear at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the Staff of the Board. The Board's representatives were Allan Shulkin, M.D., a member of the Board, and Sharon Barnes, a member of a District Review Committee ("Panel"). Johnathan Stone represented Board Staff.

A formal complaint was subsequently filed at the State Office of Administrative Hearings (SOAH) as SOAH Docket No. 503-17-0951.MD. The parties negotiated a settlement before the contested case hearing. Respondent was *pro se*. Johnathan Stone prepared this Agreed Order.

BOARD CHARGES

Respondent was the subject of a disciplinary action by the New Mexico Medical Board for sexually assaulting a patient.

BOARD HISTORY

Respondent has not previously received a disciplinary order from the Board.

Upon the recommendation of the Panel and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

FINDINGS

The Board finds the following:

1. General Findings:

- a. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the "Act") or the Rules of the Board.
- b. Respondent currently holds Texas Medical License No. Q4532. Respondent was originally issued this license to practice medicine in Texas on May 15, 2015. Respondent is also license to practice in New Mexico.
- c. Respondent is primarily engaged in the practice of Psychiatry. Respondent is not board certified by the American Board of Psychiatry.
- d. Respondent is 38 years of age.

2. Specific Findings:

On March 25, 2016, the New Mexico Medical Board summarily suspended Respondent's medical license after concluding that he posed a clear and imminent danger to public health and safety after he was charged with sexually assaulting a patient.

3. Mitigating Factors:

Respondent has cooperated in the investigation of the allegations related to this Agreed Order. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 164.051(a)(9) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's being subject to disciplinary action by another state, based on acts by the person that are prohibited under Section 164.052 or are similar to acts described by this subsection.
3. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule.

4. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

5. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

ORDER

Based on the above Findings and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. Respondent shall complete and comply with all terms as required by the Agreed Order issued by the New Mexico Medical Board.

2. Respondent shall not practice medicine in Texas until such time as Respondent requests and appears before the Board at an Informal Settlement Conference (ISC) Hearing.

3. Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Respondent has privileges, has applied for privileges, applies for privileges, or otherwise practices. Within thirty days of entry of this Order Respondent shall provide documentation, including proof of delivery, to the Compliance Division of the Board that the Order was delivered to all such facilities.

4. The time period of this Order shall be extended for any period of time that: (a) Respondent subsequently practices exclusively outside the State of Texas; (b) Respondent's license is subsequently cancelled for nonpayment of licensure fees; (c) this Order is stayed or enjoined by Court Order; or (d) for any period of time longer than 60 consecutive days that Respondent does not actively practice medicine. If Respondent leaves Texas to practice elsewhere or ceases active practice for more than 60 consecutive days, Respondent shall immediately notify the Board in writing. Upon Respondent's return to active practice or return to practice in Texas, Respondent shall notify the Board in writing. When the period of extension ends, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension or tolling.

5. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

6. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

7. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within 10 days of the address change. This information shall be submitted to the Registration Department and the Compliance Department of the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that 10 days' notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance of this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 30-day notice requirement provided by § 164.003(b)(2) of the Medical Practice Act and agrees to 10 days' notice, as provided in 22 Texas Administrative Code § 187.44(4).

8. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

9. This Agreed Order constitutes a restriction on Respondent's license and Respondent shall not be permitted to supervise or delegate prescriptive authority to a physician assistant or advanced practice nurse or supervise a surgical assistant.

10. The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting, for one year following the date of the entry of this Order. If, after the passage of the one-year period, Respondent wishes to seek amendment or termination of these conditions, Respondent may petition the Board in writing. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition without further appeal or review. Petitions for modifying or terminating may be filed only once a year thereafter.

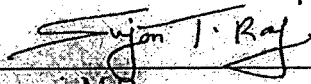
RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

[SIGNATURE PAGES TO FOLLOW]

I, SUJAN THYAGARAJ, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: February 7th, 2017.
(02/07/2017)



Sujan Thyagaraj, M.D.
Respondent

STATE OF _____

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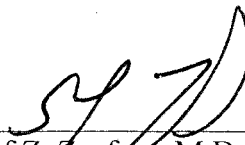
COUNTY OF _____

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this
_____ day of _____, 2017.

Signature of Notary Public

(Notary Seal)

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
3 day of March, 2017.



Sherif Z. Zaafran, M.D., President
Texas Medical Board