

LICENSE NO. G-1766

IN THE MATTER OF  
THE LICENSE OF  
CYRUS SAJADI, M.D.

BEFORE THE  
TEXAS STATE BOARD OF  
MEDICAL EXAMINERS

AGREED ORDER

On the 26 day of August, 2005, came on to be heard before the Texas State Board of Medical Examiners ("the Board"), duly in session, the matter of the license of Cyrus Sajadi, M.D. ("Respondent").

On March 11, 2005, Respondent appeared in person, without counsel, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. Joyce Smith represented Board staff. The Board's representatives were Jose M. Benavides, M.D. and David E. Garza, D.O., members of the Board.

Upon the 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 Agreed Order.

FINDINGS OF FACT

The Board finds that:

1. 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 TEX. OCC. CODE ANN. Title 3, Subtitle B (Vernon 2004) (the "Act") or the Rules of the Board.
2. Respondent currently holds Texas Medical License No. G-1766. Respondent was originally issued this license to practice medicine in Texas on February 20, 1982. Respondent is also licensed to practice in Louisiana.

3. Respondent is primarily engaged in the practice of psychiatry. Respondent is board certified in psychiatry by the American Board of Medical Specialties in Psychology and Neurology.

4. Respondent is 58 years of age.

5. Respondent has not previously been the subject of disciplinary action by the Board.

6. Staff alleged that Respondent displayed unprofessional conduct by failing to communicate with the father of patient R.K. after accepting payment for reviewing records related to an issue of patient guardianship.

7. From October 10, to October 27, 2003, Respondent treated R.K., a 57-year-old female for Bi-Polar at Bellaire Medical Center. After discharge, Respondent directed R.K. to come to him for follow-up treatment. R.K. failed to appear for follow-up and Respondent had not treated the patient since the hospitalization

8. While in Bellaire Medical Center, R.K. signed a release of information and communication to permit the hospital and her caregivers to speak and share information to permitted third parties. R.K. specifically refused to give consent to the hospital and all health care providers including Respondent, to communicate or share information with her family, including her father, but for a single phone call during the hospitalization.

9. In December 2003, Respondent received a written request from an attorney who represented R.K.'s father requesting Respondent declare R.K. incompetent. Respondent's staff, per office policy, requested a \$250.00 fee for completion of the probate court documents relating to guardianship for R.K.

10. Upon receipt of the fee, Respondent's staff informed him of the request. His staff informed him there was no office file' only the patient records available at Bellaire Medical Center. Respondent traveled from his office to the hospital to review the records. Upon review,

he determined two things: first, he did not have sufficient information to make a determination of competency, as he had not seen the patient in the two months since her successful discharge; and second, the medical release specifically prohibited him from disclosing information to third parties regarding her health status. There was no updated release from R.K. in the record or a release supplied by the attorney.

11. Due to the prohibition of communicating her status, Respondent decided not to contact the attorney. Respondent believed he would be violating the law if he did.

12. In a letter dated January 23, 2004, R.K.'s father informed his attorney that the \$250 check was deposited or cashed on December 15, 2003.

13. R.K.'s father's letter also states that if Respondent does not provide a report, R.K.'s father request that Respondent return the money.

14. On March 26, 2004, R.K.'s father wrote to Respondent informing him that he had received the canceled check for \$250.00. Additionally, R.K.'s father stated that despite several attempts to contact Respondent, he had not replied to the requests, had not given his written opinion and had not returned the \$250.00 fee. R.K.'s father informed Respondent that after the long delay in obtaining Respondent's medical opinion, it would be of little or no value.

15. Respondent told the panel that he kept the \$250.00 for retroactive review of R.K.'s medical record.

16. Respondent expressed his ethical concerns to the panel involving filing legal papers with the court declaring R.K.'s incompetence without a direct and up-to-date psychiatric observation of R.K. following her hospital discharge.

17. Respondent admitted to the panel that he did not inform R.K.'s father or his attorney that he was keeping the \$250.00 for retroactive review of hospital records.

18. The panel found that Respondent should have communicated to R.K.'s father his purpose for keeping the \$250, since he did not have enough information to form an opinion about R.K.'s competence, or in the alternative, return the money.

19. Respondent neither admits nor denies a violation of the law. Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions to avoid further investigation, hearings, and the expense and inconvenience of litigation.

### CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 159.006(e) of the Act requires that if a physician denies release of medical records or information relating to medical records, the physician is required to explain why records or information was not disclosed.
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. Such sanctions include: revocation, suspension, probation, public reprimand, limitation or restriction on practice, counseling or treatment, required educational or counseling programs, monitored practice, public service, and an administrative penalty.
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 of Fact and Conclusions of Law, the Board ORDERS that:

1. Within one year from the date of the entry of this Order, Respondent shall obtain nine hours of ethics through courses or programs that have been approved in writing by the Executive Director of the Board. This ethics education shall be in addition to any continuing medical education otherwise required, but is not limited to medical ethics. To obtain approval, Respondent shall submit to the Director of Compliance for the Board complete information on the courses or programs to include at least the course content and faculty. Respondent shall deliver documentation of attendance and successful completion of this requirement for ethics education to the Director of Compliance for the Board on or before the first anniversary date of the entry of this Order.

2. Respondent shall pay an administrative penalty in the amount of \$1,000 within 60 days of the entry of this Order. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas State Board of Medical Examiners and shall be submitted to the Director of Compliance for the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

3. Within thirty days of the finalization of this Order Respondent must return the \$250 fee submitted to him to either R.K.'s father or his attorney.

4. This Order shall automatically terminate upon fulfillment of all terms and conditions as stated in numbers one through three above.

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.

I, CYRUS SAJADI, 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: 6/9/ 2005.

CYRUS SAJADI, M.D.  
RESPONDENT

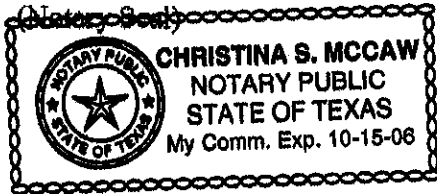
STATE OF Tx

§  
§  
§

COUNTY OF Harris

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 9th day of June, 2005.

Signature of Notary Public



SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 26 day of August, 2005.

Roberta M. Kalafut, D.O., President  
Texas State Board of Medical Examiners