

HEARING CONDUCTED BY THE
TEXAS STATE OFFICE OF ADMINISTRATIVE HEARINGS
SOAH DOCKET NO. 503-13-0054.m0
TEXAS MEDICAL LICENSE NO. G-8735

IN THE MATTER OF THE
COMPLAINT AGAINST
JHANSI M. RAJ, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

COMPLAINT

TO THE HONORABLE TEXAS MEDICAL BOARD AND THE HONORABLE
ADMINISTRATIVE LAW JUDGE TO BE ASSIGNED:

COMES NOW, the Staff of the Texas Medical Board (the "Board"), and files this Complaint against Jhansi M. Raj, M.D., ("Respondent"), based on Respondent's alleged violations of the Medical Practice Act ("the Act"), Title 3, Subtitle B, Texas Occupations Code, and would show the following:

I. INTRODUCTION

The filing of this Complaint and the relief requested are necessary to protect the health and public interest of the citizens of the State of Texas, as provided in Section 151.003 of the Act.

II. LEGAL AUTHORITY AND JURISDICTION

1. Respondent is a Texas Physician and holds Texas Medical License No. G-8735 that was originally issued on August 23, 1985. Respondent's license was in full force and effect at all times material and relevant to this Complaint.

2. Respondent received notice of an Informal Settlement Conference ("ISC") and appeared at the ISC, which was conducted in accordance with §2001.054(c), GOV'T CODE and §164.004 of the Act. All procedural rules were complied with, including but not limited to, Board Rules 182 and 187, as applicable.

3. No agreement to settle this matter has been reached by the parties.
4. All jurisdictional requirements have been satisfied.

III. FACTUAL ALLEGATIONS

Board Staff has received information and based on that information believes that Respondent has violated the Act. Based on such information and belief, Board Staff alleges:

1. In September of 2006, the Patient¹ was hospitalized by Respondent for depression and suicide ideation with a plan to shoot herself. The Patient was placed on suicide watch because she had expressed an intention to kill herself. The suicide precautions were terminated the day before she was discharged.
2. The Patient was at high risk for suicide after discharge because she had a long-term history of major depression, schizophrenia, hallucinations, substance abuse and addiction, and homicidal and suicidal ideation. The Patient had 19 prior psychiatric hospital admissions.
3. Respondent discharged the Patient and within three hours the Patient retrieved a gun, she had hidden in her mattress at home, and shot and killed herself.
4. Respondent's discharge of the Patient fell below the standard of care in that it came too soon after the Patient's suicidal expressions and after too short a period of "stability," especially in view of the Patient's emotional lability and the presence of stressors outside the hospital, including the possibility of incarceration. Furthermore, the Patient had just been put on new medication and there had not been adequate time to observe the Patient's response.

IV. STATUTORY ALLEGATIONS

The actions of Respondent as specified above violate one or more of the following provisions of the Act:

¹ Board staff will provide patient identification to the ALJ and Respondent by separate confidential document under seal.

1. Respondent has committed a prohibited act or practice within the meaning of §164.051(a)(6), failure to practice medicine in an acceptable professional manner consistent with public health and welfare, as further defined by Board Rule(s)

- a. 190.8(1)(A), failure to treat patient according to the generally accepted standard of care;
- b. 190.8(1)(B), negligence in performing medical services;
- c. 190.8(1)(C), failure to use proper diligence in one's professional practice; and
- d. 190.8(1)(D), failure to safeguard against potential complications.

V. AGGRAVATING FACTORS

Board Rule 190.15 provides that aggravating factors may be considered by the Board in reaching a determination of sanctions. In this case, the facts warrant more severe or restrictive disciplinary action. Aggravating factors applicable in this case include:

1. patient harm;
2. the severity of patient harm; and,
3. increased potential for harm to the public.

VI. APPLICABLE STATUTES, RULES, AND AGENCY POLICY

The following statutes, rules, and agency policy are applicable to the conduct of the contested case:

1. Section 164.007(a) of the Act requires that the Board adopt procedures governing formal disposition of a contested case before the State Office of Administrative Hearings.
2. 22 TEX. ADMIN. CODE, Chapter 187 sets forth the procedures adopted by the Board under the requirement of Section 164.007(a) of the Act.
3. 22 TEX. ADMIN. CODE, Chapter 190 sets forth aggravating factors that warrant more severe or restrictive action by the board.
4. 1 TEX. ADMIN. CODE, CHAPTER 155 sets forth the rules of procedure adopted by SOAH for contested case proceedings.
5. 1 TEX. ADMIN. CODE, CHAPTER 155.507, requires the issuance of a Proposal for Decision ("PFD") containing Findings of Fact and Conclusions of Law.

6. Section 164.007(a) of the Act, Board Rule 187.37(d)(2) and Board Rule 190 et. seq., provides the Board with the sole and exclusive authority to determine the charges on the merits, to impose sanctions for violation of the Act or a Board rule, and to issue a Final Order.

VII. NOTICE TO RESPONDENT

IF YOU DO NOT FILE A WRITTEN ANSWER TO THIS COMPLAINT WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS AFTER THE DATE OF RECEIPT, A DEFAULT ORDER MAY BE ENTERED AGAINST YOU, WHICH MAY INCLUDE THE DENIAL OF LICENSURE OR ANY OR ALL OF THE REQUESTED SANCTIONS, INCLUDING THE REVOCATION OF YOUR LICENSE. A COPY OF ANY ANSWER YOU FILE WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS SHALL ALSO BE PROVIDED TO THE HEARINGS COORDINATOR OF THE TEXAS MEDICAL BOARD.


VIII. PRAYER

Board Staff requests that an administrative law judge employed by the State Office of Administrative Hearings conduct a contested case hearing on the merits of the Complaint, and issue a Proposal for Decision ("PFD") containing Findings of Fact and Conclusions of Law necessary to support a determination that Respondent violated the Act as set forth in this Complaint.

Respectfully submitted,

TEXAS MEDICAL BOARD

By: _____


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THE STATE OF TEXAS

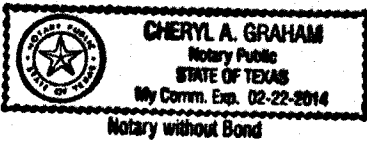
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COUNTY OF TRAVIS

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SUBSCRIBED AND SWORN to before me by the said Barbara Jordan, on
September 4, 2012.



Cheryl A. Graham
Notary Public, State of Texas

Filed with the Texas Medical Board on 9/5, 2012.

Mari Robinson
Mari Robinson, J.D.
Executive Director
Texas Medical Board

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CERTIFICATE OF SERVICE

On this 6 day of September, 2012, I certify that a true and correct copy of this Complaint has been served on the following individuals at the locations and the manner indicated below.

Via E-mail To: docketing@soah.state.tx.us

Rommel Corro, Docket Clerk
State Office of Administrative Hearings
William P. Clements Bldg.
300 W. 15th Street, Suite 504
Austin, Texas 78701-1649

**Via Certified Mail #, Return Receipt Requested
And First Class Mail**

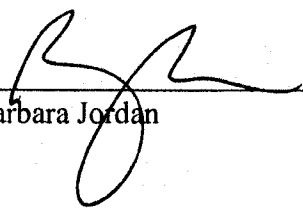
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By Hand Delivery:

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Barbara Jordan