

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

Case No. MD-19-0369A

3 **SAFDAR I. CHAUDHARY, M.D.**

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER FOR
PROBATION**

4 Holder of License No. 44238
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

7 The Arizona Medical Board ("Board") considered this matter at its public meeting on
8 August 23, 2021. Safdar I. Chaudhary, M.D. ("Respondent"), appeared with legal counsel,
9 Stephen Myers, Esq., before the Board for a Formal Interview pursuant to the authority
10 vested in the Board by A.R.S. § 32-1451(H). The Board voted to issue Findings of Fact,
11 Conclusions of Law and Order for Probation after due consideration of the facts and law
12 applicable to this matter.

13 **FINDINGS OF FACT**

14 1. The Board is the duly constituted authority for the regulation and control of
15 the practice of allopathic medicine in the State of Arizona.

16 2. Respondent is the holder of license number 44238 for the practice of
17 allopathic medicine in the State of Arizona.

18 3. The Board initiated case number MD-19-0369A after receiving a complaint
19 regarding Respondent's care and treatment of a 24-year-old male patient ("AG") alleging
20 that Respondent allowed an unlicensed individual (his spouse "ZC") to assume patient
21 care, order medications, and petition; as well as inadequate care and treatment;
22 prescribing to patient AG without performing a physical examination; and billing for
23 services not rendered.

24 4. The Board subsequently received correspondence from AG's mother, who
25 was also a nurse at the Behavioral Health Clinic where Respondent holds privileges,
alleging that she had taken orders from ZC, observed ZC performing other medical tasks

1 such as providing written discharge orders, as well as verbal orders to therapists while
2 Respondent was absent.

3 5. At all times relevant hereto, Respondent was employed as an Independent
4 Contractor at the Behavioral Health Clinic in the capacity of a treating practitioner. ZC was
5 not employed by the Behavioral Health Clinic. During an interview with Board staff, the
6 Chief Officer of the Behavioral Health Clinic stated that his understanding that ZC assisted
7 Respondent the capacity of scribe.

8 6. ZC does not hold a license to practice allopathic medicine in Arizona.

9 7. AG completed inpatient treatment at the Behavioral Health Clinic from
10 August 13, 2018, through August 15, 2018. Respondent documented a psychiatric
11 evaluation on August 14, 2018. During an interview with Board staff, AG reported that
12 during his stay, he was required to complete multiple therapy groups and saw a psychiatric
13 doctor daily, who he identified as ZC. AG stated that he did not speak to any psychiatrist
14 on the phone and denied interacting with Respondent at any time. AG reported that he
15 provided ZC with a list of medications that he was allergic to, and she prescribed him two
16 medications on the list. AG stated that he filed a complaint with the Behavioral Health
17 Clinic because he was dissatisfied with his care and did not learn that ZC was not a
18 licensed physician until several months later.

19 8. Records from the Behavioral Health Clinic include a written complaint from
20 AG regarding the care provided by his psychiatrist. AG's complaint repeatedly referred to
21 his psychiatrist as a female.

22 9. During an interview with Board staff, Respondent affirmed that ZC assisted
23 him as a scribe at the Behavioral Health Clinic, with tasks including obtaining vital signs
24 from the nursing staff, patient lists, and accompanying him during diagnostic interviews.

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1 10. Respondent additionally stated that he accepted medical students on rotation
2 in the Behavioral Health Clinic to meet with his patients in order to aid in their learning.
3 Respondent stated that after his morning meetings, he would meet with ZC and his
4 medical students to assign four to five patients per student. Respondent explained that ZC
5 and medical students would meet with patients and the students would write information in
6 a template document, from which Respondent would formulate a treatment plan and enter
7 information in the patient medical records. Respondent stated that the information as
8 entered in the medical record would not reflect that a patient interview was completed by a
9 medical student. Respondent reported that AG was initially interviewed in this fashion by
10 ZC and a medical student. Respondent was unable to provide Board staff with the identity
11 of the medical student who accompanied ZC to interview AG.

12 11. Respondent stated that ZC was authorized to utilize a signature stamp with
13 his name on documents related to his practice. Respondent reported that he attempted to
14 follow-up with his actual signature, but that he did not always do so. Respondent
15 additionally stated that ZC would meet with patients alone without either he or medical
16 student present and counsel the patients on mindfulness practices to avoid the need for
17 medications. Respondent denied that ZC had the authority to give orders or enter patient
18 petitions for involuntary commitment of patients. Respondent stated that ZC possessed an
19 academic degree, but that her identification badge stated M.D. and stated that patients,
20 staff, and practitioners referred to ZC as "doctor." Respondent subsequently provided
21 Board staff with copies of ZC's badge, which identified her as a Scribe.

22 12. During the course of the investigation, Board staff obtained Respondent's
23 employment records from a separate Mental Health Treatment Center. Board staff
24 observed that ZC was identified as a medical doctor with the designation of M.D. on the
25 website for the Mental Health Treatment Center.

1 13. On February 20, 2021, Respondent completed an intensive, in-person
2 course in medical ethics and professionalism for a total of 15 continuing medical education
3 credit hours.

4 14. During a Formal Interview on this matter, Respondent denied allowing his
5 wife to treat patients and stated that he did see Patient AG one or two times due to
6 disruptive behavior. Respondent testified regarding the role of ZC and medical students in
7 his daily practice while at the Behavioral Health Clinic. Respondent confirmed that the
8 medical records did not reference the presence of a scribe or medical students.
9 Respondent stated that attendance of medical students was assigned and managed by
10 the Behavioral Health Clinic. Respondent acknowledged that the Mental Health Treatment
11 Center website identified ZC with the designation of M.D. Respondent further
12 acknowledged that his wife had access to his signature stamp, and would utilize it from
13 time to time, although Respondent stated that he countersigned documents with a physical
14 signature.

15 15. During that same Formal Interview, Board members commented that the role
16 of the scribe in Respondent's practice was unclear. Board members discussed the risk of
17 patients being confused regarding ZC's role if she was talking to the patients regarding
18 issues related to their care and expressed concern regarding the vulnerable nature of
19 Respondent's patient population. Board members discussed the appropriate outcome and
20 determined that Probation to complete

21 **CONCLUSIONS OF LAW**

22 1. The Board possesses jurisdiction over the subject matter hereof and over
23 Respondent.

1 2. The conduct and circumstances described above constitute unprofessional
2 conduct pursuant to A.R.S. § 32-1401(27)(e) (“Failing or refusing to maintain adequate
3 records on a patient.”).

4 3. The conduct and circumstances described above constitute unprofessional
5 conduct pursuant to A.R.S. § 32-1401(27)(jj) (“Exhibiting a lack of or inappropriate
6 direction, collaboration or direct supervision of a medical assistant or a licensed, certified
7 or registered health care provider employed by, supervised by or assigned to the
8 physician.”).

9 **ORDER**

10 IT IS HEREBY ORDERED THAT:

- 11 1. Respondent is placed on Probation for a period of six months with the following
12 terms and conditions:

13 a. **ProBE**

14 Within six months of the effective date of this Order, Respondent shall complete the
15 Professional/Problem-Based Ethics (“ProBE”) program offered by the Center for
16 Personalized Education for Physicians (“CPEP”) for Ethics and Boundaries. The CME
17 hours shall be in addition to the hours required for the renewal of licensure. Respondent
18 shall obtain an unconditional or conditionally passing grade.

19 In the event that Respondent does not receive an unconditional or conditionally
20 passing grade, Respondent shall follow any and all recommendations made for further
21 education and/or remediation, subject to approval by the Board or its staff.

22 Respondent shall sign any and all consents or releases necessary to allow CPEP to
23 communicate to the Board directly. Respondent shall not revoke any releases prior to
24 successful completion of ProBE. Respondent shall be responsible for the expenses of
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1 participation in ProBE and shall notify Board staff immediately upon scheduling the ProBE
2 course.

3 The Probation shall terminate upon proof of Respondent's unconditional or
4 conditionally passing grade from ProBE. In the event that Respondent does not receive
5 such a grade from ProBE, the Probation shall remain in effect until Respondent has
6 successfully completed any additional education and/or remediation requirements, and
7 may be subject to Board consideration.

8 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

9 Respondent is hereby notified that he has the right to petition for a rehearing or
10 review. The petition for rehearing or review must be filed with the Board's Executive
11 Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The
12 petition for rehearing or review must set forth legally sufficient reasons for granting a
13 rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days after
14 date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not filed,
15 the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

16 Respondent is further notified that the filing of a motion for rehearing or review is
17 required to preserve any rights of appeal to the Superior Court.

18 DATED AND EFFECTIVE this 27th day of October, 2021.

19 ARIZONA MEDICAL BOARD

20
21 By Patricia E. McSorley
22 Patricia E. McSorley
23 Executive Director
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1 EXECUTED COPY of the foregoing mailed
2 this 27th day of October, 2021 to:

3 Safdar I. Chaudhary, M.D.
4 Address of Record

5 Steve Myers, Esq.
6 Mitchell Stein Carey Chapman, PC
7 One Renaissance Square
8 2 North Central Avenue, Suite 1450
9 Phoenix, Arizona 85004
10 Attorney for Respondent

11 ORIGINAL of the foregoing filed
12 this 27th day of October, 2021 with:

13 Arizona Medical Board
14 1740 West Adams, Suite 4000
15 Phoenix, Arizona 85007

16 Michelle Bobes
17 Board staff
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