

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of)
3) Case Nos. MD-20-0630A
4 **ROMEN JHA, M.D. ,**) MD-22-0139A
5)
6 Holder of License No. 33212) **ORDER DENYING PETITION FOR**
7 For the Practice of Allopathic Medicine) **REHEARING AND REVIEW**
8 In the State of Arizona)
9 _____)

10 At its public meeting on February 1, 2023 the Arizona Medical Board
11 ("Board") considered Romen Jha, M.D.'s ("Respondent") Petition for Rehearing
12 and Review of the Board's Order dated December 1, 2022 in the above
13 referenced matter. The Board heard oral argument by Colin Bell, Esq. on behalf
14 of the Respondent, who requested rehearing or review pursuant to A.A.C. R4-
15 16-103(D)(5).

16 During deliberations, Board members noted that not only had
17 Respondent failed to respond to requests from multiple patients for their
18 medical records over an extended period of time, Respondent also failed to
19 produce these records to Medical Board staff despite repeated requests, and
20 also had failed to appear at the evidentiary hearing in this matter held in the
21 Office of Administrative Hearings on September 21, 2022, which resulted in
22 recommended findings of fact and conclusions of law and a recommendation
23 that Respondent's license be revoked. Board members further noted that as of
24 February 1, 2023, Respondent had still failed to present evidence that he had
25 provided the records in issue either to his patients or to Board staff, and that the
26 Board's determination that Respondent is unregulatable remained unaltered.
27 After considering all of the evidence, the Board voted to unanimously to deny
Respondent's Request for Rehearing or Review.

1 **ORDER**

2 IT IS HEREBY ORDERED that:

3 Respondent's Petition for Rehearing and Review is denied. The Board's
4 December 1, 2022 Findings of Fact, Conclusions of Law and Order in Case
5 Nos. MD-20-0630A and MD-22-0139A is effective and constitutes the Board's
6 final administrative order.

7 **RIGHT TO APPEAL TO SUPERIOR COURT**

8 Respondent is hereby notified that he has exhausted his administrative
9 remedies. Respondent is advised that an appeal to Superior Court in Maricopa
10 County may be taken from this decision pursuant to title 12, chapter 7, and
11 article 6 of the Arizona Revised Statutes.

12 DATED AND EFFECTIVE this 7th day of February, 2023

13
14 ARIZONA MEDICAL BOARD

15
16 By Patricia E. McSorley
17 Patricia E. McSorley
18 Executive Director
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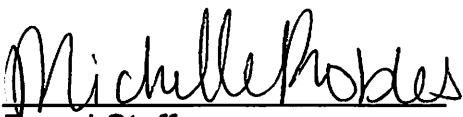
1 EXECUTED COPY of the foregoing certified mailed and emailed
2 this 7th day of February, 2023 to:

3 Romen Jha, M.D.
4 Address of Record

5 Colin Bell, Esq.
6 Stewart Law Group
7 202 E. Earll Dr., Ste. 160
8 Phoenix, AZ 85012
9 Attorney for Respondent

10 ORIGINAL of the foregoing filed
11 this 7th day of February, 2023 with:

12 Arizona Medical Board
13 1749 West Adams, Suite 4000
14 Phoenix, Arizona 85007

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16 Board Staff
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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of:

Case No: 22A-33212-MDX

ROMEN K. JHA, M.D.

Holder of License No. 33212
For the Practice of Allopathic Medicine
In the State of Arizona,

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER
(License Revocation)**

8 On December 1, 2022, this matter came before the Arizona Medical Board
9 (“Board”) for consideration of Administrative Law Judge (“ALJ”) Tammy L.
10 Eigenheer’s proposed Findings of Fact, Conclusions of Law and Recommended Order.
11 Romen K. Jha, M.D., (“Respondent”) appeared in person and was not represented by
12 counsel; Assistant Attorney General Seth T. Hargraves represented the State. Assistant
13 Attorney General Benjamin Norris was available to provide independent legal advice to
14 the Board.

15 The Board, having considered the ALJ’s Decision and the entire record in this
16 matter, hereby issues the following Findings of Fact, Conclusions of Law and Order.

17 **FINDINGS OF FACT**

18 **Background and Procedure**

19 1. Romen K. Jha, M.D. (Respondent) is the holder of Board-issued License
20 No. 33212 for the practice of allopathic medicine in the State of Arizona, which was first
21 issued on August 18, 2004. The license is set to expire on December 8, 2023.

22 2. The Board referred this matter to the Office of Administrative Hearings
23 (OAH), an independent state agency, for an evidentiary hearing on the allegations and
24 charged acts of unprofessional conduct as defined by A.R.S. § 32-1401(27)(a), (e), (u),
25 (ee), (kk), and (ss) as set forth in the Board’s August 1, 2022 Complaint and Notice of
26 Hearing for License Revocation.

1 10. Despite being granted a two week extension by Board staff, Respondent
2 failed to respond or provide the requested patient records.

3 11. On or about February 4, 2021, Board staff contacted Respondent regarding
4 his lack of a response to the allegations and his failure to provide the requested patient
5 records. Respondent indicated that his staff should have provided the records requested
6 by the Board. Respondent failed to follow-up and submit the requested information and
7 records.

8 12. On or about February 22, 2021, Board staff left a voicemail for Respondent
9 requesting that he follow-up with a response. Respondent failed to respond.

10 13. On or about March 1, 2021, Board staff left a message with Respondent's
11 office staff in an attempt to make contact with Respondent and obtain the previously
12 requested information and records. There was no response from Respondent.

13 14. On or about March 30, 2021, Board staff left a message with Respondent's
14 Medical Assistant in an attempt to make contact with Respondent and obtain the
15 previously requested information and records. There was no response from Respondent.

16 15. On or about June 15, 2021, a new investigator assigned to the matter sent
17 correspondence to Respondent via regular and electronic mail, along with a copy of the
18 initial August 5, 2020 notice, requesting a response by June 29, 2021. Respondent was
19 informed that his failure to timely respond would result in an additional allegation of
20 failing to furnish information to the Board in a timely manner. Respondent did not timely
21 respond.

22 16. On or about July 1, 2021, Respondent provided a written response to the
23 complaint. In his response, Respondent acknowledged his delayed response and indicated
24 that, due to illness, he was not in the office during JS's last office visit, and that JS was
25 seen by his physician assistant Nicole on that day. Respondent disputed JS's claim that he
26

1 was denied test results. Respondent stated that his office's policy was not to give test
2 results over the phone and that JS was merely informed of that policy.

3 17. Respondent failed to provide any medical records with his July 1, 2021
4 response.

5 18. On or about August 5, 2021, Board staff sent Respondent an email
6 reminding him that the Board had still not received any of the patient's medical records
7 that were requested from Respondent. Respondent subsequently faxed records to the
8 Board later that day.

9 19. In the records for JS's last office visit on June 30, 2020, there was no
10 indication that JS was seen by anyone other than Respondent on that date; no indication
11 that anyone other than Respondent wrote the progress notes for the appointment; and no
12 reference to, or any mention of Nicole having any involvement in the appointment on that
13 date.

14 20. The records for JS's last office visit on June 30, 2020, showed that an
15 alcohol screening was performed on that date. However, no documentation of the lab
16 results of that screening were included in the records provided to the Board.

17 21. On or about August 5, 2021, Board staff sent Respondent a follow-up email
18 inquiring whether he had submitted the entire chart, as there were documented visits with
19 Nicole, not any lab results or phone messages.

20 22. On or about August 6, 2021, Respondent responded indicating that the last
21 visit on June 30, 2020 was with Nicole and that he had signed off on it. Respondent also
22 provided a screenshot of an appointment log, and indicated that those were the only
23 visits.

24 23. The patient appointment log for JS provided by Respondent listed 13
25 non cancelled visits beginning on September 12, 2017. However, Respondent only
26 provided the Board with records for 5 of those visits.

1 24. Records provided by Respondent indicated that lab work was ordered
2 during JS's April 3, 2018 appointment, and that a follow-up appointment was scheduled
3 for May 16, 2018 to review the lab results. The May 16, 2018 appointment was
4 subsequently cancelled by JS. Respondent did not provide the Board with any lab results
5 related to the April 3, 2018 appointment.

6 25. Records provided by Respondent indicated that lab work was ordered
7 during JS's February 27, 2020 appointment, and that a follow-up appointment was
8 scheduled for March 5, 2020, to review the lab results. There was no indication that the
9 March 5, 2020 appointment was cancelled; no records regarding the March 5, 2020
10 appointment were provided to the Board by Respondent; and no lab results were
11 provided.

12 26. Board staff attempted to have a Medical Consultant (MC) review the case;
13 however the MC reported that he was unable to opine on the case due to the dearth of
14 records provided by Respondent.

15 27. On or about November 3, 2021, Board staff requested from Respondent
16 copies of the patient's records, requests, or releases signed by the patient and office
17 phone notes, messages and/or call logs. Respondent responded to Board staff that he had
18 sent everything he had on the patient.

19 28. On or about November 3, 2021, Board staff requested the patient's billing
20 records and any labs from 2020 and inquired how JS could obtain his records from
21 Respondent.

22 29. On or about November 16, 2021, Respondent again apologized for his
23 delay in responding and stated he could email the records directly to the patient and
24 reported that the patient did not have many office visits. He stated he would have his
25 EMR company send JS the entire medical record.

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1 30. Respondent was asked to copy the Board on any emails to the patient, so
2 the Board could ensure that the records were sent. Respondent did not provide any
3 additional documents to the Board and had not demonstrated that he provided JS with his
4 records.

5 MD-22-0139A

6 31. On or about January 18, 2022, the Board initiated case number MD-22-
7 0139A after receiving a complaint from Patient AL alleging that he and his wife, SL,
8 were unable to obtain a copy of their records from Respondent. According to the
9 complaint, AL and SL have been attempting to obtain their records since August 2021,
10 when they received a letter from Respondent that he was closing his office, and that
11 Respondent had failed to respond to multiple messages.

12 32. On or about January 18, 2022, Board staff sent Respondent a letter
13 notifying him of the complaint from AL and SL, and reminding him of his statutory
14 obligations regarding the release of medical records.

15 33. On or about January 27, 2022, the Board received a complaint from Patient
16 CP, who alleged that Respondent failed to inform her of his practice closure and failed to
17 release her records despite her email request to him on January 4, 2022.

18 34. On or about January 27, 2022, Board staff sent Respondent a letter
19 notifying him of the complaint from CP, and reminding him of his statutory obligations
20 regarding the release of medical records.

21 35. On or about February 11, 2022, AL submitted another complaint reporting
22 that he and his wife still had not received their records.

23 36. On or about February 23, 2022, Board staff sent Respondent a notice letter
24 to his email address of record, requesting that he provide a response to the allegations by
25 AL and SL and proof that he had furnished the records to the patients by March 9, 2022.
26 Respondent did not respond.

1 37. On or about February 25, 2022, CP submitted another complaint stating
2 that that she still had not received her records.

3 38. On or about February 25, 2022, Board staff sent Respondent a notice letter
4 to his email address of record, informing him that the complaint by CP was being added
5 to Case MD-22-0139A, and requesting that he provide a response to the allegations by
6 CP and proof that he had furnished the records to the patient by March 11, 2022.
7 Respondent did not respond.

8 39. On or about March 15, 2022, copies of the February 23, 2022, and February
9 25, 2022 notices were resent to Respondent by regular and electronic mail, again
10 requesting that he provide a response to the allegations and proof that he had furnished
11 the records to the patients by March 29, 2022. Respondent did not respond.

12 40. On or about January 4, 2022, CP sent an email to Respondent requesting
13 that her medical records be forwarded to her new primary care physician. Respondent did
14 not provide the records.

15 41. On or about March 29, 2022, AL and SL signed authorizations for release
16 and consent for disclosure of medical records, which were sent to Respondent to
17 authorize him to provide AL's and SL's medical records to their new primary care
18 physician. Respondent did not provide the records.

19 Testimony

20 42. Respondent did not appear at the duly noticed hearing in this matter. On or
21 about October 7, 2022, Respondent sent an email to the Office of Administrative
22 Hearings regarding the allegations at issue in this matter. However, Respondent did not
23 address his failure to appear at the September 21, 2022 hearing.

24 43. At hearing, Raquel Rivera, Investigations Manager, testified as to the
25 Board's process in handling complaints such as those raised in this matter. Ms. Rivera
26 indicated that the matter can often be resolved with a letter advising the licensee of the

1 obligation to provide medical records to patients upon request without the need to open a
2 formal investigation of the complaint.

3 44. Ms. Rivera reviewed all of the unsuccessful measures Board staff took to
4 get Respondent to respond to the records requests of his patients. Ms. Rivera stated that,
5 based on Respondent's failure to respond to Board staff, the Board was seeking
6 revocation of Respondent's license as he demonstrated he was unable to be regulated at
7 the time.

8 CONCLUSIONS OF LAW

9 1. The Board is the duly constituted authority for licensing and regulating the
10 practice of allopathic medicine in the State of Arizona. This matter lies within its
11 jurisdiction.¹

12 2. The Complaint and Notice of Hearing that the Board mailed to Respondent
13 at his address and email address of record was reasonable and Respondent is deemed to
14 have received notice of the hearing.²

15 3. The Board bears the burden of proof to establish cause to sanction
16 Respondent's license to practice allopathic medicine and factors in aggravation of the
17 penalty by clear and convincing evidence.³ Clear and convincing evidence is "[e]vidence
18 indicating that the thing to be proved is highly probable or reasonably certain."⁴

19 MD-20-0630A

20 4. The Board established by clear and convincing evidence that Respondent
21 failed to respond, timely respond and/or provide the Board with requested information
22 and documentation regarding JS. Therefore, the Board established that Respondent
23 committed unprofessional conduct as defined by A.R.S. § 32-1401(27)(ee) ("Failing to
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25 ¹ See A.R.S. § 32-1401 *et seq.*

² See A.R.S. §§ 41-1092.04; 41-1092.05(D).

26 ³ See A.R.S. §§ 41-1092.07(G)(2) and 32-1451.04; A.A.C. R2-19-119(B)(1); see also Vazzano
v. Superior Court, 74 Ariz. 369, 372, 249 P.2d 837 (1952).

⁴ BLACK'S LAW DICTIONARY at 596 (8th ed. 1999).

1 (“Failing to furnish information in a timely manner to the board or the board’s
2 investigators or representatives if legally requested by the board”).

3 9. The Board established by clear and convincing evidence that Respondent
4 failed to provide AL, SL, and CP with their medical records upon written request.
5 Therefore, the Board established that Respondent committed unprofessional conduct as
6 defined by A.R.S. § 32-1401(27)(a) (“Violating any federal or state laws or rules and
7 regulations applicable to the practice of medicine”), specifically A.R.S. § 12-2293(A),
8 A.R.S. § 12-2297(A)(1), and A.R.S. § 12-2297(B).

9 10. The Board established by clear and convincing evidence that Respondent
10 failed to provide AL, SL, and CP with their medical records upon request. Therefore, the
11 Board established that Respondent committed unprofessional conduct as defined by
12 A.R.S. § 32-1401(27)(ss) (“Failing to make patient medical records in the physician’s
13 possession promptly available to a physician assistant, a nurse practitioner, a person
14 licensed pursuant to this chapter or a podiatrist, chiropractor, naturopathic physician,
15 osteopathic physician or homeopathic physician licensed under chapter 7, 8, 14, 17 or 29
16 of this title on receipt of proper authorization to do so from the patient, a minor patient’s
17 parent, the patient’s legal guardian or the patient’s authorized representative or failing to
18 comply with title 12, chapter 13, article 7.1.”).

19 11. Respondent’s lack of response to patients and the Board, ongoing delays in
20 response to Board communications, and failure to attend the hearing indicate that he
21 cannot be regulated at this time.

22 **ORDER**

23 Based on the foregoing, it is ordered that on the effective date of the final order in
24 this matter, Romen K. Jha’s, M.D.’s License No. 33212 for the practice of allopathic
25 medicine in the State of Arizona shall be revoked.

1 It is further ordered that, pursuant to A.R.S. § 32-1451(M),⁵ Romen K. Jha, M.D.
2 be charged for the cost of the formal hearing as determined by the Board. Dr. Jha shall
3 pay the Board \$ 1,664.97 by certified funds, within 90 days of the effective date of this
4 Order.

5
6 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

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

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

17
18 DATED this 1st day of December 2022.

19
20 THE ARIZONA MEDICAL BOARD

21
22 By Pat E. McSorley
23 Patricia E. McSorley
24 Executive Director
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26 _____
⁵ A.R.S. § 32-1451(M) provides, in pertinent part, as follows: The board may charge the costs of formal hearings to the licensee who it finds to be in violation of this chapter.

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ORIGINAL of the foregoing filed
this 1st day of December, 2022 with:

Arizona Medical Board
1740 W. Adams, Suite 4000
Phoenix, Arizona 85007

COPY of the foregoing filed
this 1st day of December, 2022 with:

Greg Hanchett, Director
Office of Administrative Hearings
1740 W. Adams
Phoenix, AZ 85007

Executed copy of the foregoing
mailed by U.S. Mail and emailed
this 1st day of December, 2022 to:

Romen K. Jha, M.D.
Respondent
Address of Record

Seth T. Hargraves
Assistant Attorney General
Office of the Attorney General
2005 N. Central Avenue – SGD/LES
Phoenix, AZ 85004
LicensingEnforcement@azag.gov

By: 
Arizona Medical Board
Doc #10840282