

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of
KAPIL H. THAKKAR, M.D.

Holder of License No. 51425
For the Practice of Medicine
In the State of Arizona.

Case No. MD-17-0374A

**ORDER FOR SURRENDER
OF LICENSE AND CONSENT
TO THE SAME**

Kapil H. Thakkar, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Order for Surrender of License; he admits to the jurisdiction of the Arizona Medical Board ("Board") as well as the facts stated herein; and he consents to the entry of this Order by the Board.

FINDINGS OF FACT

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

2. Respondent is the holder of license number 51425 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-17-0374A after receiving a complaint filed on April 7, 2017 alleging that Respondent had been terminated from his position at an Arizona hospital in May of 2016 due to behavioral concerns including sexual harassment, that his Louisiana medical license had been suspended in June of 2016, and that he had been charged with a felony in Louisiana in January of 2017.

4. During the course of the investigation, Board staff found that on September 13, 2015, Respondent had voluntarily surrendered his clinical privileges at a hospital in Louisiana while under or to avoid investigation relating to professional conduct and competence. Respondent did not report the surrender on his Arizona application for licensure filed on September 24, 2015.

5. Respondent practiced at an Arizona hospital from January to May 2016 through a staffing agency until he resigned from his position and was asked not to return due to behavioral concerns and complaints of sexual harassment from hospital staff.

6. On June 29, 2016, Respondent's medical license in Louisiana was summarily suspended by the Louisiana State Board of Medical Examiners ("Louisiana Board") based on a finding that the public health, safety and welfare imperatively required emergency action.

7. In October 2016, Respondent was arrested on felony charges in Louisiana, and arraigned on those charges in January 2017. Respondent did not report the charges to the Board in a timely manner. The charges were subsequently dismissed.

8. On April 27, 2017, Respondent entered into an Interim Consent Agreement for Practice Restriction which required that he abstain from alcohol and illegal or mood altering drugs, among other stipulations. Respondent admitted to a Board representative

that he consumed alcohol in violation of his Practice Restriction shortly after entering into it. However, Respondent acknowledges he informed a Board representative that he consumed alcohol, but it was done before entering into his Practice Restriction. Respondent has since been in compliance with the terms of his Practice Restriction.

9. Pursuant to a Consent Order with the Louisiana Board, Respondent's Louisiana medical license was reinstated on August 13, 2018 and placed on probation for five years with terms and conditions including use of a practice monitor, compliance with Louisiana's Physician Health Program, and increased annual continuing medical education requirements.

CONCLUSIONS OF LAW

10. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

11. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(a) ("Violating any federal or state laws or rules and regulations applicable to the practice of medicine."). Specifically, Respondent's conduct violated A.R.S. § 32-3208(A) ("A health professional who has been charged with a misdemeanor involving conduct that may affect patient safety or a felony after receiving or renewing a license or certificate must notify the health professional's regulatory board in writing within ten working days after the charge is filed.").

12. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(p) ("Having action taken against a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor's mental or physical inability to engage safely in the practice of medicine or the doctor's medical incompetence or for unprofessional conduct as defined by that jurisdiction and that corresponds directly or indirectly to an act of unprofessional conduct prescribed by this paragraph. The action taken may include refusing, denying, revoking or suspending a license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on probation by that jurisdiction.").

13. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(r) ("Committing any conduct or practice that is or might be harmful or dangerous to the health of the patient or the public.").

14. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(s) ("Violating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under this chapter.").

15. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(bb) ("Procuring or attempting to procure a license to practice medicine or a license renewal by fraud, by misrepresentation or by knowingly taking advantage of the mistake of another person or an agency.").

16. The Board possesses statutory authority to enter into a consent agreement with a physician and accept the surrender of an active license from a physician who admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

ORDER

IT IS HEREBY ORDERED THAT Respondent's License, Number 51425, for the practice of allopathic medicine in the State of Arizona, is immediately surrendered and that he promptly returns his certificate of licensure to the Board.

DATED and effective this 9th day of October, 2020.

ARIZONA MEDICAL BOARD

By: Patricia E. McSorley
Patricia E. McSorley
Executive Director

CONSENT TO ENTRY OF ORDER

A. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent acknowledges he has the right to consult with legal counsel regarding this matter.

B. Respondent acknowledges and agrees that this Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.

C. By consenting to this Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from this Order.

D. The Order is not effective until approved by the Board and signed by its Executive Director.

E. All admissions made by Respondent in this Order are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, the admissions by Respondent are not intended or made for any other use, such as in the context of another state or

federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

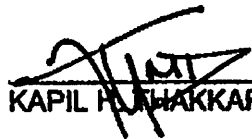
F. Notwithstanding any language in this Order, this Order does not preclude in any way any other State agency or officer or political subdivision of this state from instituting proceedings, investigating claims, or taking legal action as may be appropriate now or in the future relating to this matter or other matters concerning Respondent, including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other than with respect to the Board, this Order makes no representations, implied or otherwise, about the views or intended actions of any other state agency or officer or political subdivisions of the State relating to this matter or other matters concerning Respondent.

G. Upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the consent to the entry of the Order. Respondent may not make any modifications to the document. Any modifications to this original document are ineffective and void unless mutually approved by the parties.

H. This Order is a public record that will be publicly disseminated as a formal disciplinary action of the Board and will be reported to the National Practitioner's Data Bank and on the Board's web site as a disciplinary action.

I. If the Board does not adopt this Order, Respondent will not assert as a defense that the Board's consideration of the Order constitutes bias, prejudice, prejudgment or other similar defenses.

J. ***Respondent has read and understands the terms of this agreement.***


KAPIL P. THAKKAR, M.D.

Dated: _____

9/3/20

EXECUTED COPY of the foregoing mailed by
US Mail this 9th day of October, 2020 to:

Michael Goldberg, Esq.
Goldberg Law Group
16427 N. Scottsdale Road, Suite 200
Scottsdale, Arizona 85254
Attorney for Respondent

ORIGINAL of the foregoing filed this
9th day of October, 2020 with:

The Arizona Medical Board
1740 West Adams, Suite 4000
Phoenix, Arizona 85007

Michelle Ruben
Board staff