

1 .BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

Case No. MD-18-0585A

3 **ASHWIN P. NAMBIAR, M.D.**

4 Applicant for Licensure  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona.

**ORDER GRANTING  
PROBATIONARY LICENSE,  
AND CONSENT TO THE  
SAME**

7 Ashwin P. Nambiar, M.D. ("Respondent") elects to permanently waive any right to a  
8 hearing and appeal with respect to this Order granting his application for licensure subject  
9 to terms and conditions for probation; admits the jurisdiction of the Arizona Medical Board  
10 ("Board"); and consents to the entry of this Order by the Board.

11 **FINDINGS OF FACT**

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

14 2. Respondent is an applicant for licensure for the practice of allopathic  
15 medicine in the State of Arizona.

16 3. The Board initiated case number MD-18-0585A after receiving Respondent's  
17 application for Arizona licensure wherein he disclosed a misdemeanor driving under the  
18 influence ("DUI") conviction and Medical Board of California ("California Board") action.

19 4. On November 23, 2015, Respondent was arrested after he was pulled over  
20 for running a stop sign, and after displaying signs of intoxication. On December 14, 2015,  
21 Respondent was convicted of misdemeanor DUI by the Sonoma County Superior Court in  
22 California. Respondent completed probation on April 5, 2019.

23 5. On June 5, 2019, the California Board issued a Decision and Order revoking  
24 Respondent's California license; however, the revocation was stayed and Respondent was  
25 placed on five years' probation with terms and conditions that include: abstaining from  
alcohol, biological fluid testing, aftercare, practice monitoring, prohibition from practicing in  
solo settings, and prohibition from supervising Physician Assistants.



1           ii. Respondent shall not take any illegal drugs or mood altering  
2 medications unless prescribed for a legitimate therapeutic purpose.

3           iii. Respondent shall enter treatment with a PHP Contractor approved  
4 psychotherapist and shall comply with any and all treatment recommendations,  
5 including taking any and all prescribed medications. Respondent shall instruct the  
6 treating psychotherapist to submit quarterly written reports to the PHP regarding  
7 diagnosis, prognosis, current medications, recommendation for continuing care and  
8 treatment, and ability to safely practice medicine. The reports shall be submitted  
9 quarterly to the PHP, the commencement of which to be determined by the PHP  
10 Contractor. Respondent shall provide the psychotherapist with a copy of this Order.  
11 Respondent shall pay the expenses for treatment and be responsible for paying for  
12 the preparation of the quarterly reports.  
13

14           iv. Within thirty (30) days of the effective date of this Order, Respondent  
15 shall submit to the Board staff for prior approval as a practice monitor, the name  
16 and qualifications of one or more licensed physicians and surgeons whose licenses  
17 are valid and in good standing, who has no prior or current business or personal  
18 relationship with the Respondent, shall be in Respondent's field of practice, and  
19 must agree to serve as Respondent's practice monitor. Respondent shall pay all  
20 monitoring costs. The practice monitor shall submit quarterly reports to the Board at  
21 Respondent's expense, and shall include an evaluation of Respondent's  
22 performance, indicating whether Respondent's practices are within the standard of  
23 care, and whether Respondent is practicing medicine safely.  
24

25           v. Respondent shall be restricted from practicing in a solo practice  
setting. If Respondent's practice settings change during the course of the

1 probationary period, Respondent shall notify the Board within five (5) calendar days  
2 of the practice setting change, and shall not resume practice until an appropriate  
3 practice setting is established.

4 vi. Respondent shall submit quarterly declarations to the Board stating  
5 whether there has been compliance with all conditions of this Order.

6 vii. Respondent shall submit to random biological fluid, hair and/or nail  
7 testing for the remainder of this Order (as specifically directed below) to ensure  
8 compliance with the PHP.

9 viii. Respondent shall provide the PHP Contractor in writing with one  
10 telephone number that shall be used to contact Respondent on a 24 hour per  
11 day/seven day per week basis to submit to biological fluid, hair, and/or nail testing  
12 to ensure compliance with the PHP. For the purposes of this section, telephonic  
13 notice shall be deemed given at the time a message to appear is left at the contact  
14 telephone number provided by Respondent. Respondent authorizes any person or  
15 organization conducting tests on the collected samples to provide testing results to  
16 the PHP Contractor. Respondent shall comply with all requirements for biological  
17 fluid, hair, and/or nail collection. Respondent shall pay for all costs for the testing.

18  
19 ix. Respondent shall provide the PHP Contractor with written notice of  
20 any plans to travel out of state.

21  
22 x. Respondent shall immediately notify the Board and the PHP  
23 Contractor in writing of any change in office or home addresses and telephone  
24 numbers.

25

1           xi. The relationship between the Respondent and the PHP Contractor is  
2 a direct relationship. Respondent shall not use an attorney or other intermediary to  
3 communicate with the PHP Contractor on participation and compliance issues.

4           xii. Respondent shall be responsible for all costs, including costs  
5 associated with participating in the PHP, at the time service is rendered or within 30  
6 days of each invoice sent to the Respondent. An initial deposit of two (2) months  
7 PHP fees is due upon entering the program. Failure to pay either the initial PHP  
8 deposit or monthly fees 60 days after invoicing will be reported to the Board by the  
9 PHP Contractor and may result in disciplinary action.

10           xiii. Respondent shall appear in person before with the PHP Contractor for  
11 interviews upon request, upon reasonable notice.

12           xiv. Respondent shall immediately provide a copy of this Order to all  
13 employers, hospitals and free standing surgery centers where Respondent currently  
14 has or in the future gains or applies for employment or privileges. Within 30 days of  
15 the date of this Order, Respondent shall provide the PHP with a signed statement of  
16 compliance with this notification requirement. Respondent is further required to  
17 notify, in writing, all employers, hospitals and free standing surgery centers where  
18 Respondent currently has or in the future gains or applies for employment or  
19 privileges of a violation of this Order.

20           xv. In the event Respondent resides or practices as a physician in a state  
21 other than Arizona, Respondent shall participate in the rehabilitation program  
22 sponsored by that state's medical licensing authority or medical society.  
23 Respondent shall cause the monitoring state's program to provide written quarterly  
24 reports to the PHP Contractor regarding Respondent's attendance, participation,  
25

1 and monitoring. The monitoring state's program and Respondent shall immediately  
2 notify the PHP Contractor if Respondent is non-compliant with any aspect of the  
3 monitoring requirements or is required to undergo any additional treatment.

4 xvi. The PHP Contractor shall immediately notify the Board if Respondent  
5 is non-compliant with any aspect of this Order or is required to undergo any  
6 additional treatment.

7 xvii. In the event of chemical dependency relapse by Respondent or  
8 Respondent's use of drugs or alcohol in violation of this Order, Respondent's  
9 license shall be summarily suspended pending a hearing for revocation. In the  
10 alternative, Respondent may surrender his license if he agrees in writing to be  
11 impaired by alcohol or drug abuse. A.R.S. § 32-1452(G).

12 b. Respondent shall obey all state, federal and local laws, all rules governing  
13 the practice of medicine in Arizona, and remain in full compliance with any court  
14 ordered criminal probation, payments and other orders.

15 c. In the event Respondent should leave Arizona to reside or practice outside  
16 the State or for any reason should Respondent stop practicing medicine in Arizona,  
17 Respondent shall notify the Executive Director in writing within ten days of departure  
18 and return or the dates of non-practice within Arizona. Non-practice is defined as any  
19 period of time exceeding thirty days during which Respondent is not engaging in the  
20 practice of medicine. Periods of temporary or permanent residence or practice outside  
21 Arizona or of non-practice within Arizona, will not apply to the reduction of the  
22 probationary period.

23 2. Prior to the termination of Probation, Respondent must submit a written request to  
24 the Board for release from the terms of this Order. Respondent's request for release will  
25

1 be placed on the next pending Board agenda, provided a complete submission is received  
2 by Board staff no less than 30 days prior to the Board meeting. Respondent's request for  
3 release must provide the Board with evidence establishing that he has successfully  
4 satisfied all of the terms and conditions of this Order, and must be accompanied by letters  
5 of support from his psychiatrist and PHP monitor. The Board has the sole discretion to  
6 determine whether all of the terms and conditions of this Order have been met and grant  
7 full licensure, or whether to take any other action that is consistent with its statutory and  
8 regulatory authority.

9 3. The Board retains jurisdiction and may initiate new action against Respondent  
10 based upon any violation of this Order. A.R.S. § 32-1401(27)(s).

11 DATED AND EFFECTIVE this 23<sup>rd</sup> day of September, 2020.

12  
13 ARIZONA MEDICAL BOARD

14 By Patricia E. McSorley  
15 Patricia E. McSorley  
16 Executive Director

17 **CONSENT TO ENTRY OF ORDER**

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

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

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

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

3           5.     All admissions made by Respondent are solely for final disposition of this  
4 matter and any subsequent related administrative proceedings or civil litigation involving  
5 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
6 or made for any other use, such as in the context of another state or federal government  
7 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
8 any other state or federal court.

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

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

17           8.     If any part of the Order is later declared void or otherwise unenforceable, the  
18 remainder of the Order in its entirety shall remain in force and effect.


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

22           10.    Any violation of this Order constitutes unprofessional conduct and may result  
23 in disciplinary action. A.R.S. § § 32-1401(27)(s) ("Violating a formal order, probation,  
24 consent agreement or stipulation issued or entered into by the board or its executive  
25 director under this chapter.") and 32-1451.



1 11. Respondent acknowledges that, pursuant to A.R.S. § 32-2501(16), he  
2 cannot act as a supervising physician for a physician assistant while his license is on  
3 probation.

4 12. *Respondent has read and understands the conditions of probation.*

5   
6 \_\_\_\_\_  
ASHWIN P. NAMBIAR, M.D.

DATED: 9/16/20

7  
8 EXECUTED COPY of the foregoing mailed  
this 23rd day of September, 2020 to:

9 Ashwin P. Nambiar, M.D.  
10 Address of Record

11 ORIGINAL of the foregoing filed  
12 this 23rd day of September, 2020 with:

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

15   
16 Board staff