

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of  
3 **SHEKHAR C. THAKUR, M.D.,**  
4 Holder of License No. 46670  
5 For the Practice of Allopathic Medicine  
6 In the State of Arizona.

Case No.23A-46670-MDX

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

7 On June 9, 2023, this matter came before the Arizona Medical Board (“Board”) for  
8 consideration of Administrative Law Judge (“ALJ”) Tammy L. Eigenheer’s proposed  
9 Findings of Fact, Conclusions of Law and Recommended Order. Shekhar C. Thakur,  
10 M.D., (“Respondent”) did not appear; Assistant Attorney General Carrie Smith  
11 represented the State. Assistant Attorney General Diane DeDea was available to provide  
independent legal advice to the Board.

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

14 **FINDINGS OF FACT**

15 1. The Arizona Medical Board (the Board) is the authority for the regulation  
and control of the practice of allopathic medicine in the State of Arizona.

16 2. Shekhar C. Thakur, M.D. (Respondent) is the holder of Board-issued License  
17 No. 46670 for the practice of allopathic medicine in the State of Arizona.

18 3. On or about August 22, 2022, the Board initiated case number MD-22-  
19 0809A after receiving a Disciplinary Action Report from the Federation of State Medical  
20 Boards that the Michigan Board of Medicine (Michigan Board) had taken disciplinary  
action against Respondent’s Michigan medical license.

21 4. On or about July 26, 2022, the Michigan Board issued a Final Order  
22 suspending Respondent’s license for six months and one day and voiding Respondent’s  
23 controlled substance license (Michigan Board Order).<sup>1</sup> The Michigan Board Order was

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25 <sup>1</sup> The Michigan Board Order was signed on July 26, 2022, but the complaint filed with the Board indicated  
that the Michigan Board Order was issued on August 25, 2022.

1 based on Respondent's failure to respond to an administrative complaint alleging  
2 significant deficiencies in Respondent's controlled substance prescribing practices.

3 5. On or about August 23, 2022, Board staff notified Respondent via email of  
4 the investigation. Respondent was not required to respond to the notification at that time.

5 6. On or about August 31, 2022, Board staff notified Respondent via email that  
6 the investigation in this matter had been moved for further review. Respondent was  
7 instructed to provide a complete narrative of his response to the Disciplinary Action Report  
8 no later than September 13, 2022.

9 7. On September 8, 2022, the Board also received correspondence copied from  
10 Walmart's Controlled Substance Compliance Department to Respondent informing him that  
11 Walmart and Sam's Club pharmacies would no longer fill prescriptions he wrote for  
12 controlled substances based on their review of Respondent's controlled substance  
13 prescribing patterns and practices.

14 8. On or about September 8, 2022, Board staff notified Respondent via email  
15 and regular mail that an additional complaint had been received. Respondent was  
16 instructed to provide a complete narrative response no later than September 22, 2022.

17 9. Respondent did not provide a complete narrative response to the August 31,  
18 2022, or September 8, 2022, notices by the deadlines set forth in the notices.

19 10. On or about October 20, 2022, Board staff notified Respondent via email that  
20 the investigation was near completion. Respondent was notified that no additional  
21 response was required, but if he chose to respond, he was required to do so in writing no  
22 later than November 3, 2022.

23 11. Respondent did not provide a response by November 3, 2022.

24 12. On or about January 9, 2023, Board staff offered Respondent an Interim  
25 Consent Agreement for Practice Restriction via email and regular mail. Respondent was  
instructed to return a signed copy of the agreement no later than January 12, 2023.

Respondent did not return a signed copy of the Interim Consent Agreement  
for Practice Restriction by January 12, 2023

14. On or about January 19, 2023, Board staff notified Respondent via email that  
the matter would be considered at the Board meeting on January 20, 2023.

1           15.     During the Board’s consideration of the above captioned matter on January  
2 20, 2023, Board staff presented the foregoing. Board members noted the serious nature  
3 of the Michigan Board’s findings, and expressed concerns regarding Respondent’s ability  
4 to be regulated. Based on the evidence presented, the Board voted unanimously to  
5 summarily suspend Respondent’s license.

6           16.     On or about January 30, 2023, Respondent submitted a signed copy of the  
7 Interim Consent Agreement for Practice Restriction to Board staff via email from  
8 Respondent’s email address of record.

9           17.     The Board referred this matter to the Office of Administrative Hearings  
10 (OAH), an independent state agency, for an evidentiary hearing on the allegations and  
11 charged acts of unprofessional conduct as defined by A.R.S. § 32-1401(27)(p), (t), and (ee)  
12 as set forth in the Board’s February 27, 2023 Complaint and Notice of Hearing.

13           18.     The Complaint and Notice of Hearing set a hearing before OAH at 9:00 a.m.  
14 on April 6, 2023. The Board mailed the Complaint and Notice of Hearing to Respondent via  
15 certified mail, regular mail, and email to his address of record.

16           19.     Respondent did not request to appear telephonically or virtually at the  
17 hearing. Although the duly noticed hearing did not convene until 9:25 a.m. and did not  
18 conclude until 9:48 a.m., Respondent did not appear, personally or through an attorney,  
19 and did not contact OAH. Consequently, Respondent did not present any evidence to  
20 defend his license to practice allopathic medicine in Arizona.

21           20.     The Board submitted 8 exhibits and presented the testimony of Natalie  
22 Migdal, Senior Medical Investigator with the Board, who investigated the complaints against  
23 Respondent.

24           21.     The Board included in the exhibits the Complaint and Notice of Hearing sent  
25 to Respondent’s address of record via certified mail that returned to sender as “unable to  
forward.”

**CONCLUSIONS OF LAW**

1           1.     The Arizona Board The Complaint and Notice of Hearing that the Board  
2 mailed to Respondent at his address and email address of record was reasonable, and

1 Respondent is deemed to have received notice of the hearing. See A.R.S. § 41-1092.04;  
2 A.R.S. § 41-1061(A).

3 2. The Board has jurisdiction over Respondent and the subject matter in this  
4 case.

5 3. Pursuant to A.R.S. § 41-1092.07(G)(2) and A.A.C. R2-19-119(B), the Board  
6 has the burden of proof in this matter. The standard of proof is by clear and convincing  
7 evidence. A.R.S. § 32-1451.04.

8 4. The evidence established that Respondent's Michigan medical license was  
9 suspended. Therefore, the Board established that Respondent committed unprofessional  
10 conduct as defined by A.R.S. § 32-1401(27)(p).<sup>2</sup>

11 5. The evidence established that Respondent failed to promptly notify the Board of  
12 a change in his address as evidenced by the returned mailing sent to his address of  
13 record. Therefore, the Board established that Respondent committed unprofessional  
14 conduct as defined by A.R.S. § 32-1401(27)(t),<sup>3</sup> namely A.R.S. § 32-1435(A).<sup>4</sup>

15 6. The evidence established that Respondent failed to respond to any of the  
16 numerous communications from the Board after August 23, 2022, by the deadlines  
17 established in each communication. Respondent's only response to the Board was to  
18 return a signed copy of the Interim Consent Agreement for Practice Restriction after the  
19 Board had summarily suspended his license based, in part, on his failure to respond by the  
20 deadline. Therefore, the Board established that Respondent committed unprofessional  
21 conduct as defined by A.R.S. § 32-1401(27)(ee).<sup>5</sup>

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22 <sup>2</sup> A.R.S. § 32-1401(27)(p) includes in the definition of unprofessional conduct,  
23 Having action taken against a doctor of medicine by another licensing or regulatory  
24 jurisdiction due to that doctor's mental or physical inability to engage safely in the practice of  
25 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.

<sup>3</sup> A.R.S. § 32-1401(27)(t) includes in the definition of unprofessional conduct,  
Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation  
of or conspiring to violate any provision of this chapter.

<sup>4</sup> A.R.S. § 32-1435(A) requires as follows:  
Each active licensee shall promptly and in writing inform the board of the licensee's current  
residence address, office address and telephone number and of each change in residence  
address, office address or telephone number that may later occur.

<sup>5</sup> A.R.S. § 32-1401(27)(ee) includes in the definition of unprofessional conduct,

1 7. The Arizona legislature created the Board to protect the public. See Laws 1992,  
2 Ch. 316, § 10. Respondent's absolute failure to respond to any communications from the  
3 Board regarding the complaint establish that he cannot be regulated at this time.  
4 Therefore, the Board should revoke Respondent's license to practice allopathic medicine.

5 **ORDER**

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7 Based on the foregoing, it is **ORDERED** that on the effective date of the Board's final  
8 order in this matter, the Board's summary suspension of License No. 46670 for the  
9 practice of allopathic medicine in Arizona previously issued to Respondent Shekhar C.  
10 Thakur, M.D. be affirmed and said license be revoked.

11 It is further ordered that, pursuant to A.R.S. § 32-1451(M),<sup>6</sup> Shekhar C. Thakur,  
12 M.D. be charged for the cost of the formal hearing as determined by the Board. Dr.  
13 Thakur shall pay the Board \$937.30 by certified funds, within 90 days of the effective date  
14 of this Order.  
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23 Failing to furnish information in a timely manner to the board or the board's investigators or  
24 representatives if legally requested by the board.

24 <sup>6</sup> A.R.S. § 32-1451(M) provides, in pertinent part, as follows:

25 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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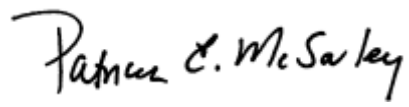
**RIGHT TO PETITION FOR REHEARING OR REVIEW**

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

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

**DATED** this 12th day of June 2023.

THE ARIZONA MEDICAL BOARD

By   
Patricia E. McSorley  
Executive Director

1 ORIGINAL of the foregoing filed this  
2 12th day of June, 2023 with:

3 Arizona Medical Board  
4 1740 W. Adams, Suite 4000  
5 Phoenix, Arizona 85007

6 COPY of the foregoing filed  
7 this 12th day of June 2023 with:

8 Greg Hanchett, Director  
9 Office of Administrative Hearings  
10 1740 W. Adams  
11 Phoenix, AZ 85007

12 Executed copy of the foregoing  
13 mailed by U.S. Mail and emailed  
14 this 12th day of June, 2023 to:

15 Shekhar C. Thakur, M.D.  
16 Address of Record

17 Carrie H. Smith  
18 Assistant Attorney General  
19 Office of the Attorney General  
20 SGD/LES  
21 2005 N. Central Avenue  
22 Phoenix, AZ 85004

23 By:   
24 Arizona Medical Board

25 # 11264890