

1                   BEFORE THE BOARD OF MEDICAL EXAMINERS

2                           IN THE STATE OF ARIZONA

3

4   In the Matter of

5   **ANNAMALAI ASHOKAN, M.D.**

6   Holder of License No. **16974**  
7   For the Practice of Medicine  
8   In the State of Arizona.

Case No. MD-00-0797

**CONSENT AGREEMENT FOR  
SURRENDER OF ACTIVE LICENSE**

8                                                   **CONSENT AGREEMENT**

9           By mutual agreement and understanding, between the Arizona Board of Medical  
10   Examiners ("Board") and Annamalai Ashokan, M.D. ("Respondent") the parties agree to  
11   the following disposition of this matter.

12           1.   Respondent acknowledges that he has read and understands this Consent  
13   Agreement and the stipulated Findings of Fact, Conclusions of Law and Order.  
14   Respondent acknowledges that he understands he has the right to consult with legal  
15   counsel regarding this matter and has done so or chooses not to do so.

16           2.   Respondent understands that by entering into this Consent Agreement for  
17   the issuance of the foregoing Order, he voluntarily relinquishes any rights to a hearing or  
18   judicial review in state or federal court on the matters alleged, or to challenge this Consent  
19   Agreement and the Order in its entirety as issued by the Board, and waives any other  
20   cause of action related thereto or arising from said Order.

21           3.   Respondent acknowledges and understands that this Consent Agreement  
22   and the Order will not become effective until approved by the Board and signed by its  
23   Executive Director.

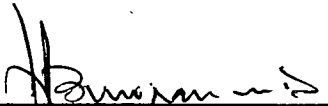
24           4.   All admissions made by Respondent are solely for final disposition of this  
25   matter and any subsequent related administrative proceedings or civil litigation involving

1 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
2 or made for any other use, such as in the context of another state or federal government  
3 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
4 any other state or federal court.


5 5. Respondent acknowledges and agrees that, although said Consent  
6 Agreement and Order has not yet been accepted by the Board and issued by the  
7 Executive Director, Respondent may not make any modifications to the document. Upon  
8 signing this agreement, and returning this document (or a copy thereof) to the Board's  
9 Executive Director, Respondent may not revoke acceptance of the Consent Agreement  
10 and Order. Any modifications to this Consent Agreement and Order are ineffective and  
11 void unless mutually approved by the parties.

12 6. Respondent further understands that this Consent Agreement and Order,  
13 once approved and signed, shall constitute a public record document that may be publicly  
14 disseminated as a formal action of the Board and will be reported to the National  
15 Practitioner's Data Bank and will be reported on the Board of Medical Examiners website.

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

19   
20 \_\_\_\_\_  
Annamalai Ashokan, M.D.

Dated: 6/28/02

21   
22 \_\_\_\_\_  
Edward Hinshaw, Esq.  
23 Approved as to form

Dated: 7-1-02

**FINDINGS OF FACT**

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

4           2.     Respondent is the holder of License No. 16974 for the practice of allopathic  
5 medicine in the State of Arizona.

6           3.     The Board initiated case number MD-00-0797 in January 2001 in response  
7 to action taken against Respondent by the California Medical Board ("California Board") for  
8 engaging sexual intimacies with a patient ("Patient") who Respondent knew was under  
9 psychiatric care for depression.

10          4.     Respondent inappropriately touched Patient and invited her to his home  
11 where Patient performed a sex act on Respondent. In a telephone call tape recorded by a  
12 California Board Investigator made by Patient to Respondent, Respondent suggested that  
13 in order for the relationship to continue, Patient write and back-date a letter discharging  
14 him from her care.

15          5.     During the course of the California Board's investigation Respondent was  
16 interviewed and asked about his relationship with Patient. Respondent denied ever having  
17 contact with Patient outside of his office and denied advising Patient to write a back-dated  
18 letter.

19          6.     Respondent was charged and convicted in San Benito County, California of  
20 a single misdemeanor count of violating the Business and Professional Code (sexual  
21 exploitation of a patient/client) arising from Respondent's contact with a patient.  
22 Respondent entered a plea of no contest.

23          7.     On July 24, 2000, Respondent signed a Stipulated Settlement and  
24 Disciplinary Order ("Order") with the Division of Medical Quality of the California Board.  
25 The Order revoked Respondent's license to practice medicine, stayed the revocation,

1 placed Respondent on five years probation with terms and conditions, including sixty days  
2 of actual suspension from the practice of medicine and the payment of \$15,000 for the  
3 cost of the investigation and prosecution.

4 8. After the California action, the New York State Board for Professional  
5 Medical Conduct ("New York Board") opened an inquiry into Respondent's conduct.  
6 During this inquiry it was discovered that in 1992 Respondent prepared and submitted a  
7 registration document to the New York State Education Department wherein he answered  
8 in the negative a question regarding whether his training, employment or privileges had  
9 been voluntary or involuntarily resigned or withdrawn to avoid imposition of sanction due to  
10 professional misconduct, unprofessional conduct, incompetence or negligence.  
11 Respondent's hospital privileges were suspended on May 4, 1991, by the Valley Hospital  
12 Medical Center, Las Vegas, Nevada, wherein it was alleged that Respondent had  
13 exercised bad judgment in poor anesthesia management. Thereafter, a Fair Hearing  
14 Board was convened wherein the Appellate Review Board recommended reinstatement  
15 subject to monitoring his next twenty cases. This constituted a reversal of the previous  
16 action regarding suspension.

17 9. Respondent surrendered his license to the New York Board on December  
18 11, 2001 for professional misconduct.

19 10. Respondent admits that the acts described above in Paragraphs 4 through 9  
20 constitute unprofessional conduct pursuant to A.R.S. § § 32-1401(25)(d) "[c]ommitting a  
21 felony, whether or not involving moral turpitude, or a misdemeanor involving moral  
22 turpitude. In either case, conviction by a court of competent jurisdiction or a plea of no  
23 contest is conclusive evidence of the commission;" 32-1401(25)(o) "[a]ction that is taken  
24 against a doctor of medicine by another licensing or regulatory jurisdiction due to . . .  
25 unprofessional conduct as defined by that jurisdiction and that corresponds directly or

1 indirectly to an act of unprofessional conduct prescribed by this paragraph. . . ;” 32-  
2 1401(25)(q) “[a]ny conduct or practice that is or might be harmful or dangerous to the  
3 health of the patient or the public;” 32-1401(25)(z) “[s]exual intimacies with a patient;” 32-  
4 1401(25)(jj) “[k]nowingly making a false or misleading statement to the board or on a form  
5 required by the board or in written correspondence, including attachments, with the  
6 Board.”

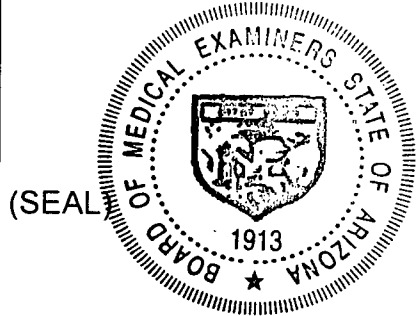
7 **CONCLUSIONS OF LAW**

- 8 1. The Board possesses jurisdiction over the subject matter hereof and over  
9 Respondent.
- 10 2. The Board possesses statutory authority to enter into a consent agreement  
11 with a physician and accept the surrender of an active license from a physician who  
12 admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(U).

13 **ORDER**

14 IT IS HEREBY ORDERED THAT license number 16974, issued to Annamalai  
15 Ashokan, M.D. for the practice of allopathic medicine in the State of Arizona, be deemed  
16 surrendered and that Annamalai Ashokan, M.D. immediately return his wallet card and  
17 certificate of licensure to the Board.

18 DATED AND EFFECTIVE this 8<sup>th</sup> day of August, 2002.



BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF ARIZONA

By *Barry Cassidy*  
BARRY A. CASSIDY, Ph.D., PA-C  
Executive Director

1 ORIGINAL of the foregoing filed this  
2 9 day of August, 2002 with:

3 The Arizona Board of Medical Examiners  
4 9545 East Doubletree Ranch Road  
5 Scottsdale, AZ 85258

6 EXECUTED COPY of the foregoing mailed by  
7 Certified Mail this 9 day of August 2002 to:

8 Edward Hinshaw, Esquire  
9 Hinshaw, Draa, Marsh, Still & Hinshaw  
10 12901 Saratoga Ave  
11 Saratoga, California 95070-4110

12 EXECUTED COPY of the foregoing mailed by  
13 First-class Mail this 9 day of August, 2002 to:

14 Annamalai Ashokan, M.D.  
15 PO Box 1159  
16 Tres Pinos CA 95075-1159

17 EXECUTED COPY of the foregoing  
18 hand-delivered to each of the following  
19 this 9 day of August, 2002, to :

20 Christine Cassetta, Assistant Attorney General  
21 Sandra Waitt, Management Analyst  
22 Lynda Mottram, Senior Compliance Officer  
23 Investigations, Investigation File  
24 Arizona Board of Medical Examiners  
25 9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

