COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

vs.

Sanjeev Saxena, M.D.,
Respondent

File No.: 18-49-01775

CONSENT AGREEMENT AND ORDER

PARTIES

The Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs ("Commonwealth") and Sanjeev Saxena, M.D. ("Respondent") stipulate as follows in settlement of the above-captioned case.

APPLICABLE LAW

1. This matter is before the State Board of Medicine ("Board") pursuant to the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, ("Act"), as amended, 63 P.S. §§ 422.1-422.53; the Medical Care Availability and Reduction of Error ("Mcare") Act, Act of March 20, 2002, P.L. 154, No. 13, as amended, 40 P.S. §§ 1303.101-1303.910; and/or the Act of July 2, 1993, P.L. 345, No. 48 ("ACT 48"), as amended, 63 P.S. §§ 2201-2207.

LICENSURE STATUS

2. At all relevant and material times, Respondent held the following license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania: license no. MD066164L, which was originally issued on July 10, 1998, and which was active through December 31, 2012.
STIPULATED FACTS

3. The Respondent admits that the following allegations are true:
   
a. Absent additional Board action, Respondent's license may be continually reactivated, renewed, or reinstated upon the filing of the appropriate documentation and payment of the necessary fees.

b. Respondent's current address is 2705 DeSoto Parkway NE, Fort Payne, AL 35967.

c. At all relevant and material times, Respondent was authorized to practice medicine in the State of Alabama.

d. On or about May 9, 2017, an Administrative Complaint was filed before the Medical Licensure Commission of Alabama in the matter of Alabama State Board of Medical Examiners v. Sanjeev Saxena, M.D. Respondent at Case No. 17-009.

e. A true and correct copy of the Administrative Complaint referenced in paragraph 3d is attached and incorporated as Exhibit A.

f. On or about November 21, 2017, the Medical Licensure Commission of Alabama approved a Joint Stipulation and Consent Order in the matter of Alabama State Board of Medical Examiners v. Sanjeev Saxena, M.D. Respondent at Case No. 17-009.

g. A true and correct copy of the Joint Stipulation and Consent Order referenced in paragraph 3f is attached and incorporated as Exhibit B.

h. Pursuant to the November 21, 2017 Joint Stipulation and Consent Order, the Medical Licensure Commission of Alabama placed Respondent's license to practice medicine in the State of Alabama on indefinite probation, and
he was ordered to complete an Intensive Course in Medical Documentation, along with other terms and conditions.

ALLEGED VIOLATIONS

4. The Commonwealth alleges that the Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under Sections 41 and 42 of the Act, 63 P.S. §§ 422.41 & 422.42; or impose a civil penalty under Section 908 of the Mcare Act, 40 P.S. §§ 1303.908, and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent violated the Act at Section 41(4), 63 P.S. § 422.41(4), in that Respondent had a license or other authorization to practice the profession disciplined by the proper licensing authority of another state.

PROPOSED ORDER

5. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter:

a. The Board finds that it is authorized to suspend or revoke, or otherwise restrict Respondent's license under Sections 41 and 42 of the Act, 63 P.S. §§ 422.41 & 422.42; or impose a civil penalty under Section 908 of the Mcare Act, 40 P.S. §§ 1303.908, and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63-P.S. § 2205(b)(5), because Respondent violated the Act at Section 41(4), 63 P.S. § 422.41(4), in that Respondent had a license or other authorization to practice the profession disciplined by the proper licensing authority of another state.

PROBATION

b. Respondent's license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania, along with any other licenses, registrations, certificates,
approvals, authorizations, or permits (hereinafter referred to collectively as
"authorizations to practice the profession") issued by the Board to Respondent at the time
this Consent Agreement is adopted by the Board are hereby suspended, with said
suspension to be immediately STAYED IN FAVOR OF PROBATION concurrent with
the period of probation contained in the Joint Stipulation and Consent Order approved by
the Medical Licensure Commission of Alabama in the matter of Alabama State Board of
Medical Examiners v. Sanjeev Saxena, M.D., Respondent at Case No. 17-009, subject to
the following terms and conditions:

(1) Respondent shall abide by and obey all laws of
the United States, the Commonwealth of Pennsylvania and
its political subdivisions and all rules and regulations and
laws pertaining to the practice as a medical physician and
surgeon in this Commonwealth or any other state or
jurisdiction in which Respondent holds an authorization to
practice the profession. Provided, however, summary
traffic violations shall not constitute a violation of this
Order;

(2) Respondent shall at all times cooperate with the
Bureau of Professional and Occupational Affairs
("Bureau"), any of its agents or employees and the Bureau
of Enforcement and Investigation ("BEI") and its agents
and employees, in the monitoring, supervision and
investigation of Respondent's compliance with the terms
and conditions of this Order, including Respondent causing
to be submitted at his own expense written reports, records
and verifications of actions that may be required by the
Bureau, BEI or any of its agents or employees;

(3) Respondent's failure to fully cooperate with and
successfully comply with the terms and conditions of this
probation shall be deemed a violation of this Consent
Agreement and Order;

(4) Respondent shall not falsify, misrepresent or
make material omission of any information submitted
pursuant to this Order;

(5) Respondent shall notify BEI, in writing, within
twenty (20) days of the filing of any criminal charges, the
initiation of any other legal action (civil or administrative)
pertaining to the Respondent's practice as a medical
physician and surgeon, and/or the initiation, action,
restriction or limitation relating to Respondent by the
professional licensing authority of any state or jurisdiction.

(6) Respondent shall notify BEI by telephone
within seventy-two (72) hours, and shall notify both BEI
and the Board in writing within ten (10) days of any change
in the name(s) and address(es) of the place(s) at which
Respondent will practice as a medical physician and
surgeon and a description of Respondent's duties and responsibilities at such places of practice;

(7) Respondent shall notify BEI by telephone within seventy-two (72) hours, and shall notify both BEI and the Board in writing within ten (10) days of any change in the Respondent's home address and/or telephone number.

(8) If Respondent will be absent from the Respondent's state of residence (Alabama) for any period exceeding twenty (20) days, Respondent must notify BEI, in writing, of Respondent's absence and must provide a list of the jurisdiction(s) in which Respondent intends to stay more than forty-eight (48) hours. Respondent consents to the release by the Bureau or BEI of any information or data produced as a result of this Agreement or probation to the proper licensing authority of any jurisdiction in which Respondent intends to remain for greater than forty-eight (48) hours.

(9) During any period of Active Suspension or Ordered Probation, Respondent shall supply any current professional employer with a copy of this Consent Agreement and Order.
(10) Within fifteen (15) days of the date of this Order, and within (15) days of the date of any change in professional employer Respondent shall have his professional employer submit to BEI written verification that the professional employer a) has received a copy of this Consent Agreement and Order, b) understands the conditions of this probation, and c) agrees to report any suspected violation by Respondent of this probation. If Respondent is or becomes self-employed, Respondent shall submit a statement to that effect to BEI and shall produce any requisite documentation to BEI to substantiate such a statement,

(11) Respondent consents to the release by the Bureau or BEI of any information or data produced as a result of this probation to any professional employer or prospective professional employer,

(12) Unless otherwise directed, Respondent, his professional employer, and any other person needing or required to make reports under this Order concerning Respondent’s practice and contact information shall cause those reports, data or other information to be filed with BEI at:
VIOLATION(S) OF PROBATION

c. Notification of a violation of the terms or conditions of this Consent Agreement and Order shall result in the IMMEDIATE VACATING of the stay order, TERMINATION of the period of probation, and ACTIVATION of the entire period of suspension of Respondent's authorizations to practice the profession in the Commonwealth of Pennsylvania as follows:

(13) The prosecuting attorney for the Commonwealth shall file with the Board a Petition which alleges that Respondent has violated any terms or conditions of this Consent Agreement and Order other than failure to complete the Ordered remedial education in a timely manner;

(14) Upon a probable cause determination that Respondent has violated any of the terms or conditions of this Consent Agreement and Order, the Board shall, without holding a formal hearing, issue a preliminary order vacating the stay of the suspension in this matter, terminating the period of probation and activating the entire period of suspension of Respondent's authorizations to practice the profession, without credit for any period of suspension stayed in favor of probation;
(15) Notification of the Board's Preliminary Order shall be mailed to Respondent within three (3) days of its issuance by certified mail and first class mail postage prepaid, sent to the last registered address on file with the Board. If service by mail is unsuccessful, the Commonwealth is authorized to attempt service by personal service and/or publication of legal notice in a newspaper of general circulation in the county of Respondent's last known address.

(16) Within twenty (20) days of mailing of the notification of the Board's action, Respondent may answer the Commonwealth's Petition and request that a formal hearing be convened concerning Respondent's alleged violation of probation, in which Respondent may seek relief from the Preliminary Order activating the suspension. **The answer shall be set forth in numbered paragraphs corresponding to the numbered paragraphs of the** Petition. Respondent shall admit or deny each of the allegations set forth in the paragraphs in the Petition. Respondent shall mail the original answer and request for hearing, and all other pleadings to
(17) Respondent shall send a copy of the answer, request for hearing, and all subsequent filings in the matter to the prosecuting attorney for the Commonwealth;

(18) If a request for a formal hearing is received from Respondent, the Board shall convene a formal hearing within forty-five (45) days from the date of the Board's receipt of Respondent's request for a formal hearing;

(19) If Respondent files an answer and request for a hearing within the twenty (20) day period, the Preliminary Order activating the suspension shall remain in effect unless and until the Board issues a determination favorable to Respondent after holding the formal hearing;

(20) The facts and averments in paragraphs 3 & 4 of this Consent Agreement and Order shall be deemed admitted and uncontested for purposes of the hearing;

(21) If the Board after such hearing makes a determination adverse to Respondent, the Board will issue a Final Order activating the suspension of Respondent's license and imposing any additional disciplinary measures it deems appropriate;
(22) If a request for a formal hearing is not received from Respondent within the prescribed twenty (20) day period, the Board's Preliminary Order shall become a Final Order twenty (20) days after the date of its mailing;

(23) If the stay is terminated, Respondent shall still comply with all terms and conditions of probation during the active suspension, other than those terms and conditions pertaining to the active practice of the profession. Continued failure by Respondent to comply with the unaffected terms and conditions of probation shall result in further disciplinary action against Respondent.

d. Respondent shall fully comply with all terms and conditions of the Joint Stipulation and Consent Order approved by the Medical Licensure Commission of Alabama in the matter of Alabama State Board of Medical Examiners v. Sanjeev Saxena, M.D., Respondent at Case No. 17-009.

e. Respondent may petition the Board for reinstatement of his medical license in the Commonwealth of Pennsylvania to unrestricted, non-probationary status upon an affirmative showing that Respondent's license to practice medicine in the State of Alabama has been reinstated to unrestricted, non-probationary status.

f. Respondent's failure to fully comply with any terms of this Order may also constitute grounds for additional disciplinary action.
g. This Order constitutes disciplinary action by the Board and shall be reported to other licensing authorities and any applicable national licensing databank as a disciplinary action by the Board.

h. This case shall be deemed settled and discontinued upon the Board issuing an Order adopting this Consent Agreement.

ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS

6. Respondent agrees that if Respondent is charged with a violation of an Act enforced by this Board in the future, this Consent Agreement and Order shall be admitted into evidence without objection in that proceeding.

ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING

7. Respondent acknowledges receipt of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and knowingly and voluntarily waives the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

ACKNOWLEDGMENT OF RIGHT TO ATTORNEY

8. Respondent acknowledges that he is aware that he has the right to consult with, and/or be represented by, private legal counsel of Respondent’s choosing and at Respondent’s expense when reviewing, considering and accepting the terms of this Consent Agreement. Respondent had an opportunity to consult with Attorney Mark W. Lee regarding this Consent Agreement.
WAIVER OF CLAIM OF COMMINGLING AND OTHER CONSTITUTIONAL CLAIMS

9. Respondent expressly waives any constitutional rights and issues, such as commingling of prosecutorial and adjudicative functions by the Board or its counsel, which may arise or have arisen during the negotiation, preparation and/or presentation of this Consent Agreement. Respondent specifically agrees that if the Board rejects this agreement, it may assume that the facts and averments as alleged in this Consent Agreement are true and correct for the limited purpose of recommending a sanction, based on those assumed facts, that would be acceptable to the Board before hearing the case. In the event that the Board does assume the facts and averments as alleged in this Consent Agreement are true for purposes of making a recommendation as to an acceptable sanction, such action shall not constitute commingling of prosecutorial and adjudicative functions by the Board or its counsel, and the Respondent expressly waives any constitutional rights and issues related to alleged commingling, bias, or violation of due process rights to have an unbiased and impartial adjudicator in any subsequent hearing. If a hearing is subsequently held, neither this Consent Agreement nor the proposed terms of settlement may be admitted into evidence and any facts, averments, and allegations contained in the Consent Agreement must be proven at hearing unless otherwise separately stipulated. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

NO MODIFICATION OF ORDER

10. Respondent agrees, as a condition of entering into this Consent Agreement, not to seek modification at a later date of the Stipulated Order adopting and implementing this Consent Agreement without first obtaining the express written concurrence of the Prosecution Division.
AGREEMENT NOT BINDING ON OTHER PARTIES

11. The Office of General Counsel has approved this Consent Agreement as to form and legality; however, this Consent Agreement shall have no legal effect unless and until the Board issues an Order approving and adopting this Consent Agreement.

EFFECT OF BOARD'S REJECTION OF CONSENT AGREEMENT

12. Should the Board not approve this Consent Agreement, presentation to and consideration of this Consent Agreement and other documents and matters by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

AGREEMENT DOES NOT PREVENT ADDITIONAL DISCIPLINE BASED ON OTHER COMPLAINTS

13. Nothing in this Order shall preclude the Prosecution Division for the Commonwealth from filing charges or the Board from imposing disciplinary or corrective measures for violations or facts not contained in this Consent Agreement;

ENTIRE AGREEMENT

14. This agreement contains the whole agreement between the participants; provided however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

VERIFICATION OF FACTS AND STATEMENTS

15. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent
I understand that statements in this Consent Agreement are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Keith E. Baskove, Esq.
Presenting Attorney

DATE: 1/2/19

Sanjeev Saxena, M.D.
Respondent

DATE: Jan 2, 2019

Mark W. Lee, Esq.
Attorney for Respondent

DATE: Jan 2, 2019
ALABAMA STATE BOARD OF MEDICAL EXAMINERS, Complainant,

vs.

SANJEEV SAXENA, M. D.

Respondent.

ADMINISTRATIVE COMPLAINT

Comes now the Alabama State Board of Medical Examiners and submits herein its sworn petition pursuant to the authority of Ala. Code §34-24-361(e) (2007) and respectfully represents to the Medical Licensure Commission the following:

1. On February 27, 2002, the Respondent, SANJEEV SAXENA, M. D., was licensed to practice medicine in the State of Alabama, having been issued license number MD 24558.

2. Dr. Saxena’s license to practice medicine in Alabama is currently active.

3. Dr. Saxena’s Alabama Controlled Substances Certificate, identified by certificate number ACSC.24558, is currently unrestricted with full privileges.

4. The Alabama Board of Medical Examiners ("the Board") has conducted an investigation concerning Dr. Saxena’s medical practice and has information sufficient to conclude that there exists probable cause to believe that Dr. Saxena has committed the following violations of Ala. Code §34-24-360 (2002):

(a) Unprofessional conduct as defined herein or in the rules and regulations promulgated by the Commission, a violation of Ala. Code §34-24-360(2);

(b) Practicing medicine or osteopathy in such a manner as to endanger the health of the patients of the practitioner, a violation of Ala. Code §34-24-360(3);
(c) Gross malpractice or repeated malpractice or gross negligence in the practice of medicine or osteopathy, a violation of Ala. Code §34-24-360(9); and

(d) The performance of unnecessary diagnostic tests or medical or surgical services, a violation of §34-24-360(11).

5. In support of the allegations of the above-cited violation of Ala. Code §34-24-360, the Board specifically alleges the following:

   a. The Board selected fourteen (14) of Dr. Saxena's patients' medical records to send for expert review. The reviewing expert physician in this case produced a written opinion, which forms the basis of this Administrative Complaint. Specifically, the physician reviewer's opinion "identified individual concerns and patterns of concern about the quality and safety of the care provided" by Dr. Saxena to the fourteen (14) patients, including:

   1. Excessive ordering of venous ultrasound, arterial ultrasound, ankle brachial index tests, pulmonary function tests, and myocardial perfusion imaging;

   2. Repetitive, "cut and paste" physical examination notes, even in the instance of worsening symptoms;

   3. Inappropriate performance or lack of performance of left heart catheterization-coronary angiography;

   4. Placement of implantable cardioverter-defibrillator before a trial of optimal medical therapy or before an inadequate duration of the trial period;

   5. Excessive ordering of transcranial Doppler tests;

   6. Unnecessary use of peripheral arterial angiograms;

   7. Use of inappropriate antiarrhythmic therapies;

   8. Lack of use of optimal medical therapy for congestive heart failure;
9. Failure to address repeated episodes of ventricular tachycardia on implantable cardioverter-defibrillator interrogation;

10. Lack of use of optimal medical therapy for coronary artery disease;

11. Ratifying electrocardiograms without corrections or additions;

12. Focusing on performing venous interventional procedures in patients with known congestive heart failure;

13. Placing emphasis on medical tests not usually used in cardiology clinics; and

14. Inconsistent assessments of left ventricle function;

b. The expert medical reviewer concluded... "Given this review, I have significant concern regarding the medical practice of Dr. Sanjeev Saxena."

WHEREFORE, the foregoing premises considered, the Alabama State Board of Medical Examiners respectfully requests that the Medical Licensure Commission of Alabama take jurisdiction of this Administrative Complaint, set a hearing thereon, and cause notice of such hearing and a copy of this Administrative Complaint to be served upon the Respondent, SANJEEV SAXENA, M.D., requiring that he appear and answer the allegations contained in this Administrative Complaint in accordance with the Rules and Regulations of the Medical Licensure Commission. At the conclusion of the hearing, the Board requests that the Medical Licensure Commission revoke the license to practice medicine of Dr. Saxena and/or take other action which the Commission deems appropriate based upon the evidence presented for consideration.

The Board requests that administrative costs be assessed against the Respondent pursuant to Ala. Code §34-24-381 (2007), as amended by Act No.

RECEIVED
JAN 23, 2018
By
2010-713, and Commission Rule 545-X-3-.08(12)(e).

This Administrative Complaint is executed for and on behalf of the Alabama State Board of Medical Examiners by its Executive Director pursuant to the instructions of the Board contained in its Resolution adopted on April 13, 2017, a copy of which is attached hereto and incorporated herein.

EXECUTED this the 9th day of May, 2017.

Hendon Blaylock Coody, Esq.
Attorney for the
Alabama Board of Medical Examiners
P.O. Box 104
Montgomery, AL 36101-0104
Telephone: (334) 240-2421
hendonbcoody@earthlink.net

Rachel L. Riddle, Esq.
Associate Counsel
Alabama Board of Medical Examiners
P.O. Box 946
Montgomery, AL 36101
Telephone: (334) 242-4116
rriddle@albme.org

STATE OF ALABAMA )
MONTGOMERY COUNTY )

RECEIVED
JAN 23, 2018
By
JOINT STIPULATION AND CONSENT ORDER

COME NOW, the Complainant, the Alabama State Board of Medical Examiners (the "Board"), and the Respondent, Sanjeev Saxena, M.D., and jointly submit the following Stipulation and Consent Order:

STIPULATION

Stipulated Facts

1. At all times material hereto, the Respondent Dr. Saxena was a licensed physician in the State of Alabama, having been issued license number 24558.

2. The Board filed its Administrative Complaint (the "Administrative Complaint") with the Alabama Medical Licensure Commission (the "Commission") on May 9, 2017. The Administrative Complaint was properly served on Dr. Saxena, and he subsequently filed an Answer denying the allegations.

3. Dr. Saxena neither admits nor denies the allegations of the Administrative Complaint for purposes of these proceedings only. However, Dr. Saxena does admit for this proceeding to his failure to maintain for a patient a medical record which meets the minimum standards stated in the rules and regulations promulgated by the Commission, a violation of Ala. Code §§34-24-360(2) and 34-24-360(22), and Rules 545-X-4-.06(11) and 545-X-4-.09.
4. Dr. Saxena admits that in his capacity as a licensed physician he is subject to the provisions of Chapter 24 of Title 34 of the Code of Alabama and to the jurisdiction of the Board and the Commission.

5. Dr. Saxena admits that the facts alleged in the Administrative Complaint, if proven, would constitute violations of Section 34-24-360 of the Code of Alabama and would constitute grounds for disciplinary actions and sanctions against Dr. Saxena.

6. Dr. Saxena agrees that the Stipulated Disposition in this case is fair, appropriate and acceptable.

**Stipulated Disposition**

This Joint Stipulation is entered into as a settlement between Dr. Saxena and the Board as a matter of compromise and to eliminate further administrative proceedings and issues between them related to the allegations. In order to resolve the issues and to avoid the uncertainties, costs and expense associated with a full hearing, Dr. Saxena and the Board agree to the following:

1. **Probation.** Dr. Saxena consents to the entry of an order by the Commission placing his license to practice medicine in Alabama on indefinite probation.

2. **Continuing Medical Education.**
   (a) Dr. Saxena agrees to attend, and successfully complete, the Intensive Course in Medical Documentation presented by Case Western Reserve. He may attend the course either February 22-23, 2018 or June 7-8, 2018. Dr. Saxena is responsible for all costs associated with attendance, as well as providing notification of his successful completion to the MLIC.
   (b) Dr. Saxena agrees to attend, and successfully complete, the Mayo Clinic Cardiac Rhythm Device Summit June 30-July 2 in Dana Point, CA. Dr. Saxena is responsible for
all costs associated with attendance, as well as providing notification of his successful
completion to the MLC.

3. **Review of Charts.** For a period of one year following the effective date of this
Consent Order, Dr. Saxena agrees that every 3 months, he will forward his charts involving
implantation of an Implantable Cardioverter Defibrillator to an MLC-approved
electrophysiologist for review. The electrophysiologist/reviewer must file a report with the MLC
every 3 months. The report will be reviewed and considered by the MLC. Dr. Saxena is
responsible for the costs of the physician/reviewer.

4. **Termination of Probation.** Dr. Saxena shall remain on probation for a period of
not less than one (1) year following the effective date of the Consent Order. After one (1) year has
elapsed, Dr. Saxena may petition the Commission to lift the probationary status from his license
to practice medicine. Dr. Saxena agrees that his probation shall not be lifted unless (1) he has
successfully completed the continuing medical education requirements found in paragraph 2(a)
and (b), above; and (2) he has, in the judgment of the Commission, received satisfactory chart
review reports from the MLC-approved electrophysiologist submitted in compliance with
paragraph 3, above.

5. **Administrative Costs.** Dr. Saxena shall pay the administrative costs of the Board,
not to exceed $24,000. (twenty-four thousand dollars). The costs are assessed pursuant to Ala.
Code §34-24-381(2010), and Commission Rule 545-X-3-.08(12)(e).

6. **Payment Terms.** Dr. Saxena will pay the administrative costs at a rate of $2,000
each month for 12 months, the first payment being due on January 10, 2018 and continuing each
month until the last payment, which is due on December 10, 2018.
Other Terms

7. Dr. Saxena acknowledges the authority of the Medical Licensure Commission of Alabama to exercise jurisdiction in this matter, and consents and agrees to the entry of the Consent Order contained herein.

8. Dr. Saxena waives his right to an administrative hearing before the Medical Licensure Commission of Alabama on the matters raised in the Administrative Complaint and waives any and all rights to further notice and formal adjudication of the charges stated in the Administrative Complaint. Dr. Saxena waives his right to judicial review of the Consent Order agreed to herein under applicable provisions of the Ala. Code § 34-24-380 and the Alabama Administrative Procedure Act, Ala. Code §41-22-1, et.seq.

9. Dr. Saxena understands and acknowledges that the Stipulation and Consent Order, if approved and executed by the Medical Licensure Commission of Alabama, shall constitute a public record under the laws of the state of Alabama.

10. The Alabama Board of Medical Examiners stipulates and agrees that the terms and conditions of the Consent Order stated herein constitute a reasonable disposition of the charges contained in the Administrative Complaint.

11. It is stipulated and agreed between the parties that this Stipulation and Consent Order be submitted to the Medical Licensure Commission of Alabama, and that such Stipulation and Consent Order are subject to the Commission’s approval. It is further agreed by Dr. Saxena that the Medical Licensure Commission shall be permitted to examine and review, prior to approval of the Stipulation, the records and documents now in the possession of the Alabama Board of Medical Examiners concerning the stipulation of facts set forth herein. It is further agreed
by Dr. Saxena and the Board that, in the event the Medical Licensure Commission shall decline to accept this Stipulation and Consent Order as a basis for the disposition of the alleged grounds for imposition for disciplinary sanctions and requires the Board to present testimony and documentary exhibits at a subsequent hearing, any admissions by Dr. Saxena in this Stipulation shall be null and void, shall not be binding upon Dr. Saxena and shall not be admissible into evidence at the hearing or any other proceeding, and any consideration by the Commission of the Stipulation and Consent Order and the documentary evidence referred to herein, shall not be prejudicial to the rights of Dr. Saxena to receive a fair and impartial hearing.

STIPULATED AND AGREED this 17th day of November, 2017.

Acknowledgements

Respondent’s Understanding

I have read and understand the provisions of this Agreement. I have discussed it with my lawyer agree and approve of all the provisions of this Agreement, both individually and as a total binding agreement. I have personally and voluntarily signed this Agreement for the express purpose of entering into this Agreement with the Board.

11/5/2017
DATE
SANJEEV SAXENA, M.D.

Counsel’s Acknowledgement

I have discussed this case with my client in detail and have advised my client of all my client’s rights and possible defenses. My client has conveyed to me that my client understands
this Agreement and consents to all its terms. I believe this Agreement and the disposition set forth herein is appropriate under the facts of this case and is in accord with my best judgment.

\[Signature\]
MARK W. LEE
Counsel for Respondent

Board's Acknowledgement

I have reviewed this matter and this Agreement and concur that the disposition set forth herein is appropriate and adequately protects the public's health and safety.

\[Signature\]
HENDON B. COODY
Attorney for
Alabama Board of Medical Examiners
CONSENT ORDER

This matter is before the Medical Licensure Commission of Alabama pursuant to an Administrative Complaint filed by the Alabama Board of Medical Examiners on May 9, 2017, and pursuant to a signed Stipulation entered into by the Board of Medical Examiners and the Respondent, Sanjeev Saxena, M.D., on the 15th day of November 2017. The Commission hereby finds that it has jurisdiction of the Administrative Complaint and of the parties hereto pursuant to Ala. Code §34-24-361(2007). In consideration of the Joint Stipulation of the parties, which is incorporated by reference as if fully set forth herein, the Commission hereby finds that the Respondent, SANJEEV SAXENA, M.D., has failed to maintain for a patient a medical record which meets the minimum standards stated in the rules and regulations promulgated by the Commission, a violation of Ala. Code §§34-24-360(2) and 34-24-360(22) and Rules 545-X-4-.06(11) and 545-X-4-.09. The Commission concludes, as a matter of law, that the foregoing facts constitute violations of Ala. Code §§ 34-24-360(2) and 34-24-360(22) and Rules 545-X-4-.06(11) and 545-X-4-.09.

Based upon the foregoing findings of fact and conclusions of law, it is the ORDER of the Medical Licensure Commission as follows:

1. That the license to practice medicine in the state of Alabama of the Respondent Sanjeev Saxena, M.D., license number MD.24558, be and is hereby, placed on PROBATION INDEFINITELY.

2. Dr. Saxena shall attend, and successfully complete, the Intensive Course in Medical Documentation presented by Case Western Reserve. He may attend the course either February 22-23, 2018 or June 7-8, 2018. Dr. Saxena is responsible
for all costs associated with attendance, as well as providing notification of his successful completion to the MLC.

3. Dr. Saxena shall attend, and successfully complete, the Mayo Clinic Cardiac Rhythm Device Summit June 30-July 2 in Dana Point, CA. Dr. Saxena is responsible for all costs associated with attendance, as well as providing notification of his successful completion to the MLC.

4. For a period of one year following the effective date of this Order, Dr. Saxena agrees that every 3 months, he will forward his charts involving implantation of an Implantable Cardioverter Defibrillator to an MLC-approved electrophysiologist for review. The electrophysiologist/reviewer must file a report with the MLC every 3 months. The report will be reviewed and considered by the MLC. Dr. Saxena is responsible for the costs of the physician/reviewer.

5. Dr. Saxena shall remain on probation for a period of not less than one (1) year following the effective date of this Order. After one (1) year has elapsed, Dr. Saxena may petition the Commission to lift the probationary status from his license to practice medicine. Dr. Saxena agrees that his probation shall not be lifted unless: (1) he has successfully completed the continuing medical education requirements found in paragraph 2(a) and (b), above; and (2) he has, in the judgment of the Commission, received satisfactory chart review reports from the MLC-approved electrophysiologist submitted in compliance with paragraph 3, above.

6. Dr. Saxena shall pay the administrative costs of the Board in an amount not to exceed $24,000. (twenty-four thousand dollars). Dr. Saxena will pay the administrative costs at a rate of $2,000 each month for 12 months, the first payment being due on
January 10, 2018 and continuing each month until the last payment, which is due on December 10, 2018.

7. The costs are assessed pursuant to Ala. Code §34-24-381(2010), and Commission Rule 545-X-3-.08(12)(e).

The Medical Licensure Commission retains jurisdiction in this matter for the purpose of entering further orders and directives which may be necessary to implement the provision of this Consent Order.

ORDERED this 21st day of November, 2017.

James E. West, M.D.
James E. West, M.D., Chairman
Medical Licensure Commission
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs

vs.

Sanjeev Saxena, M.D.,
Respondent

File No.: 18-49-01775

ORDER

AND NOW, this 5th day of February, 2019, the STATE BOARD OF MEDICINE ("Board") approves and adopts the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board’s Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

BY ORDER:
STATE BOARD OF MEDICINE

Keith E. Loiselle
Chair

Keith E. Bashore, Prosecuting Attorney
Pennsylvania Department of State
P.O. Box 69521
Harrisburg, PA 17106-9521

Mark W. Lee, Esquire
Parsons, Lee & Juliano, P.C.
P.O. Box 661228
Birmingham, AL 35266

Date of mailing:
February 7, 2019