ALABAMA STATE BOARD OF MEDICAL EXAMINERS,)

Complainant,

vs.

SANJEEV SAXENA, M.D.

Respondent.

BEFORE THE MEDICAL LICENSURE COMMISSION OF ALABAMA

CASE NO. 17-009

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 MLC.

   (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-l, 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.

11/15/2017
 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.

_/6/5/17_  
DATE  
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.

_Nov_ 17, 2017_  
DATE  
HENDON B. COODY  
Attorney for  
Alabama Board of Medical Examiners