

**BEFORE THE  
LOUISIANA STATE BOARD OF MEDICAL EXAMINERS**

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In The Matter of:	:	
	:	
MAHESH R. PANDYA, M.D.	:	NO. 92-I-062-X
(Certificate No. 05773R)	:	
	:	
Respondent	:	<b>CONSENT ORDER</b>

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The Louisiana State Board of Medical Examiners ("Board") has received apparently reliable information indicating that Mahesh Pandya, M.D. (Dr. Pandya), a physician licensed to practice medicine in the state of Louisiana and engaged in the practice of internal medicine and oncology in the DeRidder, Louisiana area did, through error, on May 10, 1989 give to patient Era C.<sup>1</sup> a prescription for 90 dosage units of cytoxan 50 milligrams with instructions to take "900 milligrams by mouth daily for fourteen days" (18 tablets per day).

There is much dispute as to what followed the erroneous prescription, however. The medical records in the case were altered by someone in an apparent attempt to cover up the error, but all employees and Dr. Pandya deny any knowledge of the changes in the chart. Additionally, there is dispute over whether or not Dr. Pandya was told of the erroneous dosage but declined to double check his prescription when confronted.

Nevertheless, notwithstanding factual disputes, the Investigating Officer has concluded that sufficient evidence exists to warrant possible formal administrative proceedings against Dr. Pandya, charging him with violation of the Louisiana Medical Practice Act, to wit: "professional or medical incompetency," in violation of LSA-R.S. 37:1285A(12), and "unprofessional conduct," LSA-R.S. 37:1285A(13).

Prior to filing of any formal charges, however, an in consideration of both the gravity of the potential charges as well as the numerous and competing questions of fact presented, the within consent disposition was prepared for presentation to the

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<sup>1</sup>The patient's last name is omitted to preserve patient confidentiality.

Board in lieu of formal proceedings which, on recommendation of the Board's medical consultant/Investigating Officer respecting the pending investigation, the Board concludes will adequately safeguard the health, safety and welfare of the citizens of this state in accordance with the mandate contained in the Medical Practice Act, LSA-R.S. 37:1261.

Recognizing his right to have formal notice of allegations and charges asserted against him, to administrative adjudication of such charges pursuant to LSA-R.S. 49:955-58, and to a subsequent final decision rendered upon written findings of fact and conclusions of law, Dr. Pandya, nonetheless, hereby waives his right to notice of charges and formal adjudication and, pursuant to LSA-R.S. 49:955(D), consents to entry of the order set forth hereinafter.

By his subscription hereto, Dr. Pandya also hereby authorizes the Investigating Officer designated by the Board and/or legal counsel assisting him with respect to this investigation, to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation, and he waives any objection to such disclosure under LSA-R.S. 49:960. Dr. Pandya expressly acknowledges that the disclosure of information to the Board by the Investigating Officer, or his counsel, shall be without prejudice to the Investigating Officer's authority to file a formal administrative complaint against Dr. Pandya, or to the Board's capacity to adjudicate such complaint, should the Board decline to approve this Consent Order.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by LSA-R.S. 37:1285 and LSA-R.S. 49:955(D);

**IT IS ORDERED** that the license of Mahesh R. Pandya, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 05773R, be, and the same is hereby place on **PROBATION**, effective as of the date of the Board's approval hereof, and continuing for a duration of five (5) years; and

**IT IS FURTHER ORDERED** that Dr. Pandya shall strictly comply with the following terms and conditions of probation:

- a) ***Continuing Medical Education:*** Dr. Pandya shall obtain not less than fifty (50) credit hours credits per year for the five (5) years of the probationary period identified herein, through attendance at and participation in continuing medical education programs ("CME") accredited by and qualifying for the Physician's Recognition Award of the American Medical Association, and he shall obtain such award within three (3) years from the date hereof. On or before September 1, 1994, 1995, 1996, 1997 and 1998, Dr. Pandya shall cause to be submitted to the Board's probation and compliance officer, written certification of the CME programs and credits completed by him during the preceding twelve (12) months.

- b) ***Responsibility for Prescriptions:*** Dr. Pandya shall personally calculate each and every dosage of any medication ordered, prescribed, dispensed or administered, and he shall personally check and verify all pertinent pharmaceutical product information, through utilization of the *Physician's Desk Reference* or other authoritative text, to verify the correct medication, dosage, and strength, and may not delegate any of these tasks to any other personnel or associate, for the duration of his medical career;
- c) ***Community Service:*** Commencing on the effective date of this order, and continuing for the first twelve (12) months thereafter, Dr. Pandya shall perform eight (8) hours of pre-approved community service per week, for a total of three hundred (384) hours of community service acceptable to and approved by the Board in writing. In furtherance of this requirement, Dr. Pandya shall cause to be submitted to the Board, written certification of the community service activity completed by him in compliance with this condition.
- d) ***Monetary Fine:*** Dr. Pandya shall pay a fine in the amount of \$5,000.00 to the Louisiana State Board of Medical Examiners on or January 1, 1994.
- e) ***Verification of Compliance/Probationary Officer:*** Dr. Pandya shall submit to the attention of the Board's probation and compliance officer or such other authorized representative of the Board, all records and reports relative to the foregoing probationary requirements as may be requested or required, throughout the tenure of the probationary period. Further, Dr. Pandya shall also notify the Board's probation and compliance officer of his current personal and business address and telephone listing, in the event that there is any change throughout the course of the probationary period.

**IT IS FURTHER ORDERED** that any violation of failure of strict compliance with any of the terms, conditions, or restrictions set forth in this Consent Order by Dr. Pandya, shall, upon proof of such violation or failure, be deemed adequate and sufficient cause for the revocation and cancellation of Dr. Pandya's license to practice medicine in the state of Louisiana;

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, this 23 day of September, 1993.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

BY: 

BERNARD L. KAPLAN, M.D.  
PRESIDENT

ACKNOWLEDGMENT AND CONSENT

I, MAHESH R. PANDYA, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 24<sup>th</sup> day of August, 1993.

Mahesh R Pandya MD  
MAHESH PANDYA, M.D.

REVIEWED AND APPROVED  
AS TO FORM:

H. O. DEECE LESTAGE  
H. O. DEECE LESTAGE