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8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
11

12 In the Matter of the Accusation Against:
13 **SUJAN THYAGARAJ, M.D.**
14 **26 N. Sky Loop**
15 **Roswell, NM 88201-8305**
16
17 **Physician's and Surgeon's Certificate No.**
A136601
18
19 Respondent

Case No. 800-2016-021416
DEFAULT DECISION
AND ORDER
[Gov. Code §11520]

20 FINDINGS OF FACT

21 On or about July 14, 2016, an employee of the Medical Board of California (Board), served
22 by Certified Mail a copy of the Accusation No. 800-2016-021416, Statement to Respondent,
23 Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and
24 11507.7 to Sujan Thyagaraj, M.D. (Respondent) at his address of record with the Board, which
25 was and is 26 N. Sky Loop, Roswell, AZ 88201. According to the U.S. Postal Service Tracking
26 Information, on July 26, 2016, the certified mail was returned to the Board marked “Addressee
27 Unknown.”
28

1 (Exhibit Package, Exhibit 1¹: Accusation, the related documents, Declarations of Service,
2 and U.S. Postal Service Tracking Information.)

3 Respondent has not responded to the Accusation. On August 1, 2016, an employee of the
4 Attorney General's Office sent by certified and regular mail addressed to Respondent at his
5 address of record a courtesy Notice of Default, advising Respondent of the Accusation, and
6 providing Respondent with an opportunity to request relief from default. According to the U.S.
7 Postal Service Tracking Information, on August 4, 2016, notice was left since there was no
8 authorized recipient available. (Exhibit Package, Exhibit 2: Courtesy Notice of Default, proof of
9 service and U.S. Postal Service Tracking Information.)

10 FINDINGS OF FACT

11 I.

12 Complainant Kimberly Kirchmeyer is the Executive Director of the Board. The charges
13 and allegations in Accusation No. 800-2016-021416 were at all times brought and made solely in
14 the official capacity of the Board's Executive Director.

15 II.

16 On or about June 1, 2015, the Board issued Physician's and Surgeon's Certificate No.
17 A136601 to Respondent. Said license expires on June 30, 2017; however the certificate is in a
18 suspended status. On April 25, 2016, the Board issued a Full Out-of-State Suspension Order
19 pursuant to Section 2310(a) of the Business and Professions Code. (Exhibit Package, Exhibit 3:
20 Certificate of License.)

21 III.

22 On or about July 14, 2016, Respondent was served with an Accusation, alleging causes for
23 discipline against Respondent. The Accusation and accompanying documents were duly served
24 on Respondent. A courtesy Notice of Default was thereafter served on Respondent. Respondent
25 failed to file a Notice of Defense.

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27 _____
28 ¹ The evidence in support of this Default Decision and Order is contained in the "Exhibit
Package."

1 IV.

2 The allegations of the Accusation are true as follows:

3 On or about March 25, 2016, the New Mexico Medical Board issued a “Notice of Summary
4 Suspension” (New Mexico Order). The New Mexico Order summarily suspended Respondent’s
5 New Mexico license to practice medicine because evidence indicates that Dr. Sujan Thyagaraj
6 poses a clear and immediate danger to the public. The summary suspension is based on evidence
7 that shows that on or about February 22, 2016, during a visit with a female patient, Respondent
8 sexually assaulted the patient by placing his genitals in the patient’s mouth, and by placing the
9 patient’s hands on his genitals. After the patient reported the incident to police, law enforcement
10 agents executed a search warrant at the office where the sexual assault on the patient was alleged
11 to have occurred and found evidence corroborating patient’s allegations. When law enforcement
12 agents attempted to serve a warrant for Respondent’s DNA, on or about February 23, 2016, they
13 learned that Respondent had fled the country.

14 On or about, February 24, 2016, a criminal complaint was filed against Respondent in
15 Chavez County Magistrate Court Case No. M-7-FR-2016-00074 alleging one (1) count of
16 violating Section 30-9-11, NMSA, 1978 (Criminal Sexual Penetration). (Exhibit Package,
17 Exhibit 1, Attachment A: Order of Suspension issued by the New Mexico Medical Board.)

18 DETERMINATION OF ISSUES

19 Pursuant to the foregoing Findings of Fact, Respondent’s conduct and the actions of the
20 New Mexico Medical Board constitute unprofessional conduct and cause for discipline within the
21 meaning of Business and Professions Code sections 2305 and/or 141.

22 ORDER

23 IT IS SO ORDERED that Physician's and Surgeon's Certificate No. A136601, heretofore
24 issued to Respondent SUJAN THYAGARAJ, M.D., is **REVOKED**.

25 Respondent shall not be deprived of making a request for relief from default as set forth in
26 Government Code section 11520, subdivision (c), for good cause shown. However, such showing
27 must be made in writing by way of a motion to vacate the default decision and directed to the
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Medical Board of California at 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815 within seven (7) days after service of the Decision on Respondent.

This Decision shall become effective on September 23, 2016.

It is so ORDERED August 24, 2016.

MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 
Kimberly Kirchmeyer
Executive Director

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 14 20 16
BY R. Firdaus ANALYST

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8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10
11 In the Matter of the Accusation Against:

Case No. 800-2016-021416

12 **Sujan Thyagaraj, M.D.**

ACCUSATION

13 **26 N. Sky Loop**
14 **Roswell, NM 88201-8305**

15 **Physician's and Surgeon's Certificate**
16 **No. A136601,**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

- 21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer
23 Affairs (Board).
- 24 2. On or about June 1, 2015, the Medical Board issued Physician's and Surgeon's
25 Certificate Number A136601 to Sujan Thyagaraj, M.D. (Respondent). The Physician's and
26 Surgeon's Certificate is renewed and current with an expiration date of June 30, 2017. However,
27 on or about April 25, 2016, the Board suspended Respondent's license pursuant to Business and
28 Professions Code Section 2310.

1 JURISDICTION

2 3. This Accusation is brought before the Board, under the authority of the following
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4 4. Section 2227 of the Code provides in part that a licensee who is found guilty under
5 the Medical Practice Act may have his or her license revoked, suspended for a period not to
6 exceed one year, placed on probation and required to pay the costs of probation monitoring, or
7 such other action taken in relation to discipline as the Board deems proper.

8 5. Section 2305 of the Code states:

9 "The revocation, suspension, or other discipline, restriction or limitation imposed by
10 another state upon a license or certificate to practice medicine issued by that state, or the
11 revocation, suspension, or restriction of the authority to practice medicine by any agency of the
12 federal government, that would have been grounds for discipline in California of a licensee under
13 this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action
14 for unprofessional conduct against the licensee in this state."

15 6. Section 141 of the Code states:

16 "(a) For any licensee holding a license issued by a board under the jurisdiction of the
17 department, a disciplinary action taken by another state, by any agency of the federal government,
18 or by another country for any act substantially related to the practice regulated by the California
19 license, may be a ground for disciplinary action by the respective state licensing board. A
20 certified copy of the record of the disciplinary action taken against the licensee by another state,
21 an agency of the federal government, or another country shall be conclusive evidence of the
22 events related therein.

23 "(b) Nothing in this section shall preclude a board from applying a specific statutory
24 provision in the licensing act administered by that board that provides for discipline based upon a
25 disciplinary action taken against the licensee by another state, an agency of the federal
26 government, or another country."

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1 **CAUSE FOR DISCIPLINE**

2 **(Discipline, Restriction, or Limitation Imposed by Another State)**

3 7. On or about March 25, 2016, the New Mexico Medical Board issued a “Notice of
4 Summary Suspension” (New Mexico Order). The New Mexico Order summarily suspends
5 Respondent’s New Mexico license to practice medicine because evidence indicates that Dr. Sujan
6 Thyagaraj poses a clear and immediate danger to the public. The summary suspension is based
7 on evidence that shows that on or about February 22, 2016 during a visit with a female patient,
8 Respondent sexually assaulted the patient by placing his genitals in the patient’s mouth, and by
9 placing the patient’s hands on his genitals. After the patient reported the incident to police, law
10 enforcement agents executed a search warrant at the office where the sexual assault on patient
11 was alleged to have occurred and found evidence corroborating patient’s allegations. When law
12 enforcement agents attempted to serve a warrant for Respondent’s DNA on or about February 23,
13 2016, they learned that Respondent had fled the country.

14 8. On or about, February 24, 2016, a criminal complaint was filed against Respondent in
15 Chavez County Magistrate Court Case No. M-7-FR-2016-00074 alleging one (1) count of
16 violating Section 30-9-11, NMSA, 1978 (Criminal Sexual Penetration).

17 9. Respondent’s conduct and the actions of the New Mexico Medical Board as set forth
18 in paragraph 7, above, and within the actual New Mexico Board’s documents, attached as Exhibit
19 A, constitute unprofessional conduct and cause for discipline pursuant to sections 2305 and/or
20 141 of the Code.

21
22 **PRAYER**

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
24 and that following the hearing, the Medical Board of California issue a decision:

- 25 1. Revoking or suspending Physician's and Surgeon's Certificate Number A136601,
26 issued to Sujan Thyagaraj, M.D.;
- 27 2. Revoking, suspending or denying approval of Sujan Thyagaraj, M.D.'s authority to
28 supervise physician assistants, pursuant to section 3527 of the Code;

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3. Ordering Sujan Thyagaraj, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: July 14, 2016

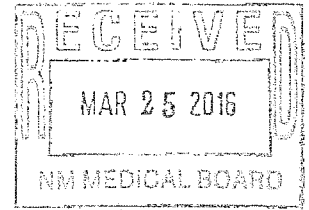


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

SF2016200724

Exhibit A

BEFORE THE NEW MEXICO MEDICAL BOARD



IN THE MATTER OF)
SUJAN THYAGARAJ, M.D.)
)
License No. MD2010-0267)
)
Respondent.)
_____)

No. 2016- 014

TO: Sujan Thyagaraj, M.D.
405 West Country Club Road
Roswell, New Mexico 88201

Sujan Thyagaraj, M.D.
26 North Sky Loop
Roswell, New Mexico 88201

NOTICE OF SUMMARY SUSPENSION

YOU ARE HEREBY NOTIFIED THAT YOUR LICENSE TO PRACTICE MEDICINE IS SUMMARILY SUSPENDED pursuant to NMSA 1978, Section 61-6-15.1 of the Medical Practice Act and NMSA 1978, Section 61-1-4 of the Uniform Licensing Act. The New Mexico Medical Board ("Board") possesses evidence indicating that you pose a clear and immediate danger to the public health and safety if you continue to practice medicine. Such evidence, if not rebutted at a later hearing, will justify the Board in imposing further suspension or revocation of your license to practice medicine in the State of New Mexico and/or other disciplinary action taken against you by the Board. This summary suspension is based on evidence that shows:

A. On or about February 22, 2016, during a visit with a female patient (hereinafter referred to as "Patient"), you sexually assaulted Patient by placing your genitals in Patient's mouth, and by placing Patient's hands on your genitals.

B. After Patient reported the incident to police, law enforcement agents executing a search warrant at the office where the sexual assault on Patient was alleged to have occurred found evidence corroborating Patient's allegations.

C. When law enforcement agents attempted to serve a warrant for your DNA on or about February 23, 2016 they learned that you'd fled the country.

D. On February 24, 2016, a criminal complaint was filed against you in Chavez County Magistrate Court Case No. M-7-FR-2016-00074 alleging one (1) count of violating Section 30-9-11, NMSA 1978 (Criminal Sexual Penetration).

E. On March 2, 2016, the Board's investigative staff emailed you a copy of a Board Complaint based on the above information, together with a letter asking you to provide a written response to the allegations. As of this date, you have not responded to the allegations as requested by the Board's investigators, and you have not formally notified the Board of the actions taken by the law enforcement agency which filed criminal charges against you.

In consideration of the aforementioned evidence in the Board's possession, the Board FINDS AND CONCLUDES that you pose a clear and immediate danger to the public health and safety if you continue to practice medicine in the State of New Mexico.

THEREFORE, IT IS HEREBY ORDERED that your New Mexico license to practice as a physician in the State of New Mexico is hereby SUMMARILY SUSPENDED until further Order of the Board.

Pursuant to Board Rule 16.10.5.16 NMAC, you are entitled to a hearing on the merits of this summary suspension order within fifteen (15) days of a request for such a hearing. Your hearing request shall be in writing, addressed to the Board, delivered by certified mail, return receipt requested. You are not required to comply with this summary action until service of this action has been made personally or by certified mail, return receipt requested, at your last known address as shown in the Board's records, or

you have actual knowledge of this order, whichever comes first.

Pursuant to NMSA, 1978, Section 61-1-8 you have the right to be represented at a hearing on this summary suspension order by counsel or by a licensed member of your profession or both, and to present all relevant evidence by means of witnesses, books, papers, documents and other evidence; to examine all opposing witnesses who may appear on any matter relevant to the issues and have subpoenas duces tecum issued as of right prior to the commencement of the hearing, to compel the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making a written request therefore to the Board. The issuance of such subpoenas after commencement of the hearing rests with the discretion of the Board or Hearing Officer.

The issuance of this Summary Suspension is a disciplinary event and will be reported to the National Practitioner Data Bank and is a public document, open to public inspection.

Dated this 25th day of March, 2016.

NEW MEXICO MEDICAL BOARD



Sondra Frank, Executive Director
New Mexico Medical Board
2055 South Pacheco Street, Building 400
Santa Fe, New Mexico 87505
Tel: 505-476-7220