

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 1860

FILED OF RECORD

JUN 05 2018

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY SURESH B. KODALI, M.D., LICENSE NO. 24553, 708 WESTPORT ROAD, SUITE 103, ELIZABETHTOWN, KENTUCKY 42701

COMPLAINT

Comes now the Complainant Randel C. Gibson, D.O., Chair of the Kentucky Board of Medical Licensure's Inquiry Panel B, and on behalf of the Panel which met on May 17, 2018, states for its Complaint against the licensee, SURESH B. KODALI, M.D., as follows:

1. At all relevant times, Suresh B. Kodali, M.D., was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee's medical specialty is Psychiatry.
3. On June 26, 2017, the Board received a grievance filed by Patient A alleging that during an office visit on May 23, 2017, the licensee hugged her. The patient stated "Then he tried to stick his hand up my shirt to touch my breasts."
4. During an interview with the Board investigator, Patient A stated that she had been a patient of the licensee's for 1.5 to 2 years and had not had any issues concerning the doctor/patient relationship. She stated that he became friendlier on her next to last visit on April 25, 2017 by hugging her. She stated that on her last visit, he hugged her and attempted to place his hand up her shirt. She stated that the licensee said he was sorry and she left the office with an appointment to come back on June 20, 2017. The patient stated that there were no witnesses in the room and she did

not say anything to office staff. She stated that she has not returned to the licensee's office since May 23, 2017.

5. During an interview with a Board investigator, the licensee stated he did not remember any issues with the patient nor did he remember ever hugging her or having physical contact. The licensee recalled Patient A as a pleasant and friendly person who occasionally brought candy to the office on her visits. He stated that her chart reflects she made an appointment to return on June 20, 2017 but did not keep it.
6. On or about November 16, 2017, the Board's Inquiry Panel B reviewed the investigation and chose to keep the investigation open pending further information, contingent upon the licensee entering into an Interim Agreed Order (Diversion).
7. On or about December 5, 2017, the licensee entered into an Interim Agreed (Diversion) in which he agreed to the following terms:
 - a. Within twenty (20) days of the filing of this Agreed Order, the licensee shall contact Vanderbilt Medical Center ("Vanderbilt"), 1601 23rd Avenue South, Nashville, Tennessee 37212, Tel. (615) 322-4567, Fax (615) 322-7526, to schedule an assessment through the *Vanderbilt Comprehensive Assessment Program for Professionals*, at the earliest dates available to both Vanderbilt and the licensee.
 - i. Both parties may provide relevant information to Vanderbilt for consideration as part of the assessment. In order to permit the Board to provide such relevant information, the licensee shall immediately notify the Board's Legal Department of the assessment dates once the assessment is scheduled;
 - ii. The licensee shall travel to Vanderbilt and participate in and complete the assessment as scheduled and as directed by Vanderbilt, at the licensee's expense;
 - iii. Both parties will be provided a copy of any and all assessment reports for their review. To that end, the licensee shall complete any necessary waiver/release necessary to ensure that the Board may

receive a copy of any and all assessment reports for review. However, Vanderbilt will issue any and all assessment reports in accordance with its internal policies; and

iv. If Vanderbilt recommends any further evaluation or corrective or therapeutic action, the licensee shall take all necessary steps to comply with those recommendations, at the licensee's expense, so that any reports related to the completion of those recommendations may be presented to the Panel for review; and

b. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.

8. The licensee originally scheduled his evaluation with Vanderbilt for January 15-17, 2018. The evaluation was to include the use of a polygraph test, which the licensee declined to participate in, on advice of counsel, and the evaluation was rescheduled.

9. On March 5-6, 2018 the licensee completed the evaluation without undergoing the polygraph examination.

10. The following "Discussion and Conclusions" appear in the Vanderbilt Comprehensive Assessment Program ("VCAP") Evaluation Report dated March 26, 2018:

...

Dr. Kodali's extreme defensiveness on all testing suggests the need to rely more heavily on collateral information to obtain an accurate assessment of his functioning. Our collateral sources of information have been limited to the information received from KBML and a conversation with Dr. Kodali's office manager.

Based upon this limited evaluation we are not prepared to make a statement on Dr. Kodali's fitness to practice. The Federation of State Medical Boards Guidelines for evaluation of sexual boundary complaints recommends the use of polygraph examination in assessing physician boundary violations. It is our practice to utilize polygraph testing to clarify discrepancies between the account of the physician and the alleged victim.

11. The following "Recommendations" are outlined in the Evaluation Report:

It is our opinion that this evaluation is incomplete and indeterminate. We cannot resolve the discrepancy between the statement of the alleged victim and Dr.

Kodali's denial in the context of his marked and pervasive defensiveness. We did advise that the matter might be resolved by polygraph evaluation, but Dr. Kodali declined on the advice of his attorney. Should the Kentucky Medical Board remain concerned about Dr. Kodali's conduct and risk of future complaints, we suggest referral for more thorough evaluation to residential facilities such as Sante Center in Argyll, Texas or Keystone, near Philadelphia Pennsylvania.

12. On or about May 17, 2018, the Board's Inquiry Panel B determined that the licensee's practices placed his patients and the public at risk and in danger. As a result, the licensee was restricted from treating female patients, pending resolution of this Complaint.

13. By his conduct, the licensee has violated the provisions of KRS 311.595(9).

14. Accordingly, legal grounds exist for disciplinary action against his Kentucky medical license.

15. The licensee is directed to respond to the allegations delineated in the Complaint within thirty (30) days of service thereof and is further given notice that:

(a) His failure to respond may be taken as an admission of the charges;

(b) He may appear alone or with counsel, may cross-examine all prosecution witnesses and offer evidence in his defense.

16. NOTICE IS HEREBY GIVEN that a hearing on this Complaint is scheduled for October 10-12, 2018 at 9:00 a.m., Eastern Standard Time, at the Kentucky Board of Medical Licensure, Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222. Said hearing shall be held pursuant to the Rules and Regulations of the Kentucky Board of Medical Licensure and pursuant to KRS Chapter 13B. This hearing shall proceed as scheduled and the hearing date shall only be modified by leave of the Hearing Officer upon a showing of good cause.

WHEREFORE, Complainant prays that appropriate disciplinary action be taken against the license to practice medicine held by SURESH B. KODALI, M.D.

This 5th day of June, 2018.



RANDEL C. GIBSON, D.O.
CHAIR, INQUIRY PANEL B

CERTIFICATE OF SERVICE

I certify that the original of this Complaint was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; a copy was mailed to Thomas J. Hellmann, Esq., Hearing Officer, 810 Hickman Hill Road, Frankfort, Kentucky 40601; and copies were mailed via certified-mail to the licensee, Suresh B. Kodali, M.D., License No. 24553, 708 Westport Road, Suite 103, Elizabethtown, Kentucky 42701, and to his counsel, C. Mike Moulton, Moulton & Long, PLLC, 58 Public Square, Elizabethtown, Kentucky 42701 on this 5th day of June, 2018.



Sara Farmer
Assistant General Counsel
Kentucky Board of Medical Licensure
310 Whittington Parkway, Suite 1B
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Tel. (502) 429-7150

EMERGENCY ORDER OF RESTRICTION

Based upon the foregoing Findings of Fact and Conclusions of Law, Inquiry Panel B hereby ORDERS that the license to practice medicine in the Commonwealth of Kentucky held by SURESH B. KODALI, M.D., is RESTRICTED and Dr. Kodali is prohibited from consulting, evaluating, diagnosing or otherwise providing treatment for any female patients until the resolution of the Complaint setting forth the allegations discussed in this pleading or until such further Order of the Board.

Inquiry Panel B further declares that this is an EMERGENCY ORDER, effective upon receipt by the licensee.

SO ORDERED this 5th day of June, 2018.



RANDEL C. GIBSON, D.O.
CHAIR, INQUIRY PANEL B

CERTIFICATE OF SERVICE

I certify that the original of this Emergency Order of Restriction was delivered to Mr. Michael S. Rodman, Executive Director, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222; and copies were mailed via certified mail return-receipt requested to the licensee, Suresh B. Kodali, M.D., License No. 24553, 708 Westport Road, Suite 103, Elizabethtown, Kentucky 42701, and to his counsel, C. Mike Moulton, Moulton & Long, PLLC, 58 Public Square, Elizabethtown, Kentucky 42701 on this 5th day of June, 2018.



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