

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

MOHAN VISWA KAZA, M.D.
License No. 43-01-075190

Complaint No. 43-16-142136

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint dated October 18, 2016 was filed with the Disciplinary Subcommittee of the Board of Medicine, charging Mohan Viswa Kaza, M.D. (Respondent) with having violated sections 16221(a), (b)(ii), (b)(iii), and (h) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.* and Mich Admin Code, R 338.1632.

Based on the administrative complaint and after consultation with the Chairperson of the Board of Medicine, the Department summarily suspended Respondent's license to practice medicine by order on October 19, 2016.

The parties have stipulated that the Disciplinary Subcommittee may enter this consent order. The Disciplinary Subcommittee has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the complaint are true and that Respondent has violated sections 16221(a), (b)(ii), (b)(iii), and (h) of the Public Health Code and Mich Admin Code R 338.1632.

Accordingly, for these violations, IT IS ORDERED:

The order of summary suspension previously issued is DISSOLVED.

Respondent's license to practice as a doctor in the State of Michigan is SUSPENDED for a minimum of three months commencing on the effective date of this order. Respondent shall receive credit for the time during which the order of summary suspension was in effect.

Respondent's medical license shall be automatically reinstated when the Department receives satisfactory evidence from the Health Professional Recovery Program (HPRP) verifying either that: (1) Respondent has entered into a disciplinary non-confidential monitoring agreement and that HPRP has endorsed Respondent as safe to practice; or (2) HPRP has determined that Respondent does not require treatment monitoring. It is Respondent's responsibility to contact HPRP by telephone at 1-800-453-3784, and to comply with HPRP's requests regarding entry into a disciplinary, non-confidential monitoring agreement, if required. Respondent shall provide a copy of this order and the administrative complaint dated October 18, 2016 to HPRP for review. All costs associated with this process shall be the responsibility of Respondent.

Respondent shall ensure a copy of the signed and fully executed monitoring agreement along with confirmation that HPRP has endorsed Respondent as safe to practice, or written confirmation from HPRP that treatment monitoring is not needed, is provided to: Compliance Section, Legal Affairs Division, Bureau of

Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan 48909, or by fax to (517) 241-1431.

If Respondent's license remains suspended for more than six months from the effective date of this order, reinstatement of the license shall not be automatic, and Respondent will have to petition for reinstatement of the license. If Respondent petitions for reinstatement of his license, the petition shall be in accordance with sections 16245 and 16247 of the Public Health Code and Mich Admin Code, R 792.10711. Under these provisions, Respondent must demonstrate the following by clear and convincing evidence: (1) good moral character; (2) the ability to practice the profession with reasonable skill and safety; (3) satisfaction of the guidelines on reinstatement adopted by the Department; and (4) that it is in the public interest for the license to be reinstated.

Respondent is placed on PROBATION for a period of two years commencing on the date the license is reinstated, provided reinstatement occurs within 6 months of the effective date of this order. Respondent shall be automatically discharged from probation upon the Department's receipt of satisfactory written evidence of Respondent's successful compliance with the terms and conditions as provided below. If Respondent fails to complete any term or condition of probation as set forth in this order, Respondent will be in violation of Mich Admin Code, R 338.1632 and section 16221(h) of the Public Health Code. The terms and conditions of the probation are as follows:

- A. MONITORING AGREEMENT. If HPRP determines Respondent is in need of treatment monitoring, and Respondent enters into a disciplinary monitoring agreement as a prerequisite to reinstatement of his license, Respondent shall comply with the terms of the monitoring agreement with HPRP. The duration of the monitoring agreement may exceed the period of probation.

All information and documentation acquired by HPRP in developing and implementing a monitoring agreement shall be made available to the Department upon request to establish Respondent's compliance or noncompliance with the monitoring agreement and this order.

If Respondent fails to comply with the terms of the monitoring agreement, HPRP shall immediately notify the Department in writing.

Upon Respondent's successful completion of the monitoring agreement, HPRP shall promptly notify the Department in writing.

- B. COMPLIANCE WITH THE PUBLIC HEALTH CODE. Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated under the Public Health Code.

Any violation of the Public Health Code by Respondent during the period of probation shall be deemed a violation of probation and constitute grounds for further disciplinary action.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of Mich Admin Code, R 338.1632, and section 16221(h) of the Public Health Code.

This order shall be effective on the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on January 18, 2017

MICHIGAN BOARD OF MEDICINE

By [Signature]
Chairperson, Disciplinary Subcommittee

STIPULATION

The parties stipulate as follows:

1. The facts alleged in the complaint are true and constitute a violation of the Public Health Code.
2. Respondent understands and intends that, by signing this stipulation, he is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq.*, to require the Department to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed consent order, the parties reserve the right to proceed to hearing.
3. The Disciplinary Subcommittee may enter the above Consent Order, supported by Board conferee Peter Graham M.D. Dr. Graham or an attorney from

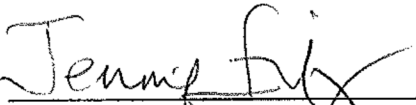
the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

4. Dr. Graham and the parties considered the following factors in reaching this agreement:

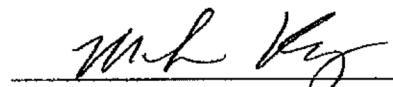
- A. Respondent's complicated medical history.
- B. Respondent requested and received a referral to re-enter an HPRP disciplinary monitoring agreement prior to the conclusion of this matter.
- C. Respondent has been unemployed for over a year; therefore, no fine is assessed.

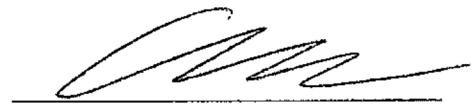
By signing this stipulation, the parties confirm that they have read, understand and agree with the terms of the consent order.

AGREED TO BY:


Jennifer Fitzgerald (P60109)
Assistant Attorney General
Attorney for Complainant
Dated: 12-5-16

AGREED TO BY:


Mohan Viswa Kaza, M.D.
Respondent
Dated: 12/5/16


Aaron J. Kemp (P55238)
Attorney for Respondent
Dated: 12/5/16