

LICENSE NO. L-6703

IN THE MATTER OF

BEFORE THE

THE LICENSE OF

SHAILESH CHHOTALAL VORA, M.D.

TEXAS MEDICAL BOARD

AGREED ORDER

On the 6 day of December, 2019, came to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Shailesh Chhotalal Vora, M.D. (Respondent).

On October 24, 2019, Respondent appeared in person, with counsel Louis Leichter, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the Staff of the Board. The Board's representatives were Linda Molina, J.D., a member of the Board, and Courtney Mack Townsend, Jr., M.D., a member of a District Review Committee (Panel). Jared Brehmer represented Board Staff.

BOARD CHARGES

Board Staff charged that Respondent was the subject of disciplinary action taken by the Arkansas State Medical Board related to allegations of engaging in sexual misconduct with two of his patients; his Arkansas medical license was suspended on April 17, 2019. Subsequently, Respondent was subject to disciplinary action by the Mississippi State Board of Medical Licensure on May 9, 2019, as a result of the Arkansas State Medical Board reporting the action taken against Respondent. Finally, Respondent was subject to disciplinary action by Baylor Scott & White Hospital for failure to disclose the action taken by the Arkansas State Medical Board.

BOARD HISTORY

Respondent has not previously been the subject of disciplinary action by the Board.

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

## FINDINGS

The Board finds the following:

1. General Findings:
  - a. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the Act) or the Rules of the Board.  
Respondent currently holds Texas Medical License No. L-6703. Respondent was originally issued this license to practice medicine in Texas on June 6, 2003.
  - b. Respondent holds a restricted medical license in Arkansas; Respondent holds a suspended medical license in Mississippi; and Respondent holds a medical license in Louisiana.
  - c. Respondent is primarily engaged in the practice of Psychiatry and Neurology. Respondent is board certified by the American Board of Psychiatry & Neurology, a member of the American Board of Medical Specialties.
  - d. Respondent is 61 years of age.
  - e. Respondent is currently engaged in the practice of medicine in Texas, in an institutional setting.
2. Specific Panel Findings:

- a. Respondent admits that he was the subject of disciplinary action taken by the Arkansas State Medical Board related to allegations of engaging in sexual misconduct with two of his patients.
- b. Respondent's Arkansas medical license was suspended on April 17, 2019.
- c. The suspension was lifted on June 18, 2019, conditioned upon Respondent's compliance with the recommendations of the Allied Assessment Center (AAC) in Houston, Texas. The recommendations from AAC were that Respondent be restricted from providing a combination of neurologic and psychiatric care to patients at the same time and location; that he undergo continued psychotherapy; and limit his number of practice hours.
- d. Respondent was subject to peer review disciplinary action by Baylor Scott & White Hospital for failing to disclose the disciplinary action originating in Arkansas as required by that facility where he held privileges. Respondent's privileges were irrevocably terminated on April 22, 2019.
- e. Respondent is currently engaged in the practice of medicine in Texas, in an institutional setting.

3. Mitigating Factors:

In determining the appropriate sanctions in this matter, the Panel considered the following mitigating factors:

- a. Respondent admitted to the sexual harassment of one patient as found by the Arkansas State Medical Board.
- b. Respondent appeared remorseful and apologetic.
- c. Respondent has cooperated in the investigation of the allegations related to his violations of the Act. Respondent neither admits nor denies the information provided above. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.

2. Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's committing an act that is prohibited under §164.052 of the Act.

3. Section 164.051(a)(7) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's being removed, suspended, or is subjected to disciplinary action taken by the person's peers in a local, regional, state, or national professional medical association or society, or is disciplined by a licensed hospital, including removal, suspension, limitation of privileges, or other action if the Board finds the action was based on unprofessional conduct or professional incompetence that was likely to harm the public and was appropriate and reasonably supported by evidence submitted to the Board, as further defined by Board Rule 190.8(4), disciplinary action by peer groups.

4. Section 164.051(a)(9) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's being subject to disciplinary action by another state, or subject to disciplinary action by the uniformed services of the United States, based on acts by the person that are prohibited under Section 164.052 or are similar to acts described by this subsection 190.8(3), disciplinary action by another state board.

5. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public, as provided by §164.053 of the Act, or injure the public.

6. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule.

7. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

8. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

#### ORDER

Based on the above Findings and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. Within one year following the date of the entry of this Order, Respondent shall take and pass with a score of 75 or above the Medical Jurisprudence Examination ("JP Exam") given by the Texas Medical Board. Respondent is allowed three attempts to successfully pass this examination.

Respondent's failure to take and pass the JP Exam within three attempts within one year following the date of the entry of this Order shall constitute a violation of this Agreed Order. After a committee of the Board or a panel of Board representatives (Board Representatives), has considered the information related to Respondent's violation of this provision and has determined that Respondent has not fulfilled the requirements of this provision, Respondent's medical license shall be **IMMEDIATELY SUSPENDED** pursuant to correspondence to Respondent from the Executive Director or Secretary-Treasurer of the Board indicating that Board Representatives have considered the information related to Respondent's violation of this provision and have determined that Respondent has not fulfilled the requirements of this provision. Although Respondent shall be invited to provide information or testimony to the Board Representatives, Respondent specifically waives any administrative due process under the Medical Practice Act, or the Administrative Procedure Act, for the Board Representatives to consider this information. **THIS SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING AT THE STATE OFFICE OF ADMINISTRATIVE HEARINGS OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE MEDICAL PRACTICE ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS AND ALL RIGHTS OF APPEAL.** Respondent shall be notified of any suspension by certified mail, return receipt requested to Respondent's last known address on file with the Board. If Respondent's license is suspended on such a basis, the suspension shall remain in effect until such time as Respondent takes and passes the JP Exam and subsequently appears before the Board in person and provides sufficient evidence which, in the discretion of the Board, is adequate to show that Respondent possesses the skills and knowledge to safely practice in Texas and is otherwise physically and mentally competent to resume the practice in this state

2. Within in one year following the date of the entry of this Agreed Order, Respondent shall enroll in and successfully complete at least 12 hours of continuing medical

education ("CME"), divided as follows: eight hours in the topic of ethics; and four hours in the topic of boundaries. The CME shall be approved for Category I credits by the American Medical Association or American Osteopathic Association and approved in writing in advance by the Executive Director or their designee. To obtain approval for the course, Respondent shall submit in writing to the Compliance Division of the Board information on the course, to include at least reasonable detail description of the course content and facility, as well as the course location and dates of instructions. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Division of the Board on or before expiration of the time limit set forth for completion of the course. The CME requirements set forth in this paragraph shall be in addition to all other CME required for licensure maintenance.

3. Respondent shall pay an administrative penalty in the amount of \$3000 within 60 days of the date of the entry of this Order. The administrative penalty shall be paid in a single payment by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General

4. At all times while Respondent is under the terms of this Order, Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities in Texas where Respondent has privileges, has pending an application for privileges, applies for privileges, or otherwise practices. Within 30 days of being first contacted by the Compliance Division of the Board following entry of this Order, Respondent shall provide to the Compliance Division of the Board documentation, including proof of delivery that the Order was delivered to all such facilities.

5. Respondent shall comply with all the provisions of the Act and other statutes regulating Respondent's practice.

6. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

7. Respondent shall inform the Board in writing of any change of Respondent's office or mailing address within 10 days of the address change. This information shall be submitted to the Registration Department and the Compliance Department of the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that 10 days' notice of a Respondent Show Compliance Proceeding to address any allegation of non-compliance of this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 45-day notice requirement provided by §164.003(b)(2) of the Medical Practice Act and agrees to 10 days notice, as provided in 22 Texas Administrative Code §187.44(4).

8. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

9. Respondent shall be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants.

10. This Order shall automatically terminate upon Respondent's submission of sufficient evidence to the Compliance Division of the Board that Respondent successfully completed the requirements ordered in Ordering Paragraph Nos. 1-4.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

**(SIGNATURE PAGES FOLLOW)**

I, SHAILESH CHHOTALLAL VORA, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 18<sup>th</sup> November, 2019.



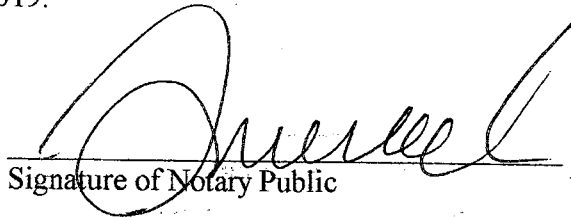
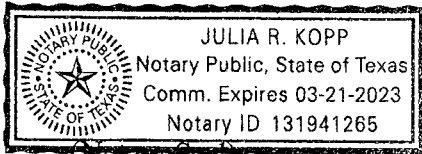
SHAILESH CHHOTALLAL VORA, M.D.  
Respondent

STATE OF TEXAS

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COUNTY OF Tarrant

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 18<sup>th</sup> day of November, 2019.



Signature of Notary Public



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this  
6 day of December, 20 19.



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Sherif Z. Zafraan, M.D., President  
Texas Medical Board