

IN THE MATTER OF
THE LICENSE OF
ASTIK JOSHI, M.D.

BEFORE THE DISCIPLINARY
PANEL OF THE
TEXAS MEDICAL BOARD

ORDER OF TEMPORARY SUSPENSION
(WITHOUT NOTICE OF HEARING)

On September 25, 2024, came to be heard before the Disciplinary Panel (Panel) of the Texas Medical Board (Board), composed of Sherif Zaafran, M.D., Zachary Jones, M.D. and Michael Cokinos, members of the Board duly in session, the matter of the Application for Temporary Suspension (Without Notice of Hearing) of the license of Astik Joshi, M.D. (Respondent). Cassandra Magee represented Board Staff. Based on evidence submitted, the Board through this Panel makes the following Findings of Fact and Conclusions of Law and enters this Order of Temporary Suspension (Without Notice of Hearing):

FINDINGS OF FACT

1. Respondent is Astik Joshi, M.D., Texas Medical License No. S3687.
2. Respondent worked as a physician at Texas Tech University Health Science Center (TTUHSC) from January 1, 2022 to April 9, 2024, in Lubbock, Texas.
3. On October 24, 2022, Texas Tech University Health Science Center (TTUHSC) placed Respondent on a performance improvement plan (PIP) based upon his unsatisfactory attendance at designated clinical duties, which contributed to lapses in clinical supervision of residents and fellows and negativity in the relationship between TTUHSC Department of Psychiatry and other TTUHSC collaborators and community collaborators.
4. Respondent's performance was re-evaluated on December 20, 2022, and again on February 20, 2023. Respondent's attendance to his designated clinical duties had improved; however, with a change in his clinical duties, the PIP was revised to include updated expectations. Respondent's performance would be reviewed every two months.
5. On June 7, 2023, Respondent was reported for not being present in his department by 9 AM on Monday, Wednesday, or Thursday. Respondent reported he felt disorganized in the

mornings contributing to a late start. Respondent further stated that he had not always stayed in his office until 4PM on Friday and had not discussed his early absence with the Chairperson.

6. On February 12, 2024, Respondent was reported to continue having difficulties being responsive to work related requests and attending to daily work responsibilities. Complaints were received that Respondent had been unavailable and unresponsive for clinical programs.

7. In March 2024, Respondent was required to complete a fitness for duty evaluation after reported concerns of impairment. Additionally, Respondent completed a urine drug screen (UDS). Respondent tested positive for amphetamines and benzodiazepines. Respondent failed to provide documentation from his prescribing physician for these substances. The committee recommended immediate suspension.

8. On April 09, 2024, Respondent's suspension was continued. There was concern of impairment due to Respondent's irrational behavior and his disregard for the suspension imposed. The committee recommended continued suspension.

9. Respondent continued to show up for work claiming he was going to supervise the residents or see patients. Staff had to firmly instruct him not to come to work and instructed all members in the clinic and hospital area not to allow him to see patients.

10. On May 1, 2024, Respondent resigned from TTUHSC.

11. On May 9, 2024, Respondent was sent an Interim Drug Testing Agreement (Interim Agreement) by Board staff. This document is an agreement for him to abstain from the use of alcohol and prescription drugs unless prescribed by a treating physician for a medical condition, by enrolling in the Board drug testing program.

12. On May 29, 2024, Respondent signed the Interim Agreement.

13. Respondent was required to begin testing in June, however he has failed to sign up for testing nor engage in any testing and is no longer responding to Board staff.

14. Respondent's continued practice of medicine poses a continuing threat to public welfare.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Panel concludes the following:

1. Section 164.059 of the Act authorizes the temporary suspension or restriction of a person's medical license upon a determination by a Disciplinary Panel that the person would, by the person's continuation in practice, constitute a continuing threat to the public welfare.

2. Based on evidence presented and the Findings of Fact set forth herein, the Disciplinary Panel finds that Respondent violated various sections of the Medical Practice Act, specifically:

- a. Section 164.051(a)(1) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's commission of an act prohibited under Section 164.052 of the Act.
- b. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's commission or attempted commission of a direct or indirect violation of a rule adopted under the Act, either as a principal, accessory, or accomplice.
- c. Section 164.051(a)(4) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's inability to practice medicine with reasonable skill and safety to patients because of illness; drunkenness; excessive use of drugs, narcotics, chemicals, or another substance; or mental or physical condition.
- d. Section 164.051(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to practice medicine in an acceptable professional manner consistent with public health and welfare, as further defined in the following Board Rules: 190.8(1)(C), failure to use proper diligence in one's professional practice.
- e. Section 164.051(a)(7) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent being subject to disciplinary action by a licensed hospital, including limitation of hospital privileges or other disciplinary action, as further defined in the following Board Rules: 190.8(4), disciplinary actions by peer groups.
- f. Section 164.052(a)(4) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's use of alcohol or drugs in an intemperate manner that, in the Board's opinion, could endanger the lives patients.

- g. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent's unprofessional or dishonorable conduct that is likely to deceive, defraud, or injure the public, and further defined by the following Board Rules:
 - i. 190.8(2)(D), failing to cooperate with Board Staff;
 - ii. 190.8(2)(P), behaving in a disruptive manner toward licenses, hospital personnel, other medical personnel, patients, family members of others that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient.
- h. Section 164.053 (a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's prescribing or administering a drug or treatment that is non-therapeutic.

3. Based on the evidence presented and the above Findings of Fact and Conclusions of Law, the Panel determines that Respondent's continuation in the practice of medicine would constitute a continuing threat to the public welfare.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Panel ORDERS that:

1. Respondent's Texas Medical License No. S3687 is hereby TEMPORARILY SUSPENDED.
2. This Order of Temporary Suspension (Without Notice of Hearing) is effective on the date rendered.
3. Notice of this Order of Temporary Suspension (Without Notice of Hearing) shall be given immediately to Respondent.
4. A hearing on the Application for Temporary Suspension (With Notice of Hearing) will hereby be scheduled before a Disciplinary Panel of the Board at a date to be determined as soon as practicable unless such hearing is specifically waived by Respondent.
5. This Order of Temporary Suspension (Without Notice of Hearing) shall remain in effect until such time as a hearing on the Application for Temporary Suspension (With Notice of Hearing) is conducted and a Disciplinary Panel enters an order or until superseded by a subsequent order of the Board.

Signed and entered this 25th day of September 2024.

A handwritten signature in black ink, appearing to read 'S. Zaafran', written in a cursive style.

Sherif Zaafran, M.D., Chair
Disciplinary Panel
Texas Medical Board