BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of **VENU G. MENON, M.D.** Holder of License No. **12360** For the Practice of Allopathic Medicine In the State of Arizona.	**Case No. MD-07-0693A** **INTERIM FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FOR SUMMARY SUSPENSION OF LICENSE**

INTRODUCTION

The above-captioned matter came on for discussion before the Arizona Medical Board ("Board") on August 9, 2007. After reviewing relevant information and deliberating, the Board considered proceedings for a summary action against the license of Venu G. Menon, M.D. ("Respondent"). Having considered the information in the matter and being fully advised, the Board enters the following Interim Findings of Fact, Conclusions of Law and Order for Summary Suspension of License, pending formal hearing or other Board action. A.R.S. § 32-1451(D).

INTERIM FINDINGS OF FACT

1. The Board is the duly constituted authority for licensing and regulating the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 12360 for the practice of allopathic medicine in the State of Arizona.

3. In 1991 several hospitals in Ohio denied Respondent clinical privileges due to concerns regarding quality of care.

4. In 2002 Respondent applied for reinstatement of his Oklahoma medical license, but failed to disclose on his application the denial of his clinical privileges in Ohio. Oklahoma denied Respondent's application for reinstatement.

5. In 2003 the Ohio Medical Board imposed probation for three years based on the Oklahoma Board's action.

6. In 2004 the Iowa Board of Medical Examiners suspended Respondent's license indefinitely for actions taken by the Oklahoma Board.

7. In February 2005 the Arizona Medical Board issued Respondent a Letter of Reprimand based on the actions of the Ohio and Oklahoma Boards.

8. On April 6, 2005 Respondent surrendered his Nebraska medical license in lieu of inquiry. The Nebraska Medical Board was investigating Respondent for unprofessional conduct; failure to report adverse actions against self in accordance with laws/rules of the Board; failure to maintain adequate medical records; and action by hospital/clinic/professional organization and inappropriate prescribing; and failure to conform to minimal standards of acceptable medical practice, including reusing syringes on several patients, failing to chart orders for drug administration by a nurse to a patient and failing to chart all oxygen saturation levels for the patient, prescribing medication to a patient without documenting in the chart the medications prescribed or the purpose for which they were prescribed, failing to label syringes used to administer different medications during any given procedure, failing to remain near patients under anesthesia, admitting to being approximately 20 feet away from patients under anesthesia under his care in the operating room, failing to use needles to withdraw medication from glass ampules, writing multiple prescriptions to himself over a two-year period, and denying having prescribed controlled substances for patients outside the hospital despite pharmacy paperwork proving that such prescriptions had been issued by him. As part of his surrender, Respondent admitted these allegations.

9. On October 18, 2006 the Board opened an investigation after receiving Respondent's 2006 biennial license renewal on which he answered "yes" to a question regarding voluntary surrender of his medical license, revocation of his medical license, and disciplinary action taken against him by another licensing authority.

10. The Ohio Medical Board attempted to revoke Respondent's license for violation of his probation. Respondent appealed the revocation and the Ohio court vacated the decision. Respondent is currently under investigation by the Ohio Board for violations and surrender of his Nebraska license.

11. On May 30, 2007 the Board issued an Interim Order for Respondent to undergo a Physician Assessment and Clinical Evaluation ("PACE") within 60 days from the date of the Order. A.R.S. § 32-1451(C).

12. On June 27, 2007 Respondent contacted Board Staff and stated that the PACE course was not offered until October. Board Staff clarified that Respondent was to present for an evaluation at PACE and not a course and gave Respondent the name of the person to contact at PACE for information regarding the evaluation.

13. On July 6 and 23, 2007 Board Staff contacted PACE to see if Respondent had made arrangements for the evaluation. Board Staff was informed that Respondent had contacted PACE on July 6, but as of the 23rd, he had not filed an application. On July 23, 2007 Board Staff attempted to contact Respondent at his telephone number of record with the Board. Respondent's home number had been disconnected and Board Staff was told he was no longer employed at his Ohio office. Board Staff was able to reach Respondent on a cell phone number he had previously provided. Respondent stated he did not have the $350.00 required to be submitted to PACE with the application and asked for an extension. Respondent told Board Staff he would be sending PACE a check for $350.00 and the application in the next week. Board Staff asked Respondent to explain in writing his delay in attending PACE and to advise the Board of his new address.

14. On July 28, 2007 Board Staff received correspondence from Respondent stating he had difficulty raising the $350.00; that he had not worked in the medical field since 2006; and referred to future employment in Lake Havasu City. The correspondence was written by Respondent and most of it was not legible. Respondent requested an extension of time to comply

with the Board's Order and enclosed a copy of his application to PACE and a copy of a check for $350.00 to PACE. Board Staff called Respondent and left a message asking him to clarify his correspondence because it was not legible and advising him he would not be granted an extension. Respondent did not respond to the message.

15. On July 31 Board Staff verified with PACE that Respondent's application still had not been received. On this same day and on August 1, 2007 Board Staff called Respondent on his cell phone number and left messages regarding his violating the Board's Interim Order and that an investigation had been opened regarding the violation. Board Staff instructed Respondent to call immediately and provide a mailing address. Board Staff also asked Respondent to call to discuss signing an Interim Consent Agreement for Practice Restriction. Respondent did not respond to the messages.

16. On August 3 Board Staff again contacted Respondent and left a message regarding the violation of the Board Order and the possibility of the Board taking summary action against his license. Respondent did not respond. On August 7, 2007 Board Staff again contacted PACE to see if Respondent had made arrangements for the evaluation. PACE informed Board Staff Respondent had not filed an application. On this same date Board Staff called Respondent, however they were unable to contact him or leave a message. The message on the line they called said "the number cannot receive messages at this time."

17. On August 9, 2007 PACE informed the Board it had received Respondent's application and a check for $350.00 PACE.

18. The Board found that although PACE received an application and fee from Respondent yesterday, Respondent remains in violation of the Interim Board Order since the Order required he ***undergo*** the PACE program within 60 days from May 30, 2007.

19. The Board is finds it impossible to regulate Respondent due to his violation of the Interim Order. Further, in light of the serious allegations against him listed above, Respondent's

refusal to comply with the Interim Board Order renders the Board unable to determine whether Respondent is safe to practice.

20. The facts as presented demonstrate that the public health, safety or welfare imperatively requires emergency action.

INTERIM CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent, holder of License No. 12360 for the practice of allopathic medicine in the State of Arizona.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(r)("[v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under this chapter.").

3. The Board on its own motion may investigate any evidence that appears to show a doctor of medicine is or may be medically incompetent. A.R.S. § 32-1451(A).

3. Based on the foregoing Interim Findings of Fact and Conclusions of Law, the public health, safety or welfare imperatively requires emergency action. A.R.S. § 32-1451(D).

ORDER

Based on the foregoing Interim Findings of Fact and Conclusions of Law, set forth above, IT IS HEREBY ORDERED THAT:

1. Respondent's license to practice allopathic medicine in the State of Arizona, License No. 12360, is summarily suspended pending a formal hearing before an Administrative Law Judge from the Office of Administrative Hearings.

2. The Interim Findings of Fact and Conclusions of Law constitute written notice to Respondent of the charges of unprofessional conduct made by the Board against him. Respondent is entitled to a formal hearing to defend these charges as expeditiously as possible after the issuance of this order.

3. The Board's Executive Director is instructed to refer this matter to the Office of Administrative Hearings for scheduling of an administrative hearing to be commenced as expeditiously as possible from the date of the issuance of this order, unless stipulated and agreed otherwise by Respondent.

DATED this 13th day of August 2007

[SEAL]

ARIZONA MEDICAL BOARD

By _____
Timothy C. Miller, J.D.
Executive Director

ORIGINAL of the foregoing filed this 13th day of August 2007, with:

Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

EXECUTED COPY of the foregoing mailed by US Mail this 13th day of August 2007 to:

Venu G. Menon, M.D.
Address of Record

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