

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **SOUMYA L. PANDALAI, M.D.**

4 Holder of License No. 40375
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-22-0306A

**ORDER FOR LETTER OF REPRIMAND
AND PROBATION; AND CONSENT TO
THE SAME**

7 Soumya L. Pandalai, M.D. ("Respondent") elects to permanently waive any right to
8 a hearing and appeal with respect to this Order for Letter of Reprimand and Probation;
9 admits the jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of
10 this Order by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 40375 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-22-0306A after receiving a report from
17 the Hospital where Respondent holds privileges, that Respondent had consumed alcohol
18 while on duty.

19 4. Respondent completed an Assessment with a Board-approved Physician
20 Health Program ("PHP") Assessor, who recommended that Respondent complete inpatient
21 treatment for further diagnostic clarification.

22 5. Effective June 24, 2022, Respondent entered into an Interim Practice
23 Restriction that prohibited her from engaging in the practice of medicine.

24 6. Respondent subsequently completed inpatient treatment at a Board-
25 approved facility ("Facility") and was discharged with staff approval on August 18, 2022.

7. Respondent completed a post-treatment Assessment with the Assessor. Based on Respondent's treatment and prognosis, the Assessor opined that Respondent was safe to practice, provided she enter into a monitoring agreement with the Board, and comply with recommendations for aftercare.

8. On November 8, 2022, Respondent entered into an Interim Consent Agreement for PHP participation that vacated the Interim Practice Restriction.

9. Respondent subsequently entered into treatment with a Board-approved Intensive Outpatient Treatment Program ("IOP") as recommended by the Assessor. During the course of treatment, Respondent reported consuming an alcoholic beverage in December, 2022. Respondent was discharged with staff approval on February 1, 2023.

10. Respondent is in compliance with the terms of her PHP monitoring.

CONCLUSIONS OF LAW

a. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

b. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(f) ("Exhibiting a pattern of using or being under the influence of alcohol or drugs or a similar substance while practicing medicine or to the extent that judgment may be impaired and the practice of medicine detrimentally affected.").

c. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(r) ("Committing any conduct or practice that is or might be harmful or dangerous to the health of the patient or the public.").

d. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(s) ("Violating a formal order, probation, consent

1 agreement or stipulation issued or entered into by the board or its executive director under
2 the provisions of this chapter.”).

3 **ORDER**

4 IT IS HEREBY ORDERED THAT:

5 1. Respondent is issued a Letter of Reprimand.

6 2. Respondent is placed on Probation for a period of five years¹ with the
7 following terms and conditions:

8 3. Respondent shall not consume alcohol or any food or other substance
9 containing poppy seeds or alcohol.

10 4. Respondent shall not take any illegal drugs or mood altering medications
11 unless prescribed for a legitimate therapeutic purpose.

12 5. Respondent shall continue to participate in any personalized aftercare
13 programs or activities as recommended by the Assessor in her post-treatment Assessment
14 Report including, but not limited to individual and group therapy in accordance with the
15 Assessor’s recommendations, and periodic symptom reassessment with a PHP-approved
16 provider. Respondent shall report on those activities as requested by the PHP, including
17 executing any releases necessary to allow the PHP to monitor his participation and
18 communicate directly with and obtain records from the treating providers for those
19 aftercare activities. Respondent shall be responsible for all costs of aftercare, including
20 costs associated with compliance of this Board Order.

21 6. Respondent shall promptly obtain a Primary Care Physician (“PCP”) and
22 shall submit the name of the physician to the PHP Contractor in writing for approval.
23 Except in an Emergency, Respondent shall obtain medical care and treatment only from
24

25 ¹ Respondent’s probation shall be retroactive to November 8, 2022.

1 the PCP and from health care providers to whom the PCP refers Respondent. Respondent
2 shall promptly provide a copy of this Order to the PCP. Respondent shall also inform all
3 other health care providers who provide medical care or treatment that Respondent is
4 participating in the PHP. "Emergency" means a serious accident or sudden illness that, if
5 not treated immediately, may result in a long-term medical problem or loss of life.

6 7. All prescriptions for controlled substances shall be approved by the PHP
7 Contractor prior to being filled except in an Emergency. Controlled substances prescribed
8 and filled in an emergency shall be reported to the PHP within 48 hours. Respondent shall
9 take no Medication unless the PCP or other health care provider to whom the PCP refers
10 Respondent prescribes and the PHP Contractor approves the Medication. Respondent
11 shall not self-prescribe any Medication. "Medication" means a prescription-only drug,
12 controlled substance, and over-the counter preparation, other than plain aspirin, plain
13 ibuprofen, and plain acetaminophen.

14 8. Respondent shall attend a relapse prevention outpatient program for a
15 duration and frequency recommended by the PHP Contractor, unless Respondent is
16 excused by the relapse program facilitator for good cause. The relapse prevention group
17 facilitators shall submit monthly reports to the PHP regarding Respondent's attendance
18 and progress.

19 9. Respondent shall continue treatment with a PHP Contractor approved
20 addiction psychiatrist or addiction medicine specialist as recommended by the Assessor in
21 her post-treatment Assessment Report and shall comply with any and all treatment
22 recommendations, including taking any and all prescribed medications. Respondent shall
23 instruct the treating psychotherapist to submit quarterly written reports to the PHP
24 regarding diagnosis, prognosis, current medications, recommendation for continuing care
25 and treatment, and ability to safely practice medicine. The reports shall be submitted

1 quarterly to the PHP, the commencement of which to be determined by the PHP
2 Contractor. Respondent shall provide the psychotherapist with a copy of this Order.
3 Respondent shall pay the expenses for treatment and be responsible for paying for the
4 preparation of the quarterly reports. At the expiration of one year or anytime thereafter,
5 Respondent may submit a written request to the PHP Contractor requesting termination of
6 the requirement that Respondent remain in treatment with a psychotherapist. The decision
7 to terminate will be based in part upon the treating psychotherapist's recommendation for
8 continued care and treatment.

9 10. If requested by the PHP and not already completed, Respondent shall attend
10 ninety 12-step meetings or other self-help group meetings appropriate for substance
11 abuse and approved by the PHP, for a period of ninety days. Upon completion of the
12 ninety meetings in ninety days, Respondent shall participate in a 12-step recovery
13 program or other self-help program appropriate for substance abuse as recommended by
14 the PHP. Respondent shall attend a minimum of three 12-step or other self-help program
15 meetings per week. Two meetings per month must be Caduceus meetings. Respondent
16 must maintain a log of all self-help meetings.

17 11. Respondent shall submit to random biological fluid, hair and/or nail testing for
18 the remainder of this Order (as specifically directed below) to ensure compliance with the
19 PHP.

20 12. Respondent shall provide the PHP Contractor in writing with one telephone
21 number that shall be used to contact Respondent on a 24 hour per day/seven day per
22 week basis to submit to biological fluid, hair, and/or nail testing to ensure compliance with
23 the PHP. For the purposes of this section, telephonic notice shall be deemed given at the
24 time a message to appear is left at the contact telephone number provided by
25 Respondent. Respondent authorizes any person or organization conducting tests on the

1 collected samples to provide testing results to the PHP Contractor. Respondent shall
2 comply with all requirements for biological fluid, hair, and/or nail collection. Respondent
3 shall pay for all costs for the testing.

4 13. Respondent shall provide the PHP Contractor with written notice of any plans
5 to travel out of state.

6 14. Respondent shall successfully complete a PHP approved 36 hour
7 alcohol/drug awareness education class.

8 15. Respondent shall immediately notify the Board and the PHP Contractor in
9 writing of any change in office or home addresses and telephone numbers.

10 16. Respondent provides full consent for the PHP Contractor to discuss the
11 Respondent's case with the Respondent's PCP or any other health care providers to
12 ensure compliance with the PHP.

13 17. The relationship between the Respondent and the PHP Contractor is a direct
14 relationship. Respondent shall not use an attorney or other intermediary to communicate
15 with the PHP Contractor on participation and compliance issues. All inquiries must be
16 directed to Board staff.

17 18. Respondent shall be responsible for all costs, including costs associated with
18 participating in the PHP, at the time service is rendered or within 30 days of each invoice
19 sent to the Respondent. An initial deposit of two (2) months PHP fees is due upon
20 entering the program. Failure to pay either the initial PHP deposit or monthly fees 60 days
21 after invoicing will be reported to the Board by the PHP Contractor and may result in
22 disciplinary action.

23 19. Respondent shall appear in person before with the PHP Contractor for
24 interviews upon request, upon reasonable notice.

1 20. Respondent shall immediately provide a copy of this Order to all employers,
2 hospitals and free standing surgery centers where Respondent currently has or in the
3 future gains or applies for employment or privileges. Within 30 days of the date of this
4 Order, Respondent shall provide the PHP with a signed statement of compliance with this
5 notification requirement. Respondent is further required to notify, in writing, all employers,
6 hospitals and free standing surgery centers where Respondent currently has or in the
7 future gains or applies for employment or privileges of a violation of this Order.

8 21. In the event Respondent resides or practices as a physician in a state other
9 than Arizona, Respondent shall participate in the rehabilitation program sponsored by that
10 state's medical licensing authority or medical society. Respondent shall cause the
11 monitoring state's program to provide written quarterly reports to the PHP Contractor
12 regarding Respondent's attendance, participation, and monitoring. The monitoring state's
13 program and Respondent shall immediately notify the PHP Contractor if Respondent is
14 non-compliant with any aspect of the monitoring requirements or is required to undergo
15 any additional treatment.

16 22. The PHP Contractor shall immediately notify the Board if Respondent is non-
17 compliant with any aspect of this Order or is required to undergo any additional treatment.

18 23. In the event of a chemical dependency relapse by Respondent or
19 Respondent's use of controlled substances or alcohol in violation of this Order,
20 Respondent shall promptly enter into an Interim Consent Agreement for Practice
21 Restriction that requires, among other things, that Respondent not practice medicine until
22 such time as Respondent successfully completes long-term inpatient treatment designated
23 by the PHP Contractor and obtains affirmative approval from the Executive Director, in
24 consultation with the Lead Board Member and Chief Medical Consultant, to return to the
25 practice of medicine. Prior to approving Respondent's request to return to the practice of

1 medicine, Respondent may be required to undergo any combination of physical
2 examinations, psychiatric or psychological evaluations. In no respect shall the terms of this
3 paragraph restrict the Board's authority to initiate and taken disciplinary action for any
4 violation of this Order.

5 24. Respondent shall obey all state, federal and local laws, all rules governing
6 the practice of medicine in Arizona, and remain in full compliance with any court ordered
7 criminal probation, payments and other orders.

8 25. Prior to the termination of Probation, Respondent must submit a written
9 request to the Board for release from the terms of this Order. Respondent's request for
10 release will be placed on the next pending Board agenda, provided a complete submission
11 is received by Board staff no less than 30 days prior to the Board meeting. Respondent's
12 request for release must provide the Board with evidence establishing that he/she has
13 successfully satisfied all of the terms and conditions of this Order. The Board has the sole
14 discretion to determine whether all of the terms and conditions of this Order have been
15 met or whether to take any other action that is consistent with its statutory and regulatory
16 authority.

17 26. This Order supersedes any and all Consent Agreements previously entered
18 into by Respondent and the Board regarding this matter.

19 27. The Board retains jurisdiction and may initiate new action against
20 Respondent based upon any violation of this Order. A.R.S. § 32-1401(27)(s).

21 DATED AND EFFECTIVE this 7th day of February, 2024.

22 ARIZONA MEDICAL BOARD

23
24 By Pat E McSorley
25 Patricia E. McSorley
Executive Director

CONSENT TO ENTRY OF ORDER

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent acknowledges she has the right to consult with legal counsel regarding this matter.

2. Respondent acknowledges and agrees that this Order is entered into freely and voluntarily and that no promise was made or coercion used to induce such entry.

3. By consenting to this Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.

4. The Order is not effective until approved by the Board and signed by its Executive Director.

5. All admissions made by Respondent in this Order are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

6. Notwithstanding any language in this Order, this Order does not preclude in any way any other State agency or officer or political subdivision of this state from instituting proceedings, investigating claims, or taking legal action as may be appropriate now or in the future relating to this matter or other matters concerning Respondent, including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other than with respect to the Board, this Order makes no representations, implied or otherwise, about the views or intended actions of any other

1 state agency or officer or political subdivisions of the State relating to this matter or other
2 matters concerning Respondent.

3 7. Upon signing this agreement, and returning this document (or a copy thereof)
4 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
5 the Order. Respondent may not make any modifications to the document. Any
6 modifications to this original document are ineffective and void unless mutually approved
7 by the parties.

8 8. This Order is a public record that will be publicly disseminated as a formal
9 disciplinary action of the Board and will be reported to the National Practitioner's Data
10 Bank and on the Board's web site as a disciplinary action.

11 9. If any part of the Order is later declared void or otherwise unenforceable, the
12 remainder of the Order in its entirety shall remain in force and effect.

13 10. If the Board does not adopt this Order, Respondent will not assert as a
14 defense that the Board's consideration of the Order constitutes bias, prejudice,
15 prejudgment or other similar defense.

16 11. Any violation of this Order constitutes unprofessional conduct and may result
17 in disciplinary action. A.R.S. § 32-1401(27)(s) ("violating a formal order, probation,
18 consent agreement or stipulation issued or entered into by the board or its executive
19 director under this chapter.") and 32-1451.

20 12. Respondent acknowledges that, pursuant to A.R.S. § 32-2501(16),
21 Respondent cannot act as a supervising physician for a physician assistant while
22 Respondent's license is on probation.

23 13. Respondent has read and understands the conditions of Probation.
24

25  / Soumya Pandalai M.D.
SOUMYA PANDALAI, M.D.

DATED: Jan 18, 2024

EXECUTED COPY of the foregoing mailed
this 7th day of February, 2024 to:

Soumya Pandalai, M.D.
Address of Record

Sara Stark, Esq.
Chelle Law
5425 East Bell Road, Suite 107
Scottsdale, Arizona 85254
Attorney for Respondent

Physician Health Program
Address on File

ORIGINAL of the foregoing filed
this 7th day of February, 2024 with:

Arizona Medical Board
1740 West Adams, Suite 4000
Phoenix, Arizona 85007

Michelle Rodas
Board staff