COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS Board of Registration in Medicine

 Adjudicatory No. 2020-2020

(RM-20-258)

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 ) Final Decision and Order

In the Matter of ) )

Keshaudas Pahuja, M.D. )

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Procedural History

This matter came before the Board of Medicine (Board) for final disposition on the basis of the Administrative Magistrate’s (Magistrate’s) January 19, 2023 Recommended Decision and the Board’s June 15, 2023 Partial Final Decision as to Findings of Fact and Conclusions of Law Only (Partial Final Decision), which is attached hereto and incorporated by reference. After considering the Partial Final Decision, hearing from the Parties, and considering the Parties’ Memoranda on Disposition and Victim Impact Statements (VIS), the Board amends the Partial Final Decision by adding the following:

Sanction

The record demonstrates that the Respondent was negligent in the care he rendered to three patients, Patients A, E, and F, was grossly negligent in the care rendered to Patient F, committed malpractice with respect to patient F, and maintained a substandard medical record for a fourth patient, Patient D.[[1]](#footnote-2)

Upon consideration of the entirety of the record before the Board, it is appropriate for the Board to sanction the Respondent in order to fulfill the Board’s obligation to protect the public health, safety and welfare. See *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979). After a hearing, the Board may “revoke, suspend, or cancel the certificate of registration or reprimand, censure, impose a fine…require a course of education or training or otherwise” discipline a physician. See G.L. c. 112, § 5, paragraph 9(c).

When determining the appropriate sanction in a substandard care case, the Board takes into consideration the degree of deviation from the standard of care, the number of acts of negligence involved, the impact of the physician’s conduct, and mitigating circumstances. *In the Matter of John C. Clapp, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2013-004 (Final Decision and Order, April 16, 2015). Often, when the care involves multiple patients, the sanction is either revocation or an indefinite suspension with probationary conditions.

In some cases of repeated negligence, the Board has imposed an indefinite suspension followed by a skills assessment and/or clinical monitoring.[[2]](#footnote-3)

In cases involving substantial deviations in medical care and treatment, the Board frequently has prohibited the offending physician from continuing to practice medicine, often determining that license revocation is the appropriate sanction.”[[3]](#footnote-4) See *In the Matter of Suzanne Rothchild, MD.,* Board of Registration in Medicine, Adjudicatory Case Nos. 2006-021 and 2008-002 (Final Decision & Order, July 16, 2013) (license revoked for substandard care provided to seven patients).

The Board determines that the pending case resembles the *Rothchild* matter. In both, the physician was negligent in care rendered to several patients. In both, one case involved gross negligence and a determination that the physician had committed malpractice.

The Board determines that indefinite suspension with a required skills assessment and monitoring would not adequately ensure patient safety. The Board finds troubling not only the Respondent’s surgical care but his poor judgment with regard to promptly addressing the errors. With regard to Patient F, the Respondent did not correct his error at the time of surgery and failed to promptly disclose the error to Patient F, even after Patient sought treatment for related complications two days following the surgery. With regard to Patient E, the Respondent continued to operate for four hours on the patient despite encountering coagulopathic bleeding. The Board finds the Respondent’s failure to correct dictation errors with regard to Patient D’s operative note similarly troubling. This conduct evinces reluctance or indifference towards remediating one’s errors which would undermine the effectiveness of a skills assessment and monitoring to address deficiencies in medical practice.

The Board determines that the Respondent’s negligence with respect to three patients, gross negligence with respect to one of the patients, combined with his subsequent errors in judgment and his failure to promptly notify his patients of the errors, warrants the revocation of the Respondents license.

Accordingly, the Board terminates the summary suspension and hereby REVOKES the Respondent’s inchoate to renew his license to practice medicine.

 The Respondent shall provide a complete copy of this Final Decision and Order, with all exhibits and attachments, within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which she practices medicine; any in- or out-of-state health maintenance organization with whom she has privileges or any other kind of association; any state agency, in- or out-of-state, with which she has a provider contract; any in- or out-of-state medical employer, whether or not she practices medicine there; the state licensing boards of all states in which she has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. The Respondent shall also provide this notification to any such designated entities with which she becomes affiliated for the duration of the revocation. The Respondent is further directed to certify to the Board within ten (10) days that she has complied with this directive. The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action taken.

 The Respondent has the right to appeal this Final Decision and Order within thirty (30) days, pursuant to G.L. c. 30A, §14.

Dated: July 13, 2023 Signed by Julian N. Robinson, M.D.

 Julian N. Robinson, M.D.

 Board Chair

1. The specific findings with respect to the care and record are set forth in the Partial Final Decision. [↑](#footnote-ref-2)
2. See *In the Matter of Hooshang D. Poor, M.D.,* Adjudicatory Case No. 2018-063 (Consent Order, December 20, 2018) (Physician’s license indefinitely suspended but stayed upon entry into a probation agreement that included the condition of a practice audit. The physician provided substandard care in the form of substandard documentation to four patients as well as other types of substandard care to two of the same four patients); *In the Matter of Surender Singh, M.D.,* Board of Registration in Medicine, Adjudicatory Case No. 2010-010 (Consent Order, April 14, 2010(the Board indefinitely suspended the license of physician who improperly prescribed narcotics to one patient and who failed to competently treat three other patients; suspension stayed upon physician entering a Probation Agreement that included his undergoing a skills assessment); [↑](#footnote-ref-3)
3. See e.g., *In the Matter of Jerome Listernick, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 03-37-DALA (Final Decision &Order, May 16, 2007)(Board imposed license revocation based on pattern of substandard care involving nine patients); *In the Matter of Viorel Boborodea, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 04-61-DALA (Final Decision &Order, March 15, 2006)(Board imposed license revocation as the sanction based on the pattern of substandard care involving five patients.” [↑](#footnote-ref-4)