

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **KARNAIL S. DHILLON, M.D.**

4 Holder of License No. 27921
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-16-1106A

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

7 **INTERIM CONSENT AGREEMENT**

8 Karnail S. Dhillon, M.D. ("Respondent") elects to permanently waive any right to a
9 hearing and appeal with respect to this Interim Consent Agreement for Practice Restriction
10 and consents to the entry of this Order by the Arizona Medical Board ("Board").

11 **INTERIM 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 No. 27921 for the practice of allopathic
15 medicine in the State of Arizona.

16 3. The Board initiated case number MD-16-1106A after receiving a complaint
17 regarding Respondent's care and treatment of a 31 year-old male patient ("JH") alleging
18 inappropriate prescribing of Suboxone in combination with alprazolam.

19 4. A Medical Consultant ("MC") who reviewed Respondent's care of JH and five
20 other patients (TB, BP, ML, JJ, and KW) noted deviations from the standard of care for
21 each patient reviewed. The MC stated that of five patents reviewed who were being
22 treated for opioid dependence with Suboxone (JH, TB, BP, ML and JJ), Respondent
23 deviated from the standard of care by failing to conduct random urine drug screens and by
24 failing to review the Controlled Substance Prescription Monitoring Program ("CSPMP")
25 database. For patient JJ, the MC found that Respondent deviated from the standard of

1 care by failing to respond to patterns of early refills and multiple reports from pharmacies
2 that JJ was filling prescriptions from multiple doctors at different pharmacies, and by
3 prescribing excessive dosages of Adderall to JJ.

4 5. The MC found that for patient KW, who Respondent was treating for
5 Attention Deficit Disorder, mood disorder NOS and alcohol abuse, Respondent deviated
6 from the standard of care by failing to respond to regular early refill requests for prescribed
7 medications.

8 6. Actual harm was identified in that patient JJ appeared to be actively abusing
9 prescribed medications, which was not addressed by Respondent. Patient KW received
10 inappropriate amounts of medication in the form of early renewals. The MC noted that all
11 patients were at risk for abuse and overdose as a result of Respondent's lack of consistent
12 and meaningful drug screening protocol.

13 7. The aforementioned information was presented to the investigative staff, the
14 medical consultant and the lead Board member. All reviewed the information and concur
15 that the interim consent agreement to restrict Respondent's controlled substance
16 prescribing pending the outcome of a formal interview or formal hearing is appropriate.

17 8. The investigation into this matter is pending Board review.

18 **INTERIM CONCLUSIONS OF LAW**

19 1. The Board possesses jurisdiction over the subject matter hereof and over
20 Respondent.

21 2. Pursuant to A.R.S. § 32-1405(C)(25) the Executive Director has authority to
22 enter into a consent agreement when there is evidence of danger to the public health and
23 safety.

24 3. Pursuant to A.A.C. R4-16-504, the Executive Director may enter into an
25 interim consent agreement when there is evidence that a restriction is needed to mitigate

1 imminent danger to the public's health and safety. Investigative staff, the Board's medical
2 consultant and the lead Board member have reviewed the case and concur that an interim
3 consent agreement is appropriate.

4 **INTERIM ORDER**

5 IT IS HEREBY ORDERED THAT:

6 1. Respondent is prohibited from prescribing controlled substances in the State
7 of Arizona pending the outcome of a formal interview or formal hearing in this matter.

8 2. Respondent may request, in writing, release and/or modification of this
9 Interim Consent Agreement. The Executive Director, in consultation with and agreement of
10 the lead Board member and the Chief Medical Consultant, has the discretion to determine
11 whether it is appropriate to release Respondent from this Interim Consent Agreement.

12 3. The Board retains jurisdiction and may initiate new action based upon any
13 violation of this Interim Consent Agreement, including, but not limited to, summarily
14 suspending Respondent's license.

15 4. Because this is an Interim Consent Agreement and not a final decision by
16 the Board regarding the investigation, it is subject to further consideration by the Board.

17 5. This Interim Consent Agreement shall be effective on the date signed by the
18 Board's Executive Director.

19 **RECITALS**

20 Respondent understands and agrees that:

21 1. The Board, through its Executive Director, may adopt this Interim Consent
22 Agreement, or any part thereof, pursuant to A.R.S. § 32-1405(C)(25) and A.A.C. R4-16-
23 504.

24 2. Respondent has read and understands this Interim Consent Agreement as
25 set forth herein, and has had the opportunity to discuss this Interim Consent Agreement

1 with an attorney or has waived the opportunity to discuss this Interim Consent Agreement
2 with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and
3 by doing so agrees to abide by all of its terms and conditions.

4 3. By entering into this Interim Consent Agreement, Respondent freely and
5 voluntarily relinquishes all rights to an administrative hearing on the matters set forth
6 herein, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or
7 any other administrative and/or judicial action, concerning the matters related to the
8 Interim Consent Agreement.

9 4. Respondent understands that this Interim Consent Agreement does not
10 constitute a dismissal or resolution of this matter or any matters that may be currently
11 pending before the Board and does not constitute any waiver, express or implied, of the
12 Board's statutory authority or jurisdiction regarding this or any other pending or future
13 investigations, actions, or proceedings. Respondent also understands that acceptance of
14 this Interim Consent Agreement does not preclude any other agency, subdivision, or
15 officer of this State from instituting civil or criminal proceedings with respect to the conduct
16 that is the subject of this Interim Consent Agreement. Respondent further does not
17 relinquish his rights to an administrative hearing, rehearing, review, reconsideration,
18 judicial review or any other administrative and/or judicial action, concerning the matters
19 related to a final disposition of this matter, unless he/she affirmatively does so as part of
20 the final resolution of this matter.

22 5. Respondent acknowledges and agrees that upon signing this Interim
23 Consent Agreement and returning it to the Board's Executive Director, Respondent may
24 not revoke his acceptance of this Interim Consent Agreement or make any modifications to
25

1 it. Any modification of this original document is ineffective and void unless mutually
2 approved by the parties in writing.

3 6. Respondent understands that this Interim Consent Agreement shall not
4 become effective unless and until it is signed by the Board's Executive Director.

5 7. Respondent understands and agrees that if the Board's Executive Director
6 does not adopt this Interim Consent Agreement, he will not assert in any future
7 proceedings that the Board's consideration of this Interim Consent Agreement constitutes
8 bias, prejudice, prejudgment, or other similar defense.

9 8. Respondent understands that this Interim Consent Agreement is a public
10 record that may be publicly disseminated as a formal action of the Board, and that it shall
11 be reported as required by law to the National Practitioner Data Bank.

12 9. Respondent understands that this Interim Consent Agreement does not
13 alleviate his/her responsibility to comply with the applicable license-renewal statutes and
14 rules. If this Interim Consent Agreement remains in effect at the time Respondent's
15 allopathic medical license comes up for renewal, he/she must renew his license if
16 Respondent wishes to retain his license. If Respondent elects not to renew his license as
17 prescribed by statute and rule, Respondent's license will not expire but rather, by
18 operation of law (A.R.S. § 32-3202), become suspended until the Board takes final action
19 in this matter. Once the Board takes final action, in order for Respondent to be licensed in
20 the future, he must submit a new application for licensure and meet all of the requirements
21 set forth in the statutes and rules at that time.

22 10. Respondent understands that any violation of this Interim Consent
23 Agreement constitutes unprofessional conduct under A.R.S. § 32-1401(27)(r) ("[v]iolating a
24
25

1 formal order, probation, consent agreement or stipulation issued or entered into by the
2 board or its executive director under this chapter.").

3 
4 KARNAIL S. DHILLON, M.D.

DATED: 3/15/18

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6 DATED this 15th day of March, 2018.

7 ARIZONA MEDICAL BOARD

8 By 
9 Patricia E. McSorley
10 Executive Director

11 EXECUTED COPY of the foregoing e-mailed
12 this ~~12th~~^{15th} day of March, 2018 to:

13 J. Arthur Eaves
14 Sanders & Parks
15 3030 N 3rd St, Suite 1300
16 Phoenix, Arizona 85012-3099
17 Attorney for Respondent

18 ORIGINAL of the foregoing filed
19 this 15th day of March, 2018 with:

20 Arizona Medical Board
21 1740 West Adams, Suite 4000
22 Phoenix, Arizona 85007

23 
24 Board staff
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