

IN THE MATTER OF
THE LICENSE OF
JASBIR S. AHLUWALIA, M.D.

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BEFORE THE
TEXAS STATE BOARD
OF MEDICAL EXAMINERS

AGREED ORDER

On this the 22nd day of June, 1996, came on to be heard before the Texas State Board of Medical Examiners ("the Board" or "the Texas Board"), duly in session the matter of the license of Jasbir S. Ahluwalia, M.D. ("Respondent"). On December 20, 1995, Respondent appeared in person with counsel, Dan Bishop, at an Informal Settlement Conference/Show Compliance Proceeding in response to a letter of invitation from the staff of the Board.

The Board was represented at the Informal Settlement Conference/Show Compliance Proceeding by Suzanne Low, D.O. and Ratna Solomon, M.D., members of the Board. Upon recommendation of the Board's representatives, and with the consent of Respondent, the Board makes the following findings of fact and conclusions of law and enters this Order as set forth herein:

FINDINGS OF FACT

1. Respondent, Jasbir S. Ahluwalia, M.D., holds Texas Medical license F-3018.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received all notice which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied.
3. Respondent is certified by the Royal College of Obstetrics and Gynecology, and is primarily engaged in the practice of obstetrics/gynecology, but is not certified by the American Board of Medical Specialities.
4. During 1993, Respondent failed to adequately document the medical indications for the performance of two Cesarean Sections ("C-Sections").
5. In May 1994, Harris Methodist Erath County Hospital found that Respondent failed to adequately medically manage various high risk pregnancies and revoked Respondent's hospital privileges based on the Quality Review Committee's recommendation.

6. Respondent has cooperated with Board staff in the investigation of the allegations related to this Agreed Order.

7. Respondent's cooperation, through consent to this Agreed Order, will save money and resources for the State of Texas.

8. Respondent has entered into this Agreed Order pursuant to the provisions of Sections 4.02(h) and (i) of the Medical Practice Act ("the Act"), V.A.C.S., article 4495b.

9. While not admitting that he has violated the Medical Practice Act ("the Act"), V.A.C.S., article 4495b, Respondent has chosen to avoid the expense and difficulties associated with litigation by entering into this Agreed Order, and agreeing to comply with the terms and conditions set forth herein.

CONCLUSIONS OF LAW

Based on the above findings of fact, the Board concludes the following:

1. Respondent has violated Section 3.08(19) of the Medical Practice Act ("the Act"), V.A.C.S., article 4495b, which authorizes the Board to take disciplinary action against Respondent based on Respondent's being removed, suspended, or having disciplinary action taken by his peers in any professional medical association or society, whether the association or society is local, regional, state, or national in scope, or being disciplined by a licensed hospital or medical staff of a hospital, including removal, suspension, limitation of hospital privileges, or other disciplinary action, if that action in the opinion of the Board was based on unprofessional conduct or professional incompetence that was likely to harm the public, and the Board finds that the actions were appropriate and reasonably supported by evidence submitted to it.

2. Section 4.02(i) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Civil Evidence for purposes of civil litigation.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that Respondent's Texas medical license is hereby **RESTRICTED** under the following terms and conditions for one year from the date of signing of this Agreed Order by the presiding officer of the Board:

1. Respondent shall obtain at least fifty (50) hours per year of Continuing Medical Education (CME) approved by Category I credits by the American Medical Association or by the American Osteopathic Association. The required hours shall be at least fifty (50) hours in high risk obstetrics, including but not limited to obstetrical pain management, pregnancy induced hypertension, and diagnosis/treatment and indications for C-Section delivery. Each year Respondent shall submit to the Board proof of the prior year's CME attendance by the Order's anniversary date. Respondent shall submit proof to the Board of CME hours attended in the current year even though

such may not meet the 50 hour requirement. A copy of the attendance certificate issued or a detailed report which can be readily verified by the Board shall satisfy this requirement.

2. Respondent shall attend, at least once a month, grand rounds at a teaching hospital approved in advance by the Executive Director of the Board and shall submit at least quarterly to the Board appropriate documentation of such attendance.

3. Respondent shall subscribe to the American College of Obstetrics and Gynecology Journal and familiarize himself with the contents of same.

4. Respondent shall maintain adequate medical records on all patient office visits, consultations, surgeries performed, drugs provided, and treatment rendered by Respondent. These records will include a minimum, the patient's name and address, vital signs and statistics, chief complaints, history and physical findings, diagnosis and basis for diagnosis, treatment plan for each patient visit or operative procedure, a notation of all medications prescribed or otherwise provided to the patient including the quantity, dosage, and rationale for providing the medications, and detailed records of all follow-up visits. Each visit shall be noted in the patient record and dated accordingly. Respondent shall make all patient medical records available for inspection and copying upon the oral or written request of Board consultants, investigators, compliance officers, attorneys, or the Executive Director of the Board.


5. The training of course requirements set forth in paragraphs 1 and 2, above, shall be in addition to all other educational requirements provided for in this Agreed Order.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

I, JASBIR S. AHLUWALIA, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: June 7, 1996.



JASBIR S. AHLUWALIA, M.D.
RESPONDENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Jasbir S. Ahluwalia, M.D., known to me to be the person whose name is subscribed to this instrument, an Agreed Order, and who after being by me duly sworn, on oath, stated that he executed the same for all purposes expressed therein.

Given under my hand and official seal and office this 7th day of June, 1996.



Theresa Ann Alba

Signature of Notary Public

THERESA ANN ALBA

Printed or typed name of Notary Public

My commission expires: 8-16-99

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 22nd day of June, 1996.

William H. Fleming III

William H. Fleming, III, M.D.

President, Texas State Board of Medical Examiners