

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

CASE NO. 23-CRF-0088

SAPAN S. DESAI, M.D.

*

ENTRY OF ORDER

On August 23, 2023, Sapan S. Desai, M.D., executed a Surrender of his license to practice medicine and surgery in Ohio with consent to permanent revocation, which document is attached hereto and fully incorporated herein.

Wherefore, upon ratification by the Board of the surrender, it is hereby ORDERED that Certificate No. 35.140628 authorizing Sapan S. Desai, M.D., to practice medicine and surgery in the State of Ohio be permanently REVOKED.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 13th day of September 2023, and the original thereof shall be kept with said Journal.



Kim G. Rothermel, M.D.

Secretary

(SEAL)

September 13, 2023

Date

**STATE OF OHIO
THE STATE MEDICAL BOARD
PERMANENT SURRENDER OF CERTIFICATE
TO PRACTICE MEDICINE AND SURGERY
CASE NO. 23-CRF-0088**

Do not sign this agreement without reading it. An individual who permanently surrenders a certificate issued by the Board is forever thereafter ineligible to hold a certificate to practice or to apply to the Board for reinstatement of the certificate or issuance of any new certificate. You are permitted to be accompanied, represented and advised by an attorney, at your own expense, before deciding to sign this voluntary agreement.

I, Sapan S. Desai, M.D., am aware of my rights to representation by counsel, the right of being formally charged and having a formal adjudicative hearing, and do hereby freely execute this document and choose to take the actions described herein. I acknowledge and agree that I am entering into this agreement of my own free will and volition and have not been coerced to do so, nor am I under duress at the time of executing this agreement. I further acknowledge that I had an opportunity to ask questions concerning the terms of this agreement and that all questions asked have been answered in a satisfactory manner. I aver that I fully understand all of the terms and provisions of this voluntary agreement. I further agree that no representations have been made by the Board, its members, employees, agents, officers and representatives regarding any of the legal ramifications of this agreement, including but not limited to the effect this agreement may have on my current or future employment, my specialty board certifications, or any licenses, past, present or future, to practice in other states or jurisdictions.

I, Sapan S. Desai, M.D., do hereby voluntarily, knowingly, and intelligently surrender my certificate to practice medicine and surgery, License #35.140628, to the State Medical Board of Ohio [Board], thereby relinquishing all rights to practice medicine and surgery in Ohio. Said license expired due to non-renewal on September 25, 2022.

I understand that as a result of the surrender herein I will no longer be permitted to practice medicine and surgery in any form or manner in the State of Ohio.

I agree that I shall be ineligible for, and shall not apply for, reinstatement or restoration of certificate to practice medicine and surgery License #35.140628 or issuance of any other certificate pursuant to the authority of the State Medical Board of Ohio, on or after the date of signing this Permanent Surrender of Certificate to Practice Medicine and Surgery. Any such attempted reapplication shall be considered null and void and shall not be processed by the Board.

I hereby authorize the State Medical Board of Ohio to enter upon its Journal an Order permanently revoking my certificate to practice medicine and surgery, License #35.140628, in conjunction with which I expressly waive the provision of Section 4731.22(B), Ohio Revised Code, requiring that six (6) Board Members vote to revoke said certificate, and further expressly and forever waive all rights as set forth in Chapter 119., Ohio Revised Code, including but not limited to my right to counsel, right to a hearing, right to present evidence, right to cross-examine witnesses, and right to appeal the Order of the Board revoking my certificate to practice medicine and surgery.

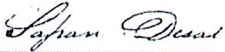
I, Sapan S. Desai, M.D., hereby release the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This document shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. I, Sapan S. Desai, M.D., acknowledge that my social security number will be used if this information is so reported and agree to provide my social security number to the Board for such purposes.

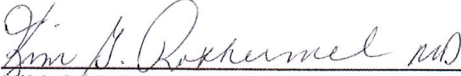
I stipulate and agree that I am taking the action described herein in lieu of further formal disciplinary proceedings in Case No. 23-CRF-0088, pursuant to Section 4731.22(B)(34) Ohio Revised Code, as set forth in the Notice of Opportunity for Hearing issued by the Board on May 10, 2021, a copy of which is attached hereto as Exhibit A and fully incorporated herein. I admit to the factual allegations therein that I failed to cooperate with a Board investigation, based upon my desire to no longer maintain an Ohio license.

EFFECTIVE DATE

It is expressly understood that this Permanent Surrender of Certificate is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below. Further, I specifically acknowledge that the electronic transmission of a scanned or photostatic copy of any executed signature to this Permanent Surrender of Certificate, upon being received by the Board, shall be deemed to have the full legal force and effect as the original.



SAPAN S. DESAI, M.D.



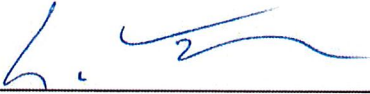
KIM G. ROTHERMEL, M.D.
Secretary

August 23, 2023


DATE

9/13/23

DATE



LEVI J. TKACH
Attorney for Dr. Desai



HARISH KAKARALA, M.D.
Supervising Member

8/25/23

DATE

9/13/23

DATE

Brandon W. Puckett

BRANDON W. PUCKETT
Assistant Attorney General

9-7-23

DATE



May 10, 2023

Case number: 23-CRF- 0088

Sapan S. Desai, M.D.
31 Polo Drive
South Barrington, IL 60010-7110

Dear Doctor Desai:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke or suspend your license or certificate, or refuse to grant or register or issue the license or certificate for which you have a pending application in accordance with Section 9.79 of the Ohio Revised Code, or refuse to renew or reinstate your license or certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) Beginning on or about December 7, 2020, and continuing for a period of a few days, a Board investigator contacted you to arrange a time to interview you. You failed to respond to the investigator's contacts. On or about December 11, 2020, the Board received correspondence from an attorney, advising that he represented you. Despite continued attempts by the Board investigator to schedule an interview, on or about January 7, 2021, through your attorney, you declined to meet with the Board investigator.
- (2) Since in or around November 2022, the Board has attempted on several occasions to depose you.
 - (a) On or about November 14, 2022, the Board sent a subpoena by certified mail, return receipt requested, to you at your address of record. The subpoena notified you of a deposition scheduled for December 1, 2022, at 10:00 a.m. [December 2022 subpoena] A copy of the December 2022 subpoena also was sent to your counsel of record. The December 2022 subpoena sent to your address of record was returned with a notation of a different address [new address]. In or around late November 2022, your attorney requested that the deposition be rescheduled to allow you to retain Ohio counsel. The Board agreed to continue the deposition.
 - (b) In or around early December 2022, your new attorney entered an appearance. Board staff requested that he submit dates in order to reschedule the deposition. Despite contacts from Board staff, counsel failed to respond with proposed dates. On or about January 12, 2023, the Board issued a subpoena scheduling the deposition to February 28, 2023, at 10:00 a.m. [February 2023 subpoena] The

Mailed 5/11/23

February 2023 subpoena was sent by certified mail, return receipt requested, to your address of record, with a copy sent by regular mail, postage prepaid, to your new address and to your attorney. On or about January 31, 2023, the February 2023 subpoena sent by certified mail to your address of record was returned to the Board. The copies of the subpoena sent by regular mail were not returned.

- (c) On or about February 21, 2023, the Board received notice that you had retained new counsel, who wanted the February 28, 2023, deposition to be rescheduled to a later date. Initially, Board staff refused to continue the deposition; on request and submission of proposed dates, the Board agreed to reschedule the deposition to March 20, 2023, at 2:00 p.m. On or about March 8, 2023, the Board issued a subpoena scheduling the deposition to March 20, 2023, at 2:00 p.m. [March 2023 subpoena] The March 2023 subpoena was sent by certified mail to your address of record, with a copy sent by regular mail, postage prepaid, to your new address and to one of your attorneys. On or about March 15, 2023, the March 2023 subpoena sent by certified mail to your address of record was returned to the Board. The subpoenas sent by regular mail were not returned.
- (d) Prior to the March 20, 2023 deposition, on your behalf, your attorney contacted the Board to request alternate resolution. Following your attorney's assurances of an alternate resolution, the deposition scheduled for March 20, 2023, was cancelled. You then failed to engage in meaningful discussions for an alternate resolution.
- (e) Subsequently, the Board scheduled the deposition for April 17, 2023, at 2:00 p.m. On or about March 21, 2023, the Board issued a subpoena scheduling the deposition to April 17, 2023, at 2:00 p.m. [April 2023 subpoena] The April 2023 subpoena was sent by certified mail to your address of record with a copy sent by regular mail, postage prepaid, to your new address and to your attorney. On or about March 31, 2023, the April 2023 subpoena sent by certified mail to your address of record was returned to the Board. The subpoenas sent by regular mail were not returned.
- (f) At or around 11:30 a.m. on April 17, 2023, your attorney emailed a letter from you to the Board saying that you would not attend the deposition scheduled to take place at 2:00 p.m. that same day. A Board staff member convened the deposition at 2:00 p.m. on April 17, 2023, and you failed to appear.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2)(a) through (f) above, individually and/or collectively, constitute "[f]ailure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories . . ." as that clause is used in Section 4731.22(B)(34), Ohio Revised Code.

Furthermore, for any violations that occurred on or after September 29, 2015, the Board may impose a civil penalty in an amount that shall not exceed twenty thousand dollars, pursuant to Section 4731.225, Ohio Revised Code. The civil penalty may be in addition to any other action the Board may take under section 4731.22, Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke or suspend your license or certificate, or refuse to grant or register or issue the license or certificate for which you have a pending application in accordance with Section 9.79 of the Ohio Revised Code, or refuse to renew or reinstate your license or certificate to practice medicine and surgery, or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Kim G. Rothermel, M.D.
Secretary

KGR/CDP/lv
Enclosures

CERTIFIED MAIL # 9414814903152968023270
RETURN RECEIPT REQUESTED

CC: Sapan Desai, MD
759 West Meryls Court
Palatine, IL 60074-1053

CERTIFIED MAIL # 9414814903152968023287
RETURN RECEIPT REQUESTED

CC: Levi J. Tkach
Graff & McGovern, LLP
604 East Town Street
Columbus, Ohio 43215

CERTIFIED MAIL # 9414814903152968023317
RETURN RECEIPT REQUESTED