BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: Saji T. John, M.D. Physician's & Surgeon's Certificate No A 52030 Respondent.	Case No. 800-2018-042672

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on June 18, 2021

IT IS SO ORDERED May 20, 2021

MEDICAL BOARD OF CALIFORNIA

Ronald H. Lewis, M.D., Chair
Panel A

XAVIER BECERRA
Attorney General of California
STEVE DIEHL
Supervising Deputy Attorney General
MICHAEL C. BRUMMEL
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California Department of Justice
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Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **SAJI T. JOHN, M.D.** **11567 Devonshire Ave** **Fresno, CA 93730** **Physician's and Surgeon's Certificate No. A 52030** Respondent.	Case No. 800-2018-042672 OAH No. 2020100106 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. William Prasifka (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Michael C. Brummel, Deputy Attorney General.

2. Respondent Saji T. John, M.D. (Respondent) is represented in this proceeding by attorney Ann H. Larson, Esq., whose address is: 2420 Camino Ramon, Suite 202, San Ramon, CA 94583-4202.

3. On or about June 14, 1993, the Board issued Physician's and Surgeon's Certificate No. A 52030 to Saji T. John, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2018-042672, and will expire on May 31, 2021, unless renewed.

JURISDICTION

4. Accusation No. 800-2018-042672 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 13, 2020. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2018-042672 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2018-042672. Respondent has also carefully read, fully discussed with her counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 800-2018-042672, if proven at a hearing, constitute cause for imposing discipline upon her Physician's and Surgeon's Certificate.

10. Respondent agrees that, at a hearing, Complainant could establish a prima facie case or factual basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest those charges. Respondent agrees that if in any future case she ever petitions for early termination or modification of probation, or if the Board ever petitions for revocation of probation, all of the charges and allegations contained in Accusation No. 800-2018-042672 shall be deemed true, correct and fully admitted by Respondent for purposes of that proceeding or any other licensing proceeding involving Respondent in the State of California.

11. Respondent agrees that her Physicians' and Surgeon's Certificate is subject to discipline, and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

12. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or opportunity to be heard by the Respondent, issue and enter the following Disciplinary Order:

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A 52030 issued to Respondent Saji T. John, M.D. is Publicly Reprimanded pursuant to Business and Professions Code section 2227, subdivision (a)(4). This Public Reprimand, which is issued in connection with Respondent's care and treatment of a single patient, as set forth in Accusation No. 800-2018-042672, is as follows:

This reprimand is issued pursuant to Code section 2227, subdivision (a)(4) as a result of the allegations set forth in the Accusation, relating to her failure to conduct an adequate abdominal examination on Patient A, failure to obtain prompt labs from Patient A, and failure to adequately respond to Patient A's critical potassium levels.

1. EDUCATION COURSE. Within 60 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 40 hours to be completed within one year of this Decision. The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified. The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course. Respondent shall provide proof of attendance for 65 hours of CME of which 40 hours were in satisfaction of this condition.

2. FAILURE TO COMPLY. Any failure by Respondent to comply with the terms and conditions of the Disciplinary Order set forth above shall constitute unprofessional conduct and grounds for further disciplinary action.

3. FUTURE ADMISSIONS CLAUSE. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing action agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2018-042672 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or

restrict license.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Ann H. Larson, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: _____ _____
SAJI T. JOHN, M.D.
Respondent

I have read and fully discussed with Respondent Saji T. John, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____ _____
Ann H. Larson, Esq.
Attorney for Respondent

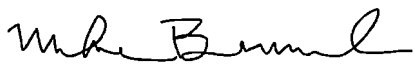
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: March 11, 2021

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
STEVE DIEHL
Supervising Deputy Attorney General



MICHAEL C. BRUMMEL
Deputy Attorney General
Attorneys for Complainant

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restrict license.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Ann H. Larson, Esq. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 3/10/21

SAJI T. JOHN, ~~M.D.~~
Respondent

I have read and fully discussed with Respondent Saji T. John, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 3/11/21

Ann H. Larson, Esq.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

DATED: _____

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
STEVE DIEHL
Supervising Deputy Attorney General

MICHAEL C. BRUMMEL
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2018-042672

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Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	Case No. 800-2018-042672
SAJI T. JOHN, M.D. **11567 Devonshire Ave.** **Fresno, CA 93730** **Physician's and Surgeon's Certificate No. A 52030,** Respondent.	**ACCUSATION**

PARTIES

1. William Prasifka (Complainant) brings this Accusation solely in his official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about June 14, 1993, the Medical Board issued Physician's and Surgeon's Certificate No. A 52030 to Saji T. John, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2021, unless renewed.

///

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code states:

> (a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:
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> (1) Have his or her license revoked upon order of the board.
>
> (2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.
>
> (3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.
>
> (4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.
>
> (5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.
>
> (b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.

5. Section 2234 of the Code, states, in pertinent part:

> The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:
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> ...
>
> (b) Gross negligence.
>
> (c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.
>
> ...

(g) The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

6. Respondent has subjected her Physician's and Surgeon's Certificate No. A 52030 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of the Code, in that she was grossly negligent in her care and treatment of Patient A,[1] as more particularly alleged hereinafter:

7. On or about October 10, 2015, Patient A, a then 78-year-old female presented to urgent care at Kaiser Permanente (Kaiser) with complaints of nausea, vomiting, and acute constant abdominal pain. Abdominal tenderness was noted on physical examination, and her vital signs were found to be within normal limits. The treating physician diagnosed the patient with likely food poisoning. Patient A was provided intravenous (IV) Zofran,[2] a prescription for oral Zofran, and was discharged home with instructions to follow-up with her primary care physician[3] if her symptoms persist.

8. On or about October 12, 2015, Respondent reviewed the urgent care notes from Patient A's visit and contacted her by phone. At that time, the patient reported that she was still feeling sick and tired, had no energy, no appetite, dry lips, and was trying to drink fluids. Respondent did not inquire about the duration, severity, or location of her abdominal pain. Respondent recommended the patient make an appointment to come see her either that day or the next day.

9. On or about October 13, 2015, Patient A presented to Respondent with continued complaints of nausea, vomiting, feeling tired, weak, and requested hospitalization for IV fluids. The patient's vital signs were found to be within normal limits. Respondent did not perform an

[1] To protect the privacy of the patient involved, the patient's name has not been included in this pleading. Respondent is aware of the identity of the patient referred to herein.

[2] Zofran (brand name for ondansetron) is a medication used to prevent nausea and vomiting.

[3] Respondent had been Patient A's primary care physician since approximately 2006.

abdominal examination, and did not inquire about the duration, severity, or location of her abdominal pain, or about her bowel movements, bloody stools, or flatus. Respondent diagnosed Patient A with dehydration, and ordered labs that included a complete blood count (CBC) and IV fluids.

10. After leaving Respondent's office, Patient A reported for her labs and IV fluids as directed. Only partial labs were able to be drawn from the patient at that time. Later that day, Respondent reviewed the patient's partial lab results, which revealed a CBC within normal limits. Respondent did not order repeat complete labs.

11. On or about October 16, 2015, at approximately 11:15 a.m., Patient A presented to Kaiser with continued complaints of nausea, vomiting, and abdominal pain, and was seen by M.R., M.D. (Dr. M.R.). Patient A reported that her last bowel movement was four (4) days prior, but denied any fever or chills. Dr. M.R. noted some distention and tenderness on abdominal exam, and diagnosed Patient A with lower left quadrant abdominal pain and possible diverticulitis. Dr. M.R. ordered a CT scan and instructed the patient to complete the labs that had been previously ordered by Respondent.

12. After leaving Dr. M.R.'s office, Patient A reported for her labs as directed at approximately 12:30 p.m., the results of which were notable for hypokalemia with a potassium level of 2.7. Respondent acknowledged receipt of these critical lab results at approximately 1:24 p.m., and subsequently mailed a letter to the patient to inform her that her labs showed a very low potassium level, and instructed her to repeat the labs in one to two weeks.

13. Patient A presented for her CT scan as instructed at approximately 1:15 p.m., which revealed findings concerning for small bowel obstruction and left femoral hernia containing loop of bowel. This information was urgently conveyed to Dr. M.R., at approximately 2:42 p.m., who then contacted the patient by phone to advise her to immediately report to the emergency department (ED).

14. Patient A presented to the ED as instructed at approximately 4:39 p.m., where she was diagnosed with left femoral hernia with obstruction. Shortly thereafter, the patient underwent an emergent operation that revealed gross fecal contamination in all four quadrants, perforated

and necrotic dead bowel, and purulent peritonitis and stool from strangulated hernia. Patient A was subsequently transferred to the intensive care unit and died on or about October 18, 2015, from cardiac arrest due to ventricular tachycardia and severe sepsis due to bowel perforation and obstruction.

15. On or about September 4, 2019, an investigator on behalf of the Board (MBC Investigator) contacted Respondent by email to schedule an interview about her care and treatment of Patient A.

16. On or about September 11, 2019, Respondent responded to MBC Investigator by email and indicated that she is on extended medical leave and inquired as to how she should proceed.

17. On or about September 19, 2019, MBC Investigator emailed Respondent asking her to have Kaiser legal counsel contact the investigator about setting up a phone interview so the interview could proceed while she is on extended medical leave.

18. On or about October 11, 2019, MBC Investigator emailed the Kaiser legal department to schedule an interview with Respondent, and advised them that the interview would likely be over the phone.

19. On or about January 24, 2020, MBC Investigator emailed the Kaiser legal department again to schedule an interview with Respondent.

20. On or about March 5, 2020, MBC Investigator emailed Respondent to inform her that the Kaiser legal department had not been responsive and asked of her availability for the interview.

21. On or about March 10, 2020, MBC Investigator emailed the Kaiser legal department again to schedule an interview with Respondent, and advised them that the interview could be by phone if Respondent was still on medical leave.

22. On or about April 7, 2020, MBC Investigator emailed Respondent to let her know she could waive her right to an interview and instead provide a detailed letter to the Board, or she can proceed with scheduling a phone interview. MBC Investigator requested a response by April 21, 2020. As of June 17, 2020, Respondent had not responded to MBC Investigator.

23. Respondent committed gross negligence in her care and treatment of Patient A, which included, but was not limited to, the following:

A. Failing to properly evaluate and manage the patient's nausea and vomiting in the setting of abdominal pain; and

B. Failing to properly manage the patient's hypokalemia.

SECOND CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

24. Respondent has further subjected her Physician's and Surgeon's Certificate No. A 52030 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (c), of the Code, in that she committed repeated negligent acts in her care and treatment of Patient A, as more particularly alleged in paragraphs 6 through 23, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

THIRD CAUSE FOR DISCIPLINE

(Failure to Attend and Participate in Interview by the Board)

25. Respondent has further subjected her Physician's and Surgeon's Certificate No. A 52030 to disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (g), of the Code, in that without good cause, she failed to attend and participate in an interview by the board, as more particularly alleged in paragraphs 15 through 22, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate No. A 52030, issued to Respondent, Saji T. John, M.D.;

2. Revoking, suspending, or denying approval of Respondent, Saji T. John, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Respondent, Saji T. John, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: AUG 13 2020

WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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