

**BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS**

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APR 23 2009

KS State Board of Healing Arts

In the Matter of)
Muhammad Qadeer Akram, P.A.)
)
Kansas License No. 15-01015)
_____)

Docket No. 07-HA00060

FINAL ORDER

NOW ON THIS 17th day of April, 2009, this matter comes on for hearing on Licensee's Request for Termination of Limitations. Licensee appears in person, with counsel, Ernest H. Moulos of Wichita, KS. Stacy Bond, Associate Litigation Counsel, appears for the Board. There are no other appearances.

Having the agency record before it, hearing the statements and arguments of the parties and being duly advised in the premises, the Board finds, concludes and orders as follows:

1. On February 25, 2008 a Consent Order was filed with the Board that limited Licensee's license for violation of the Physician Assistant Licensure Act.
2. The limitations were not self-terminating, but the Consent Order provided that Licensee could petition the Board for termination of the limitations after a one year time period.
3. On February 17, 2009, Licensee filed a Motion with the Board requesting termination of the limitations.

4. The Board finds that Licensee has substantially complied with all aspects of the Consent Order.

IT IS, THEREFORE, ORDERED that Licensee's Motion for Termination of Limitations is GRANTED.

PLEASE TAKE FURTHER NOTICE that this is a final order. A final order is effective upon service. A party to an agency proceeding may seek judicial review of a final order by filing a petition in the District Court as authorized by K.S.A. 77-601, et seq. Reconsideration of a final order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the final order. A copy of any petition for judicial review must be served upon the Board's Executive Director at 235 SW. Topeka Blvd., Topeka, KS 66603.

Dated this 23rd day of April, 2009.

Kansas State Board of Healing Arts



Jack Confer
Executive Director

Certificate of Service

I certify that a true copy of the foregoing Final Order was served this 24th day of April, 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Muhammad Qadeer Akram, PA
9409 E Shannon Woods Cir
Wichita, KS 67226

and

Ernest H. Moulos
1108 Jefferson
Wichita, KS 67203
Attorney for Licensee

And a copy was hand-delivered to the office of

Stacy Bond
Associate Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

and

Melissa Massey
Compliance Coordinator
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

and the original deposited with the Executive Director for filing.

Cathy A. Brown

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FEB 25 2008

KS State Board of Healing Arts

**BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS**

| | | |
|-----------------------------|---|---------------------|
| In the Matter of |) | |
| |) | Docket No. 07-HA-60 |
| Muhammad Qadeer Akram, P.A. |) | |
| Kansas License No. 15-01015 |) | |

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, (“Board”), by and through Kathleen Selzler Lippert, Associate Counsel (“Petitioner”), and Muhammad Qadeer Akram, P.A. (“Licensee”), by and through his counsel, Ernest H Moulos, and move the Board for approval of a Consent Order affecting Licensee’s license to practice as a physician assistant in the State of Kansas. The Parties stipulate and agree to the following:

1. Licensee’s last known mailing address to the Board is: 9409 E. Shannon Woods Cir., Wichita, Kansas 67226.
2. Licensee is or has been entitled to engage in the practice of as a physician assistant in the State of Kansas, having been issued License No. 15-01015 on approximately April 23, 2005, and having last renewed such license on approximately January 1, 2008.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of as a physician assistant. K.S.A. 65-28a01 et seq. and K.S.A. 65-28a02.

Consent Order
Muhammad Qadeer Akram, P.A.

4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 77-505 and 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.
5. The Kansas Physician Assistant Licensure Act is constitutional on its face and as applied in the case.
6. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
7. Licensee voluntarily and knowingly waives his right to a hearing. Licensee voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.
8. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.
9. The Board has received information and investigated the same, and has reason to believe that between 2005 and 2006 Licensee acted unprofessionally.

10. Petitioner has alleged that Licensee acted unprofessionally in that Licensee engaged in sexual misconduct, including use of obscene language toward patients. The specific allegations are set forth in the Amended Petition filed May 18, 2007.
11. Licensee does not admit the allegations as set forth in the Petition, but enters into this agreement for the efficient administration of this matter and to avoid the risk and uncertainty associated with any adjudicative proceeding. Licensee, for the sole purpose of this Consent Order, does not contest that his acts and conduct violated the Physician Assistant Licensure Act. Licensee further waives his right to dispute or otherwise contest the allegations contained in the Petition in any future proceedings before the Board.
12. Licensee acknowledges that if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses or other evidence, the Board has sufficient evidence to prove that Licensee has violated the Physician Assistant Licensure Act.
13. Licensee's acts, if proven, are grounds for discipline pursuant to K.S.A. 65-28a05(a), as further set forth in K.A.R. 100-28a-8(t), sexual misconduct related to Licensee's professional practice.
14. Pursuant to K.S.A. 65-28a05 the Board has grounds to deny, revoke, suspend, limit, or censure Licensee's license and pursuant to K.S.A. 65-2863a the Board has the authority to impose administrative fines for violations of the Physician Assistant Licensure Act.
15. According to K.S.A.65-2838(b), the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

16. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action and limitations on his license to engage in the practice of as a physician assistant:

CENSURE

- a. Licensee is publicly censured for violating the Physician Assistant Licensure Act.

EDUCATION

- b. Licensee shall attend and successful complete a continuing education course for boundary violations at his own expense. Licensee shall provide proof of successful completion within six (6) months after filing of this Consent Order.
- c. The course must be pre-approved by the Board or its designee. Vanderbilt University School of Medicine's 'Maintaining Proper Boundaries' course would satisfy the boundary education requirement.
- d. Unless otherwise approved by the Board, said continuing education course(s) shall consist of a formal live lecture format.

LIMITATIONS

- e. Licensee shall not practice as a physician assistant unless he complies with each of the following:
- f. Licensee shall not practice as a physician assistant unless he has a chaperone in the room at all times he is present with any female patient. The chaperone shall be a medical professional, or an adult member of the

family of the female patient. If Licensee's current practice changes, he will notify the Board and chaperone requirements will be reviewed.

- g. For a period of at least one (1) year, Licensee shall be required to create and maintain a daily log identifying all female patients seen by Licensee that day, and certifying the presence of a chaperone for all female patients seen that day. For each female patient Licensee provides care or treatment for, Licensee shall document the chaperone in the patient chart and in a separate log. Such log shall be on a form provided by Board staff to Licensee. The log shall serve as a reference to determine all female patients who were treated by Licensee each month.
- h. Such daily logs must be submitted to the Board on a monthly basis and must be received on or before the 15th day of the following month. Licensee is responsible for ensuring that the daily logs are submitted to the Board; by mail, fax or e-mail.
- i. Licensee shall have a chaperone sign the daily log for all female patients seen by Licensee, such signature will certify the presence of that person while Licensee treated the female patient. Additionally, the chaperone will document in each female patient medical record their presence during the time Licensee provided care and treatment to any female patient.
- j. All reports required pursuant to this Consent Order shall be submitted to the Board of Healing Arts, Attention: Complaint Coordinator, 235 S.W. Topeka Blvd., Topeka, Kansas 66603-3068.

k. ~~The Board designates _____ to review and approve/disapprove any proposed educational courses required under this Consent Order; or any other issue that may arise in the implementation of this Consent Order.~~ 

- l. Licensee will furnish a copy of this Consent Order to each and every supervising physician.
- m. Licensee shall immediately notify the Board or its designee of any citation, arrest or charge filed against him or of any conviction for criminal offenses, including DUIs.
- n. Licensee shall at all times keep Board staff informed of all his current practice locations, addresses and telephone numbers. Licensee shall at all times keep Board staff informed of who his responsible physicians are and Licensee shall provide the above information in writing to the Board within ten (10) days of any such change.

LIMITATION TIMEFRAME

- o. The above limitations are not self-terminating. After a period of one (1) year, Licensee may request modification or termination of the provisions. For any period of time that Licensee is not actively practicing as a physician assistant in Kansas, the limitations will remain in effect but will be tolled and not counted towards reducing the one (1) year timeframe.

17. Licensee's failure to comply with the provisions of the Consent Order may result in the Board taking further disciplinary action as the Board deems appropriate

according to the Kansas Administrative Procedure Act and Kansas Healing Arts Act / Physician Assistant Licensure Act.

18. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Physician Assistant Licensure Act, or to investigate complaints received under the Risk Management Law, K.S.A. 64-4921 et seq., that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Physician Assistant Licensure Act.
19. Licensee hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees and agents, hereinafter collectively referred to as "Releasees", from any and all claims, including but not limited to those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 et seq. arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.
20. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to the National

Practitioner Databank, Federation of State Medical Boards, and any other reporting entities authorized to receive disclosure of the Consent Order.

21. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.
22. Licensee agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.
23. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.
24. Licensee acknowledges that he has read this Consent Order and fully understands the contents.
25. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

26. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by mail addressed to the Kansas State Board of Healing Arts, Attn: Compliance Coordinator, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.
27. Licensee shall obey all federal, state and local laws and rules governing the practice of as a physician assistant in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.
28. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. This Consent Order shall constitute the Board's Order when filed with the office of the Executive Director for the Board and no further Order is required.
29. This Consent Order constitutes disciplinary action.
30. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

IT IS FURTHER ORDERED that:

CENSURE

- a. Licensee is publicly censured for violating the Physician Assistant Licensure Act.

EDUCATION

- b. Licensee shall attend and successful complete a continuing education course for boundary violations at his own expense. Licensee shall provide proof of successful completion within six (6) months after filing of this Consent Order.
- c. The course must be pre-approved by the Board or its designee. Vanderbilt University School of Medicine's 'Maintaining Proper Boundaries' course would satisfy the boundary education requirement.
- d. Unless otherwise approved by the Board, said continuing education course(s) shall consist of a formal live lecture format.

LIMITATIONS

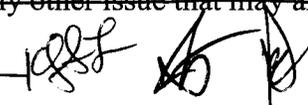
- e. Licensee shall not practice as a physician assistant unless he complies with each of the following:
- f. Licensee shall not practice as a physician assistant unless he has a chaperone in the room at all times he is present with any female patient. The chaperone shall be a medical professional, or an adult member of the family of the female patient. If Licensee's current practice changes, he will notify the Board and chaperone requirements will be reviewed.
- g. For a period of at least one (1) year, Licensee shall be required to create and maintain a daily log identifying all female patients seen by Licensee that day, and certifying the presence of a chaperone for all female patients seen that day. For each female patient Licensee provides care or treatment for, Licensee shall document the chaperone in the patient chart and in a

separate log. Such log shall be on a form provided by Board staff to Licensee. The log shall serve as a reference to determine all female patients who were treated by Licensee each month.

- h. Such daily logs must be submitted to the Board on a monthly basis and must be received on or before the 15th day of the following month.

Licensee is responsible for ensuring that the daily logs are submitted to the Board; by mail, fax or e-mail.

- i. Licensee shall have a chaperone sign the daily log for all female patients seen by Licensee, such signature will certify the presence of that person while Licensee treated the female patient. Additionally, the chaperone will document in each female patient medical record their presence during the time Licensee provided care and treatment to any female patient.
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- k. ~~The Board designates _____ to review and approve/disapprove any proposed educational courses required under this Consent Order, or any other issue that may arise in the implementation of this Consent Order.~~ 

- l. Licensee will furnish a copy of this Consent Order to each and every supervising physician.

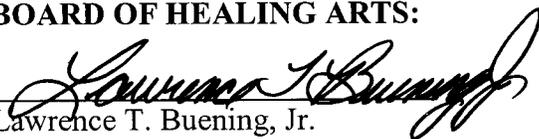
- m. Licensee shall immediately notify the Board or its designee of any citation, arrest or charge filed against him or of any conviction for criminal offenses, including DUIs.
- n. Licensee shall at all times keep Board staff informed of all his current practice locations, addresses and telephone numbers. Licensee shall at all times keep Board staff informed of who his responsible physicians are and Licensee shall provide the above information in writing to the Board within ten (10) days of any such change.

LIMITATION TIMEFRAME

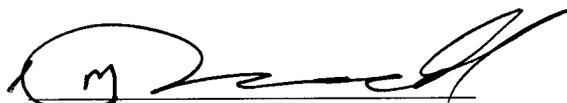
- o. The above limitations are not self-terminating. After a period of one (1) year, Licensee may request modification or termination of the provisions. For any period of time that Licensee is not actively practicing as a physician assistant in Kansas, the limitations will remain in effect but will be tolled and not counted towards reducing the one (1) year timeframe.

IT IS SO ORDERED on this 26th day of February, 2008.

**FOR THE KANSAS STATE
BOARD OF HEALING ARTS:**


Lawrence T. Buening, Jr.
Executive Director

2/25/08
Date


Muhammad Qadeer Akram, P.A.
Licensee

01/14/08
Date

PREPARED AND APPROVED BY:


Kathleen Selzler Lippert #179571

Associate Counsel

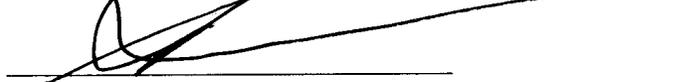
Kansas Board of Healing Arts

235 S. Topeka Boulevard

Topeka, Kansas 66603-3068

785-296-0961

AGREED TO BY:



Ernest H. Moulos

Attorney for Licensee

1108 Jefferson

Wichita, Kansas 67203

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent

Order by United States mail, postage prepaid, on this 26th day of February, 2008, to the

following:

Muhammad Qadeer Akram, P.A.

Licensee

9409 E. Shannon Woods Cir.

Wichita, Kansas 67226

Ernest H. Moulos

Attorney for Licensee

1108 Jefferson

Wichita, Kansas 67203

And the original was hand-filed with:

Lawrence T. Buening, Jr.

Executive Director

Kansas Board of Healing Arts

235 S. Topeka Boulevard

Topeka, Kansas 66603-3068

Consent Order

Muhammad Qadeer Akram, P.A.

And a copy was hand-delivered to:

Kathleen Selzler Lippert #17957
Associate Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

A handwritten signature in black ink, appearing to read "Lawrence J. Burroughs". The signature is written in a cursive style with a horizontal line underneath the text.