

EFFECTIVE AS A FINAL ORDER

DATE: 12/12/16

FILED
NOV 21 2016 CAS

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

K.S. State Board of Healing Arts

In the Matter of)
)
Jafar Amini, M.D.)
Kansas License No. 04-19507)
_____)

KSBHA Docket No. 17-HA 00028

SUMMARY ORDER

NOW ON THIS 18 day of Nov, 2016, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A 77-537.

Pursuant to K.S.A 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for hearing is made within fifteen (15) days of service.

Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law, and order are made for and on behalf of the Board:

Findings of Fact

1. Jafar Amini ("Licensee") was originally issued license number 04-19507 to practice medicine and surgery in the state of Kansas on June 19, 1982. Licensee's current license designation is active, and such license was last renewed on or about May 23, 2016.
2. Licensee's last known mailing address to the Board is: [REDACTED] Leawood, Kansas 66209-3136.
3. Licensee has practiced medicine in the state of Kansas for approximately thirty-four (34) years.
4. Licensee currently practices in Leawood, Kansas.

5. On or about June 25, 2014, Licensee renewed his license, and answered “No” to question A, “In the past 12 months have you been a defendant or has any judgment, award, or settlement been paid resulting from a professional liability claim?”

6. On September 15, 2015, the Board received a Medical Malpractice Payment Report showing on or about June 13, 2014, a medical malpractice case was settled resulting in a [REDACTED] single lump sum payout on or about July 1, 2014, for Licensee’s failure to identify and report a mass in the right kidney on a CT read, resulting in a delay of diagnosis and treatment.

7. Licensee failed to disclose this medical malpractice settlement on his June 25, 2014, renewal license.

8. Licensee was notified of the Board’s Investigation No. 16-00157 via letter dated September 29, 2015.

9. Licensee was aware of the investigation as he subsequently provided responses to the investigator on October 15, 2015, and October 29, 2015.

10. Licensee renewed his license on May 23, 2016, and answered “No” to question F, “In the past 12 months have you been the subject of any investigation, including in Kansas, regarding allegations, complaints, or charges by any state licensing agency or other government agency?”

11. Licensee failed to disclose Board Investigation No. 16-00157 on his May 23, 2016, renewal license.

12. All pending investigation material regarding Licensee were fully reviewed and considered by the Board’s Disciplinary Panel No. 31. The Disciplinary Panel authorized and directed the issuance of this Summary Order and the specific disciplinary sanction.

Applicable Law

13. K.S.A. 65-2836 of the Kansas Healing Arts Act states in pertinent part:

A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately censured or placed under probationary conditions...upon a finding of the existence of any of the following grounds:

(a), Licensee has committed fraud or misrepresentation in applying for or securing an original, renewal or reinstated license; and

(x), Licensee has failed to report to the board any adverse judgment, settlement or award against the licensee resulting from a medical malpractice liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action.

Conclusions of Law

14. The Board finds Licensee violated K.S.A. 65-2836(a) by committing fraud or misrepresentation in applying for or securing an original, renewal or reinstated license for failing to report on his May 23, 2016, renewal application he was subject to an investigation in Kansas.

15. The Board finds Licensee violated K.S.A. 65-2836(x) by failing to report a settlement award against him resulting from a medical malpractice liability claim on his June 25, 2014, renewal license application.

16. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding and such proceeding is held in the public interest.

17. Based on the facts and circumstances set forth herein, the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a) in that the use of summary proceedings does not violate any provision of law and the protection of the public interest does not require the Board to give notice and opportunity to participate to person other than Licensee.

IT IS, THEREFORE, ORDERED that Licensee is **PUBLICLY CENSURED** for violating K.S.A. 65-2836(a) and K.S.A. 65-2836(x) of the Kansas Healing Arts Act.

IT IS FURTHER ORDERED that all correspondence or communication between Licensee and the Board relating to the Summary Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Compliance Coordinator, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.

NOTICE OF RIGHTS
(Pursuant to K.S.A. 77-542)

Licensee is entitled to a hearing pursuant to K.S.A. 77-537 and K.S.A. 77-542 under the Kansas Administrative Procedure Act. If Licensee desires a hearing, Licensee must request such hearing in writing within fifteen (15) days from the date of service of this Order stating the legal and/or factual basis upon which the party opposes this Order, and filing the same with the office of the Executive Director at:

Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level, Ste. A
Topeka, Kansas 66612

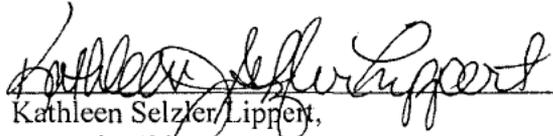
When a hearing is requested pursuant to K.S.A. 77-542, the Kansas State Board of Healing Arts will notify the Licensee of the time and place of the hearing and information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing, before commencement of the same.

If a hearing is not requested in the time and manner stated above, this Summary Order shall become effective as a Final Order upon the expiration of time for requesting a hearing pursuant to K.S.A. 77-542. Pursuant to K.S.A. 77-613(e), the Executive Director is the agency officer designated to receive service of petition for judicial review on behalf of the agency.

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 18 day of Nov, 2016.

KANSAS STATE BOARD OF HEALING ARTS



Kathleen Selzler Lippert,
Executive Director

FINAL ORDER NOTICE OF RIGHTS

PLEASE TAKE 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 Kathleen Selzler Lippert, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **FINAL ORDER** was served this 12th day of Dec., 2016 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Jafar Amini, MD
[REDACTED]
Leawood, KS 66209-3136

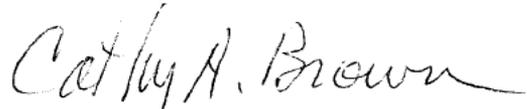
And a copy was hand-delivered to:

Joseph S. Behzadi, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Office of the General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And the original was filed with the office of the Executive Director.



Cathy Brown, Executive Assistant