

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of)
)
VIJENDRA DAVE, M.D.)
Kansas License No. 04-28553)

Docket No.: 14-HA00146

EX PARTE EMERGENCY ORDER OF SUSPENSION AND PROTECTIVE ORDER

NOW on this 30th day of May, 2014, this matter comes before the Presiding Officer, John F. Settich, Ph.D., Petitioner’s Motion for *Ex Parte* Emergency Order of Suspension and for Emergency Proceedings filed by Jane E. Weiler, Associate Litigation Counsel for the Board. There are no other appearances.

Upon review of the agency record in KSBHA Docket No. 14-HA00146, including the Petition, Motions, and attached exhibits, the Presiding Officer finds, concludes and orders as follows:

1. On May 29, 2014, Petitioner filed a Petition alleging that Vijendra Dave, M.D. (“Licensee”) committed violations of the Healing Arts Act and requesting disciplinary action against Licensee’s license.
2. Petitioner also filed a Motion for *Ex Parte* Emergency Order of Suspension and for Emergency Proceedings pursuant to K.S.A. 65-2838 and K.S.A 77-536. The motion requests an emergency suspension of Licensee’s license based on an allegation that Licensee’s continuation in practice creates an imminent danger to the public health, safety and welfare. In support of the Motion, Petitioner offers Exhibits A through J, attached thereto.

3. Licensee is presently licensed and entitled to engage in the active practice of medicine and surgery.
4. Licensee is presently subject to the terms and conditions of a non-disciplinary Final Order issued by the Board in KSBHA Docket No. 07-HA00052, dated January 9, 2008.
5. The Presiding Officer takes official notice of the agency record of KSBHA Docket No. 07-HA00052.
6. The Final Order in KSBHA Docket No. 07-HA00052 was issued to protect the public by ensuring Licensee is able to practice with reasonable skill and safety. Confidential
Confidential

7. Confidential

8. Confidential

9. Confidential

10. From approximately October 12, 2011, through December 9, 2013, Licensee did not actively practice medicine and surgery. On or about December 9, 2013, Licensee resumed the active practice of medicine and surgery at the Psychiatric and Addiction Services in Wichita, Kansas.
11. Confidential
12. Confidential
13. There is cause to believe that grounds exist for disciplinary action against Licensee's license pursuant to K.S.A. 65-2836(k) in that Licensee has violated a lawful order of the Board previously entered into by the Board.
14. There is cause to believe that grounds exist for disciplinary action against Licensee's license pursuant to K.S.A. 65-2836(i), in that Licensee has the inability to practice the healing arts with reasonable skill and safety to patients Confidential
- Confidential
15. There is cause to believe that grounds exist for disciplinary action against Licensee's license in that Licensee has committed unprofessional and/ or dishonorable conduct or professional incompetency in violation pursuant to K.S.A. 65-2836(b), as further

defined in K.S.A. 65-2837(a)(3), in that Licensee has other behavior which demonstrates a manifest incapacity or incompetence to practice the healing arts.

16. There is cause to believe that grounds exist for disciplinary action against Licensee's license pursuant to K.S.A. 65-2836(b), in that Licensee has committed an act of unprofessional or dishonorable conduct or professional incompetency.

17. Confidential

18. K.S.A. 65-2838(c) and K.S.A. 77-536 authorize the Board to temporarily suspend a licensee's license in order to address an imminent threat to the health, safety or welfare of the public.

19. Confidential

20. Confidential

coupled with his

noncompliance with the Board's requirements placed upon his license, creates an

imminent threat to public health and safety if Licensee is allowed to continue to practice medicine and surgery in the State of Kansas.

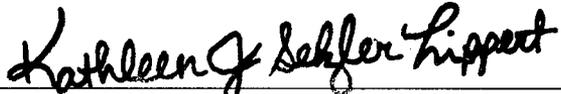
21. Licensee's license should be emergently suspended on a temporary basis pending an evidentiary hearing to determine if there is adequate cause for the suspension to remain in effect during the proceedings on the underlying Petition.

IT IS THEREFORE, ORDERED that the license of VIJENDRA DAVE, M.D., is hereby emergently **SUSPENDED** on a temporary basis pending an evidentiary hearing to determine if there is adequate cause for the suspension to remain in effect during the proceedings on the underlying Petition.

IT IS FURTHER ORDERED that a **Protective Order** is granted to protect all confidential information under 42 CFR Part II, K.S.A. 65-4915, K.S.A. 65-4925, K.S.A. 65-2836(i), K.S.A. 65-2839a(d), and K.S.A. 65-2898a.

IT IS SO ORDERED this 30th day of May, 2014.

Kansas State Board of Healing Arts



John Settich, Ph.D.
Presiding Officer

for John Settich, Ph.D.

Prepared by:

A handwritten signature in black ink, appearing to read "Jane E. Weiler", written over a horizontal line.

Jane E. Weiler, #25276
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NOTICE OF RIGHTS

This is an emergency order. An emergency order is effective when rendered. A party to an agency proceeding may seek judicial review of an emergency order by filing a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* A petition for judicial review is not timely unless filed within 30 days following service of the order. A copy of any petition for judicial review must be served upon Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.

CERTIFICATE OF SERVICE

I, Jennifer Curn, hereby certify that I served a true and correct copy of the **Ex Parte Emergency Order of Suspension and Protective Order** by United States mail, postage prepaid, on this 30th day of May, 2014, to the following:

Vijendra Dave, M.D.

Confidential

Wichita, Kansas 67216

And a copies were hand-delivered to:

Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson Lower Level, Ste A
Topeka, KS 66612

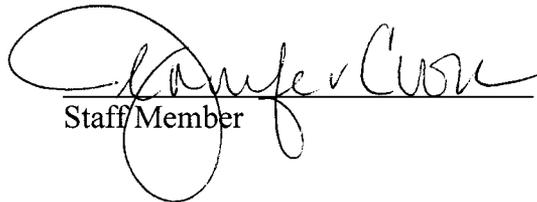
Jane E. Weiler
Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson Lower Level, Ste A
Topeka, KS 66612

And a copy was given to:

John Settich, Ph.D.
KSBHA Presiding Officer
Kansas State Board of Healing Arts

And the original was hand-filed with:

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


Staff Member