

5. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.
6. The Kansas Healing Arts Act is constitutional on its face and as applied in the case.
7. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
8. 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.
9. 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.
10. On or about January 10, 2005, Licensee tendered his resignation after having been employed with University of Kansas Physicians, Inc. ("KUPI") for approximately three years.
11. Licensee tendered his resignation after he accepted a position in private practice.
12. Licensee admits that after submitting his letter of resignation, he used KUMC letterhead to contact patients that were treated at KUMC.

13. Licensee further admits that in his letter to KUMC patients on KUMC letterhead, he instructed them to call the telephone number listed in the body of the letter to schedule a follow up visit.
14. Licensee admits that the telephone number listed in the body of the letter was for the private practice that he had accepted a position with.
15. Licensee admits that the letter did not disclose to the patients that if they called the telephone number, they would be contacting a private practice, instead of KUMC.
16. Pursuant to K.S.A. 65-2836(b)(12), the Board has grounds to take disciplinary action against Licensee's license for conduct likely to deceive, defraud or harm the public. Pursuant to K.S.A. 65-2863a(a), the Board has grounds to assess a fine against Licensee's license for such violations of the healing arts act.
17. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against his license to engage in the practice of medicine and surgery:
 - a. Licensee agrees to a **PUBLIC CENSURE** for engaging in conduct towards patients that was unprofessional, deceptive and/or misleading;
 - b. Licensee agrees to pay a **FINE** of one-thousand dollars (\$1,000). Such fine is payable in full to the "Kansas Board of Healing Arts" on or before September 1, 2006; and
 - c. Licensee agrees to attend and complete the **PRIM-E** (Professional Renewal in Medicine) ethics course on or before November 12, 2006, at his own expense. Licensee agrees to submit proof of such completion to the Board on or before November 30, 2006.

18. 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.
19. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Healing Arts 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 Healing Arts Act.
20. 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.
21. 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.

22. 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.
23. 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.
24. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member in any future proceedings on the basis that the Board member has received investigative information from any source which otherwise may not be admissible or admitted as evidence.
25. Licensee acknowledges that he has read this Consent Order and fully understands the contents.
26. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
27. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Diane L. Bellquist, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

28. Licensee shall obey all federal, state and local laws and rules governing the practice of medicine and surgery 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.
29. 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.
30. This Consent Order constitutes disciplinary action.
31. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

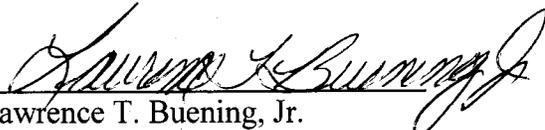
IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

IT IS FURTHER ORDERED that:

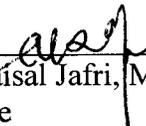
- a. Licensee is hereby **PUBLICLY CENSURED** for engaging in conduct towards patients that was unprofessional, deceptive and/or misleading;
- b. Licensee is hereby **FINED** one-thousand dollars (\$1,000). Such fine is payable in full to the "Kansas Board of Healing Arts" on or before September 1, 2006; and
- c. Licensee shall attend and complete the **PRIM-E** (Professional Renewal in Medicine) ethics course on or before November 12, 2006, at his own expense. Licensee agrees to submit proof of such completion to the Board on or before November 30, 2006.

IT IS SO ORDERED on this 12th day of August, 2006.

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

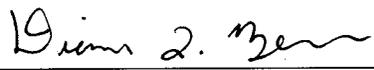

Lawrence T. Buening, Jr.
Executive Director

August 14, 2006
Date


Syed Faisal Jafri, M.D.
Licensee

7/2/06
Date

PREPARED AND APPROVED BY:


Diane L. Bellquist #20969
Associate Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068
(785) 294-7413
Attorney for Petitioner

APPROVED BY:


Steve A. Schwarm, # 13232
POLSINELLI, SHALTON, WELTE
& SUELTHAUS, P.C.
555 Kansas Avenue, Suite 301
Topeka, Kansas 66603
Attorney for Licensee

Consent Order
Syed Faisal Jafri, M.D.

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 19th day of August, 2006, to the following:

Steve A. Schwarm
POLSINELLI, SHALTON, WELTE
& SUELTHAUS, P.C.
555 Kansas Avenue, Suite 301
Topeka, Kansas 66603

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

and a copy was hand-delivered to:

Diane L. Bellquist
Associate Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

