

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

In the Matter of )  
 )  
Sabiha Khadim, M.D. )  
 )  
Application for Licensure )  
\_\_\_\_\_ )

Docket No. 05-HA-47

**FILED**

FEB 14 2005

**KANSAS STATE BOARD OF  
HEALING ARTS**

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts ("Board") by and through Kelli J. Benintendi, Associate Counsel ("Petitioner"), and Sabiha Khadim, M.D. ("Applicant") appearing *pro se*, and move the Board for approval of a Consent Order granting Applicant's Application for Licensure ("Application") to practice medicine and surgery in the State of Kansas. The parties stipulate and agree to the following:

1. 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 medicine and surgery. K.S.A. 65-2801 *et seq.*; K.S.A. 65-2869
2. Applicant admits that this Consent Order and the filing of such document are in accordance with applicable law and that the Board has jurisdiction to consider the Consent Order.
3. Applicant agrees that the Healing Arts Act is constitutional on its face and as applied in this case, and that in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
4. Applicant's mailing address as provided to the Board is confidential  
confidential Miami, Florida 33136.

5. On or about October 18, 2004, Applicant submitted an Application to the Board. Such Application was filed with the Board on January 27, 2005.

6. Upon approval, the provisions in this Consent Order shall constitute the findings of the Board, and this Consent Order shall be the Board's Final Order.

7. Applicant voluntarily and knowingly waives her right to a hearing under the Kansas administrative procedure act, K.S.A. 77-501 *et seq.* Applicant voluntarily and knowingly waives her right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Applicant 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. Applicant specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

9. In Applicant's Application, Applicant disclosed having previously appeared before the Credentials Committee of the Florida Board of Medicine and that she was granted a Florida Medical license conditioned on Applicant meeting additional requirements.

10. In her Application, Applicant further disclosed that she passed the USMLE step II examination in 1994 and the USMLE step I examination in 1995, and that from 2001 to October 2004, she did not actively practice medicine due to her status as sole caregiver to her ill parents.

11. Pursuant to K.S.A. 65-2836(b) as further defined by K.S.A. 65-2837(a)(3), the length of time since Applicant passed the USMLE examinations and actively practiced medicine indicates potential competency issues which may be grounds for denial of Applicant's Application.

12. 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.

13. This Consent Order and the filing of such document are in accordance with applicable law and the Board may enter into an informal settlement of this matter as provided in K.S.A. 77-505, without the necessity of proceeding to a formal hearing.

14. In lieu of conducting formal proceedings and/or the making of findings by the Board, Applicant, by her signature affixed to this Consent Order, hereby voluntarily agrees to the following as a condition to being granted a license to engage in the practice of medicine and surgery in the State of Kansas:

- a. Prior to being granted a license, Applicant shall take and pass the USMLE step II examination in no more than two (2) attempts prior to December 31, 2005; **OR**
- b. Prior to being granted a license, Applicant shall successfully complete six (6) months of pain management or anesthesiology training at an ADGME approved facility.

15. Upon approval of the same, the provisions in this Consent Order shall constitute the findings of the Board, and this Consent Order shall be the Board's Final Order.

16. Upon Board Staff's receipt of official documentation of compliance with the provisions of this Consent Order, and upon Applicant meeting all other requirements for licensure the Board shall grant to Applicant a license to practice medicine and surgery in the State of Kansas.

17. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Healing Arts Act, K.S.A. 65-2801, *et seq.*, or to investigate complaints received under the Risk Management Law, K.S.A. 65-4921, *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, K.S.A. 65-2801, *et seq.*

18. Applicant hereby releases the Board, its individual members (in their official and personal capacities), 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 Applicant has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Applicant shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against Releasees.

19. Applicant further understands and agrees that upon her signing the Consent Order, this document shall be deemed a public record, and shall be reported to all reporting entities requiring disclosure of this Consent Order.

20. 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.

21. Applicant 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 Applicant is not present. Applicant 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.

22. Applicant, by signature to this document, waives any objection to the participation of the Board members in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member in any future proceeding on the basis that the Board member has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

23. The Board may consider all aspects of this Consent Order in any future matter regarding Applicant.

24. Applicant acknowledges that she has read this Consent Order and fully understands the contents, and that this Consent Order has been entered into freely and voluntarily.

25. All correspondence or communication between Applicant and the Board relating to this Consent Order shall be by certified mail addressed the Kansas State Board of Healing Arts, Attn: Kelli J. Benintendi, 235 S. Topeka Blvd., Topeka, KS 66603-3068.

26. Applicant shall obey all federal, state and local laws and rules governing the practice of the healing arts in the State of Kansas that may be in place at the time of execution of this Consent Order or may become effective subsequent to the execution of this document.

27. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become and Order under K.S.A. 65-2838. This Consent Order shall constitute that Board's Order when filed with the Office of the Executive Director for the Board and no further Order is required.

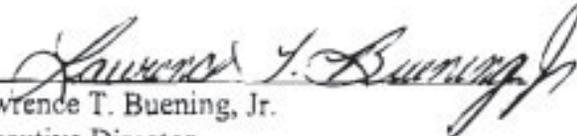
**IT IS THEREFORE ORDERED** that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law and is the Order of the Board.

**IT IS FURTHER ORDERED** that prior to being granted a license, Applicant shall take and pass the USMLE step II examination in no more than two (2) attempts prior to December 31, 2005; **OR**, Applicant shall complete six (6) months of pain management or anesthesiology training at an ADGME approved facility.

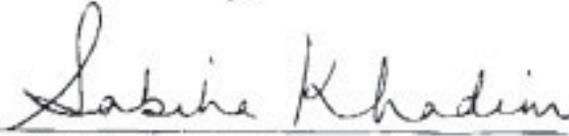
**IT IS FURTHER ORDERED** that upon Board Staff's receipt of official documentation of compliance with the provisions of this Consent Order and Applicant meeting all other requirements for licensure, the Board shall grant to Applicant a license to practice medicine and surgery in the State of Kansas without further proceedings by the Board.

**IT IS SO ORDERED.**

**KANSAS STATE BOARD OF HEALING ARTS**

  
Lawrence T. Buening, Jr.  
Executive Director

February 14, 2005  
Date

  
Sabiha S. Khadim, M.D.  
Applicant

2/2/05  
Date

Prepared by:

Kelli J. Benintendi

Kelli J. Benintendi, #16032  
Associate Counsel  
Kansas State Board of Healing Arts  
235 South Topeka Boulevard  
Topeka, Kansas 66603-3068  
(785) 296-7413  
Attorney for the Board

**CERTIFICATE OF SERVICE**

I, Kelli J. Benintendi, Associate Counsel, Kansas State Board of Healing Arts, hereby certify that I served a file-stamped copy of the above **CONSENT ORDER** by depositing the same in the U.S. mail, postage prepaid, on this the 14<sup>th</sup> day of February 2004, addressed to:

Sabiha S. Khadim, M.D.  
confidential

Miami, Florida 33136

And the original was hand-delivered for filing to:

Lawrence T. Buening, Jr.  
Executive Director  
Kansas State Board of Healing Arts  
235 South Topeka Boulevard  
Topeka, Kansas 66603-3068

Kelli J. Benintendi  
Kelli J. Benintendi  
Associate Counsel