

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of)	
VIKRAM SINGH PANWAR, M.D.)	
)	KSBHA Docket No. 19-HA00113
)	
Application for License to Practice)	
Medicine and Surgery)	

FINAL ORDER DENYING LICENSURE

On August 9, 2019, this matter came before the Kansas State Board of Healing Arts (“Board”) for a Conference Hearing on Vikram Singh Panwar, M.D.’s (“Applicant”) application to practice medicine and surgery in Kansas. Applicant appeared in person, and through counsel, Kelli Stevens, of Forbes Law Group. Matthew Gaus, Associate Litigation Counsel, appeared to present the position of the Disciplinary Panel of the Board. Dr. Balderston, Dr. Hutchins, and Mr. Kelly were recused.

Under the authority granted to the Board by the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act, (“KAPA”), K.S.A. 77-501 *et seq.*, the Board enters this Final Order. After reviewing the agency record, hearing the arguments of the parties, and being duly advised in the premises, the Board makes the following findings, conclusions, and orders.

PROCEDURAL HISTORY

On or about November 10, 2018, Applicant submitted an application to practice medicine and surgery in Kansas. That application was deemed complete and filed with the Board on June 25, 2019. A Response was filed on behalf of the disciplinary panel of the Board on July 10, 2019.

A Notice of Hearing was filed and served on July 12, 2019, and July 29, 2019, setting a Conference Hearing regarding Applicant’s application for licensure. No objection to the Notice of Hearing was filed.¹

The Conference Hearing in this matter was held before the Board on August 9, 2019. After oral argument from both parties, and testimony from the Applicant, the Board verbally issued its order **DENYING** licensure, with a written Final Order to follow in 30 days.

¹ In advance of the oral arguments, the Board was provided the entire agency record to facilitate a comprehensive understanding of the underlying matter, including all exhibits, briefs, and motions filed by the parties in advance of oral arguments. The entire agency record was considered by the Board in rendering its decision.

On August 14, 2019, Applicant, through counsel, filed a Motion to Stay Denial of Licensure Pending Judicial Review. The Board, having considered during its deliberations at the August 9, 2019 hearing whether a stay would be appropriate in this case, and being fully advised of the agency record at this time, **DENIES** applicant's Motion to Stay Denial of Licensure Pending Judicial Review. The Board finds that denial of the motion is justified at this time to ensure protection of the public from a threat to public health and welfare of substance, based on the findings and conclusions described below.

On August 21, 2019, prior to issuance of the written Final Order of the Board, Applicant, through counsel, Petitioned for Reconsideration of License Denial, and included a memorandum of support. The Petition for reconsideration has been taken under advisement for consideration at a Conference Hearing scheduled for October 11, 2019.

FINDINGS OF FACT

1. On or about November 10, 2018, Applicant applied for a license to practice medicine and surgery in Kansas.
2. Initially, Applicant answered "no" to all the addendum questions.
3. Applicant then submitted updated responses to the addendum questions and provided explanations.
4. In his updated application response, Applicant stated the following:
 - a. In August 2016, he was the psychiatric resident on-call when a coworker/friend he had been flirtatious with was brought to the emergency room, and he admitted her. Prior to admission, he claims he was unaware she had psychiatric issues. After her hospitalization, they exchanged text messages, and met at a coffee shop. His residency director confronted him about his contact with her.
 - b. In November 2016, a medical student had reported she felt Applicant was too friendly with her and made her feel uncomfortable.
 - c. In August 2017, his residency program received a complaint about concerns of Applicant meeting with a patient outside of appointments, and undocumented phone calls with her. He admits he met with her and had phone communication with her. His residency program had him receive extra clinical supervision.
 - d. Applicant states he immediately **CONFIDENTIAL** and took a boundaries course. He also stated he **CONFIDENTIAL**.

5. On December 3, 2018, KU Medical Center sent Applicant a letter providing notice of proposed termination of his residency.
6. This letter outlined the instances Applicant described in his updated responses, but in more detail. Of additional note:
 - a. After the August 2017 complaint, he was placed on remediation (for professional issues and medical knowledge/patient care), which he successfully completed.
 - b. On November 20, 2018, there was another complaint from a patient he had admitted to the inpatient unit in 2016, alleging clear boundary violations. Applicant initially denied it but was confronted with text messages of the two. The patient claimed “pizza” was their code word for sex, which he denied, but stated it was the code word for “flirting.” The texts were banter about wanting pizza. Applicant also asked her to meet him. He was placed on administrative leave with pay, pending review. The decision was made to initiate corrective action and notify him the residency program was proposing termination.
7. On December 19, 2018, Applicant received a letter from KU’s Office of the General Counsel. It stated in lieu of termination, Applicant would be put on a paid 28-day suspension and allowed to return to work subject to: completing **CONFIDENTIAL** and following all recommendations, **CONFIDENTIAL**, certification he is fit to practice before returning to work, and an agreement to not commit any more boundary violations.
8. He **CONFIDENTIAL** l.
9. **CONFIDENTIAL**

CONFIDENTIAL

11. On January 11, 2019, **CONFIDENTIAL** determined Applicant was fit to return to the supervised practice of psychiatry as a resident, provided he continue to implement their other recommendations.

12. Applicant entered into a **CONFIDENTIAL** for a period of four years.
13. **CONFIDENTIAL**
14. On April 1, 2019, the Board received a patient complaint alleging Applicant exhibited unprofessional conduct and crossed sexual boundaries during appointments with him for psychiatric care.
15. Specifically, she alleged Applicant asked an excessive number of questions about her sex life, gave her his personal number and propositioned her to meet for a sexual encounter, hugging and squeezing her buttocks, exposed his penis to her, and raising her Adderall dosage because he was afraid she would tell someone about his misconduct.
16. The patient complainant also filed a police report.
17. Applicant's Program Director, serving as his workplace monitor, sent a letter to **CONFIDENTIAL** stating, "In discussion with staff from the Wyandot Center, they did not find this complaint to be credible."
18. Board Investigators contacted each of the Wyandot staff members involved, and all denied telling the Program Director this.

CONCLUSIONS OF LAW

I. Applicable Law

Under K.S.A. 65-2836, an application for a license may be denied upon the existence of any of the following grounds:

- (b) [Applicant] committed an act of unprofessional or dishonorable conduct.

II. Case Law

The case law most relevant to this matter include the following.

"Where substantial evidence is presented that supports a finding of a violation of the [Kansas Healing Arts Act], Board members are entitled and expected to rely on their own expertise and experience in making these decisions." *Hart v. Bd. of Healing Arts of State*, 27 Kan. App. 2d 213 (2000).

"[T]he [Act] is entitled to broad and liberal construction." *Patel v. Kansas State Board of Healing Arts*, 22 KanApp.2d 712, 716 (1996). The Kansas Supreme Court held, in reviewing the Kansas Healing Arts Act, that consideration must be given to the entire act and that the legislatures "enumerating certain acts and classifying them as unprofessional conduct" did not serve to "exclude all other acts or conduct in the practice of the healing arts" that, by "common understanding" could be considered unprofessional conduct. *Kansas State Bd. of Healing Arts v. Foote*, 200 Kan. 447, 453, 436 P.2d 828, 833 (1968). The Court went on to identify the impracticality of listing "each and every specific act or course of conduct which might constitute such unprofessional conduct of a disqualifying nature." *Id.* Finally, the Court concluded that "The determination whether by common judgment certain conduct is disqualifying is left to the sound discretion of the board." *Id.*, at 454.

The Kansas Healing Arts Act does not require a finding of actual harm to a patient for a licensee's acts and/or conduct to be grounds for disciplinary action under the provisions of the act. *Fieser v. Kansas State Bd. of Healing Arts*, 281 Kan. 268,130, P.3d 555 (2006).

III. Conclusions of Law

A. Applicant has violated K.S.A. 65-2836(b), in that he has committed an act of unprofessional or dishonorable conduct.

The Board finds Applicant has violated K.S.A. 65-2836(b), in that he has committed acts of unprofessional or dishonorable conduct. Based on the agency record, the Board finds that Applicant committed numerous instances of sexual boundary violations with patients during his residency. These instances, despite remedial measures, continued throughout the life of his residency. Under all the circumstances of this case, it is clear that Applicant has committed acts of unprofessional or dishonorable conduct.

ORDER

IT IS THEREFORE ORDERED, Applicant's application to practice medicine and surgery in Kansas, is **DENIED**.

IT IS SO ORDERED this 9th day of September 2019.

KANSAS STATE BOARD OF HEALING ARTS


Kathleen Selzler Lippert, Executive Director

Final Order Denying Licensure
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KSBHA Docket No. 19-HA00113

NOTICE OF APPEAL RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Under K.S.A. 77-529, parties may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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 State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **FINAL ORDER DENYING LICENSURE** was served, by depositing the same in the United States mail, postage prepaid, and emailed on this 9th day of September 2019, addressed to:

Vikram Singh Panwar, M.D.
CONFIDENTIAL

Applicant

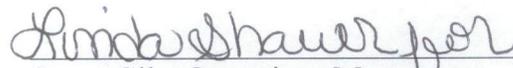
Kelli J. Stevens
Forbes Law Group
6900 College Blvd., Suite 840
Overland Park, KS 66160
kstevens@forbeslawgroup.com
Attorney for Applicant

And hand-delivered to:

Matthew Gaus, Associate Litigation 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:

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


Susan Gile, Operations Manager

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