

FILED  
NOV 13 2019  
KS State Board of Healing Arts

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

**In the Matter of** )  
 )  
**Seyed Sajadi, M.D.** ) **Docket No. 19-HA00095**  
**Kansas License No. 04-29143** )

---

**FINAL ORDER**

On October 11, 2019, this matter came before the Kansas State Board of Healing Arts (“Board”) upon the request of Seyed Sajadi, M.D. (“Licensee”), pursuant to K.S.A. 77-537 and K.S.A. 77-542, for a conference hearing on review of the Summary Order that was issued by the Board in this matter on June 4, 2019.

Upon review of the agency record, including the briefs, arguments, and testimony taken at the hearing, the following findings of fact, conclusions of law, and order are made for and on behalf of the Board:

**Findings of Fact**

1. During all times relevant to the facts set forth in this order, Licensee has held an Active license to practice medicine and surgery in the state of Kansas.

2. On or about March 27, 2018, Licensee entered into a Settlement Agreement with the Missouri State Board of Registration for the Healing Arts (“Missouri Board”) to resolve a matter involving Patient 1. Specifically, Licensee agreed to the settlement agreement which, in part, provides the following Joint Stipulation of Facts:

- a. Licensee owns and operates clinics in Missouri and Kansas under the name of Lipo Body Enhancement, LLC, wherein Licensee performs various cosmetic procedures on patients and previously performed various types of surgeries.

- b. Licensee's main office location was in Overland Park, Kansas; however, Licensee had an office located in Springfield, Missouri to which he often traveled to perform cosmetic procedures and previously to perform surgeries.
- c. On or about June 8, 2013, Licensee performed an abdominal liposuction surgery on Patient 1 at the Springfield, Missouri office of Lipo Body Enhancement, LLC.
- d. Following completion of this surgery on Patient 1, Licensee gave Patient 1 his phone number and instructions to reach him by text message or telephone if necessary and then Licensee returned to Overland Park, Kansas.
- e. Licensee did not have a secondary procedure in place in the event a patient, Patient 1, was unable to reach him.
- f. Licensee did not make any arrangements with local healthcare professionals or hospitals to monitor Patient 1 or handle continued care for Patient 1 following the surgery.
- g. Licensee did not have privileges at any local hospital.
- h. Patient 1 experienced complications with the surgery, which included light headedness and pooling of blood in her bed.
- i. Patient 1's husband, using his own cell phone having a (303) area code, attempted to call Licensee but did not leave a voice message. Licensee did not recognize the telephone number, but later that evening returned the call, in excess of thirty (30) minutes.
- j. Patient 1 went to the emergency department of Cox Health in Springfield, Missouri where she was diagnosed with third spacing of fluid following SmartLipo

liposuction and was admitted to the hospital for observation. Licensee saw Patient 1 in his office the following Wednesday for follow up.

- k. Physicians treating Patient 1 at Cox Health were unable to timely reach Respondent. Licensee contacted the hospital after talking to the patient's husband to check on Patient 1's condition.
- l. Licensee left the Springfield, Missouri area following the completion of Patient 1's surgery and after the patient was stabilized. Licensee had instructed Patient 1 on how to contact him either by text message or a call to his cell phone. However, he did not have any other method or protocol in place to cover all scenarios for establishing a line of communication.

3. The Missouri Board's Settlement Agreement publicly reprimanded Licensee and required Licensee to successfully complete a Board approved course in the subject of communication.

4. On or about April 17, 2018, the Board received a Disciplinary Alert from the Federation of State Medical Board ("FSMB") indicating that the Missouri Board had "CME REQUIRED [and] REPRIMANDED" Licensee's license to practice for "Conduct/Practice Which Is Or Might Be Harmful/Dangerous to the Health of the Patient/Public."

5. On April 30, 2018, Licensee's Counsel, Mark Stafford, provided a copy of the Settlement Agreement between Licensee and the Missouri Board

6. On or about July 18, 2018, Mr. Stafford provided a response on behalf of Licensee regarding the Missouri Settlement Agreement indicating that Licensee no longer performs liposuction procedures.

7. Licensee was previously disciplined by this Board in KSBHA Docket No. 18-HA00037 in a separate matter. The Board’s presiding officer issued a Final Order publicly censuring Licensee and fining him in the amount of \$2,499. *See* Agency Record, KSBHA Docket No. 18-HA00037.

8. The facts of this case, as contained in the agency record, including the statements of Licensee at the hearing, demonstrate that Licensee engaged in itinerant surgery in a manner that tended to endanger patient safety.

#### Applicable Law

9. Pursuant to K.S.A. 65-2836 “A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately censured or placed under probationary conditions, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

(j) The licensee has had a license to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken . . . by the proper licensing authority of another state, territory, District of Columbia or other country.

10. “The whole purpose and tenor of the healing arts act is the protection of the public . . .” *Kansas State Bd. Of Healing Arts v. Foote*, 200 Kan. 447, 453 (1968).

11. The Board and its members are entitled and expected to rely on their own professional experience and expertise in considering cases before the Board. *See Herrera-Gallegos v. H & H Delivery Serv., Inc.*, 42 Kan. App. 2d 360, 363, 212 P.3d 239, 242 (2009); *Kansas State Bd. of Healing Arts v. Foote*, 200 Kan. 447, 459 (1968). *See also, Hart v. Bd. of Healing Arts of State*, 27 Kan. App. 2d 213 (2000); *Kotnour v. City of Overland Park*, 43 Kan. App. 2d 833, 837–

38 (2010).

### Conclusions

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

13. The Board finds Licensee violated K.S.A. 65-2836(j), in that Licensee had disciplinary action taken against him proper licensing authority, in that Licensee was disciplined by the Missouri Board.

14. Pursuant to K.S.A. 65-2836, under the facts and circumstances of this case, the orders and limitations described below are, in the judgment of the Board, appropriate to address the Licensee's violation of the Healing Arts Act and protect patient safety.

### Orders

**IT IS, THEREFORE, ORDERED** that Licensee is **PUBLICLY CENSURED** for Licensee's violation of the Kansas Healing Arts Act.

**IT IS FURTHER ORDERED** that licensee's license to practice medicine and surgery in Kansas is limited, as follows:

- Licensee shall make arrangements to be physically present to attend to the patient, if needed, within 20 minutes notice (initial contact) at all times during the first 24 hours following any surgical procedure conducted by Licensee. For the purpose of this requirement, "20 minutes" refers to the total time to travel to the local location at which the Licensee has admitting privileges.
- Prior to conducting any surgical procedure, Licensee must have a written protocol in place that provides for appropriate backup coverage in the event the Licensee cannot be immediately reached in the first 24 hours following the surgical

procedure and/or if Licensee unexpectedly becomes unavailable during that time period. Such protocol must be communicated to and agreed to by the patient prior to the date of surgery.

- Licensee shall not conduct any surgical procedure unless Licensee has admitting privileges with a hospital within 20 miles of the location at which the surgical procedure is conducted.

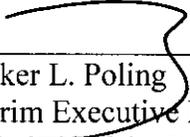
**IT IS FURTHER ORDERED** that Licensee is assessed a **CIVIL FINE** in the amount of **\$5,000.00** for violation of the Kansas Healing Arts Act. **Such fine shall be paid to the “Kansas State Board of Healing Arts”, in full, on or before January 31, 2020.** All monetary payments, which shall be in the form of check or money order, relating to this Order shall be mailed to the Board certified and addressed to:

Compliance Coordinator  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level – Suite A  
Topeka, Kansas 66612.

**IT IS SO ORDERED.**

Dated this 13<sup>th</sup> day of November, 2019.

**KANSAS STATE BOARD OF HEALING ARTS**

  
\_\_\_\_\_  
Tucker L. Poling  
Interim Executive Director  
On behalf of the Board

## **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 Tucker L. Poling, Interim Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that the foregoing Final Order was served this 13<sup>th</sup> day of November, 2019, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Seyed Sajadi, M.D.  
**CONFIDENTIAL**

*Licensee*

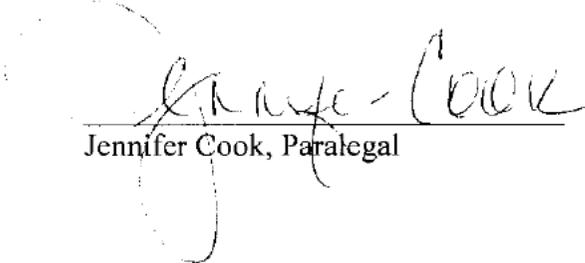
Mark Stafford  
Forbes Law Group  
6900 College Blvd., Suite 840  
Overland Park, Kansas 66211  
*Attorney for Licensee*

and copies were delivered to:

Todd Hiatt, Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level – Suite A  
Topeka, Kansas 66612

Compliance Coordinator  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level – Suite A  
Topeka, KS 66612

and the original was filed with the office of the Interim Executive Director:

  
\_\_\_\_\_  
Jennifer Cook, Paralegal