

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

**In the Matter of** )  
**Pravin G. Sampat, M.D.** )  
 )  
**Kansas License No.: 04-18013** )  
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**KSBHA Docket No.: 09-HA00049**

**FINAL ORDER FOLLOWING CONFERENCE HEARING**  
**(Pursuant to K.S.A. 77-501 et seq.)**

**NOW** on this 15<sup>th</sup> day of April 2011, comes before the Kansas State Board of Healing Arts (“Board”) the Motion of Respondent, Pravin G. Sampat, M.D. (“Licensee”), for Termination of Suspension. Licensee appears in person and by his counsel, Pedro Irigonegaray and Elizabeth R. Herbert of Irigonegaray & Associates. Janith A. Lewis, Associate Litigation Counsel, appears on behalf of the Petitioner Board.

Pursuant to the authority granted to the Board by K.S.A. 65-2801 *et seq.* and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 *et seq.*, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the file, hearing the statements and arguments of Ms. Lewis, Mr. Irigonegaray, and Ms. Herbert, and being otherwise duly advised in the premises, the Board makes the following findings of fact, conclusions and order:

**I. Findings of Fact**

The Board has been shown the following facts:

1. Pravin G. Sampat, M.D. (“Licensee”), is licensed to engage in the practice of medicine and surgery in the State of Kansas, License No. 04-18013, and has been so licensed since approximately February 1, 1979.

2. Licensee's last known mailing address provided to the Board is: confidential  
confidential Topeka, Kansas 66610.

3. On or about October 2, 2008, the Board ("Petitioner") filed a Petition and Motion for Ex Parte Emergency Order of Suspension and for Emergency Proceedings and Proposed Order, alleging Licensee committed acts of unprofessional and dishonorable conduct, and committed conduct likely to deceive, defraud or harm the public in violation of the Healing Arts Act.

4. On or about October 6, 2008, the Board entered an emergency suspension of Licensee's license based on a finding of imminent danger to the public health and safety.

5. On or about March 6, 2009, a formal hearing on the emergency suspension was held, and the proceedings were conducted by Presiding Officer, Merle Hodges, M.D., a member of the Board. During the hearing, Petitioner presented evidence in support of its allegations in the form of documents and testimony of several witnesses. Licensee testified on his own behalf, as well as offering documents and testimony of several witnesses.

6. At such hearing, the Presiding Officer granted the Board's petition for an emergency suspension.

7. On or about December 21, 2009, Petitioner filed a First Amended Petition which included additional allegations that Licensee committed acts of unprofessional or dishonorable conduct in violation of the Healing Arts Act.

8. On or about January 29, 2010, a formal hearing was held on Petitioner's Amended Petition, and the proceedings were conducted by Presiding Officer, Merle Hodges, M.D.

9. On or about March 26, 2010, the Presiding Officer issued an Initial Order.
10. On or about April 16, 2010, the full Board reviewed the Initial Order of the Presiding Officer.
11. On or about April 30, 2010, the Board entered a Final Order finding Licensee had violated the Healing Arts Act by:
  - a. Prescribing, selling, administering, distributing or giving a controlled substance to a person for other than a medically accepted or lawful purpose, contrary to K.S.A. 65-2836(p);
  - b. Engaging in conduct likely to deceive, defraud or harm the public, contrary to K.S.A. 65-2837(b)(12);
  - c. Failing to transfer patient records to another licensee when requested to do so by the subject patient or by such patient's legally designated representative, contrary to K.S.A. 65-2837(b)(20);
  - d. Prescribing, dispensing, administering, distributing a prescription drug or substance, including a controlled substance, in an excessive, improper or inappropriate manner or quality or not in the course of the licensee's professional practice, contrary to K.S.A. 65-2837(b)(23); and
  - e. Failing to keep written medical records which accurately describe the services rendered to the patient, including patient histories, pertinent findings, examination results and test results, contrary to K.S.A. 65-2837(b)(25).
12. In the Final Order dated April 30, 2010, the Board determined that the evidence regarding Licensee's actions presented a serious potential for injury and abuse of trust; were intentional; and not inadvertent and were done for personal gain. Furthermore, the Board

reasoned that Licensee had been a licensed physician of medicine and surgery in the State of Kansas since 1979; his age and experience had not provided him with the tools or insight to prevent intentional violations of the Healing Arts Act. Additionally, Licensee's intentional conduct and lack of remorse contributed to the diminished perception of public protection. Finally, the ill repute such intentional conduct brought to the profession was found to be significant.

13. The Final Order dated April 30, 2010, ordered Licensee to take remedial actions, and indefinitely suspended the Licensee's license to practice medicine and surgery until Licensee "provides the Board with satisfactory evidence that he has the ability to practice the healing arts with reasonable skill and safety to patients and is sufficiently rehabilitated to warrant the public interest."

14. On or about May 18, 2010, Licensee Petitioned the Board for Reconsideration of its Final Order.

15. On or about June 18, 2010, a hearing was held on Licensee's Petition for Reconsideration.

16. On or about June 28, 2010, the Board entered its Final Order denying Licensee's Petition for Reconsideration.

17. On or about February 8, 2011, Licensee moved the Board for termination of the suspension placed on Licensee's license to engage in the practice of medicine and surgery in the State of Kansas.

18. On or about April 15, 2011, a hearing was held on Licensee's Motion for Termination of Suspension.

19. At such hearing, Licensee presented evidence of his partial compliance with the Board's April 30, 2010 Final Order regarding Licensee's ability to practice the healing arts with reasonable skill and safety to patients.

20. Licensee presented limited evidence of his rehabilitation to warrant a renewed public trust in light of having been found to have committed significant intentional misconduct in violation of the Healing Arts Act, as stated in the April 30, 2010 Final Order.

## **II. Applicable Law**

- a. K.S.A. 77-501 et seq. – Kansas Administrative Procedure Act
- b. K.S.A. 65-2801 et seq. – Kansas Healing Arts Act
- c. K.S.A. 65-2836(p) – Acts of Unprofessional or Dishonorable Conduct or Professional Incompetency
- d. K.S.A. 65-2837(b) – Unprofessional Conduct Definition

## **III. Policy Statement**

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

## **IV. Conclusions**

Based upon the Findings of Fact enumerated in Paragraph Nos. 1 through 20, the Applicable Law, and the Policy Statement set forth above, the Board hereby concludes as follows:

21. Licensee failed to present sufficient evidence of his ability to practice the healing arts with reasonable skill and safety to patients. More specifically, the evidence presented indicated his medical knowledge was broad, but had a number of gaps. Furthermore, the

evidence presented showed Licensee's clinical judgment and reasoning were variable, ranging from acceptable to inadequate.

22. Licensee has taken several steps to remediate the aforementioned deficiencies. However, the Board finds that despite the positive actions of Licensee, he is not remediated to a sufficient level to ensure Licensee has the ability to practice the healing arts with reasonable skill and safety to patients.


23. Licensee failed to present sufficient evidence of his rehabilitation to warrant the public's trust. Such trust was compromised due to the significant intentional misconduct of the well-seasoned Licensee. This breach of trust was one of the basis for Licensee's license being indefinitely suspended until such time Licensee can "provide satisfactory evidence that he has the ability to practice the healing arts with reasonable skill and safety to patients and is sufficiently rehabilitated to warrant the public trust."

**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS:**

24. Licensee's Motion for Termination of Suspension is hereby **DENIED**.

25. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

**IT IS SO ORDERED THIS 26<sup>th</sup> DAY OF April, 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

  
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Gary Counselman, D.C.  
Presiding Officer  
Kansas State Board of Healing Arts

**NOTICE OF RIGHTS**

**PLEASE TAKE NOTICE** that this is a Final Order. A Final Order is effective upon service. 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, the Board's Executive Director, at 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 was served this 26<sup>th</sup> day of April, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Pravin G. Sampat, M.D.  
confidential  
Topeka, KS 66610

Elizabeth R. Herbert  
Pedro Irigonegaray  
Irigonegaray & Associates  
1535 SW 29<sup>th</sup> Street  
Topeka, KS 66611-1901  
*Attorneys for Licensee*

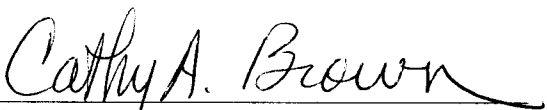
And a copy was hand-delivered to the following:

Janith A. Lewis, Associate Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

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

The original was filed with the office of:

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

  
Cathy Brown  
Executive Assistant