

**FILED** 

NOV 14 2012

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

KS State Board of Healing Arts

**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 DENYING MOTION FOR  
MODIFICATION OF LICENSE LIMITATIONS**

NOW on this 19<sup>th</sup> day of October, 2012, comes before the Kansas State Board of Healing Arts (“Board”) the Motion of Pravin G. Sampat, M.D. (“Licensee”) for modification of the limitations placed on his Licensee’s license by the Final Order filed September 2, 2011, in this matter. Licensee appears in person, and by and through counsel, Elizabeth Herbert of Irigonegaray & Associates. Brandy Snead, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to 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 agency record, hearing the statements and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. Licensee is licensed to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-18013 on approximately February 1, 1979.
2. On or about April 30, 2010, the Board issued its Final Order (“2010 Final Order”) indefinitely suspending Licensee’s license to practice medicine and surgery in the State of Kansas. Such order was based on the Board’s finding that Licensee violated the Kansas Healing Arts Act by failing to transfer patient records to another licensee when requested to do so by the

subject patient; failing to keep adequate written medical records; excessive and improper prescribing practices; and engaging in conduct likely to deceive, defraud or harm the public.

3. Pursuant to the 2010 Final Order, Licensee's license was to remain suspended until he could provide the Board with satisfactory evidence that he has the ability to practice the healing arts with reasonable skill and safety to patients and was sufficiently rehabilitated to warrant the public trust.

4. Additionally, the 2010 Final Order required Licensee to complete a clinical skills evaluation from the Center for Personalized Education for Physicians (CPEP) and successfully complete CPEP's recommendations; attend and complete intensive medical records course, **Confidential** and successfully complete the recommendations made; convert his medical practice billing records system to a computer based billing record system; provide evidence that his continuing medication education was current; maintain his continuing medical education according to state law; and pay the costs of the proceedings in the amount of \$3,622.33.

5. On or about February 7, 2011, Licensee filed a Motion to the Board to Terminate the Suspension of his license and allow him to return to full unrestricted practice of medicine under supervisory conditions as the Board deems appropriate. Licensee provided multiple exhibits for Board review concerning the requirements laid out in the Board's 2010 Final Order.

6. On or about April 26, 2011, the Board issued its Final Order denying Licensee's request to have his suspension terminated based on Licensee's failure to present sufficient evidence of his ability to practice the healing arts with a reasonable skill and safety to patients; Licensee not being remediated to a sufficient level despite his positive actions; and Licensee's failure to provide sufficient evidence of his rehabilitation to warrant the public's trust.

7. On or about July 18, 2011, Licensee filed a Second Motion for Termination of Suspension and provided further evidence at a conference hearing held August 12, 2011.

8. On or about September 2, 2011, the Board issued a Final Order Terminating Suspension and Imposing Limitations on Licensee's License. Such limitations included a prohibition on solo practice, a requirement for clinical supervision by a physician in the same practice, and a prohibition on controlled substance prescribing. The terms provide that Licensee may request termination or modification of the limitations after Licensee had engaged in the active practice of medicine and surgery, in the limited capacity, for one (1) year.

9. On or about September 21, 2011, Licensee filed a Motion for Modification Subject to Substantive Substitute Safeguards. The Motion sought modification of the prohibition on prescribing controlled substances, and requested that Licensee be allowed to prescribe controlled substances under the condition that his supervising physician review all appropriate patient records and also sign the prescription. At a conference hearing held October 21, 2011, Licensee presented evidence that he was unable to find employment as a physician because of the controlled substance prescribing limitation on his license.

10. On or about November 21, 2011, the Board issued its Final Order Denying Respondent's Motion for Modification, concluding that the purpose of the limitations is to protect the public's safety while Licensee works toward further rehabilitation and clinical competency. The Board further concluded that Licensee failed to show adequate cause to warrant modification of the controlled substance prescribing limitation.

11. On or about September 17, 2012, Licensee filed a Motion for Modification of License Limitations. The Motion seeks to remove the prohibition on solo practice and prescribing limitation, or in the alternative, just remove the prescribing limitation as long as he

practices in a group setting. The Motion also requests that the supervisor requirement be modified so that the supervisor does not have to be employed in the same practice.

12. On or about September 21, 2012, Board counsel filed Petitioner's Response to Respondent's Motion for Modification of License Limitations. The Response contends that the modifications would not adequately protect the public and that Licensee has not shown adequate cause for removal of any of the limitations.

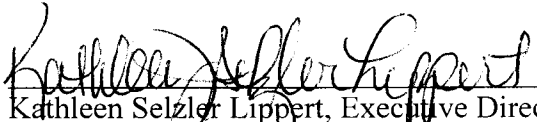
13. Licensee's motion was heard at a conference hearing before the full Board on October 19, 2012. Licensee presented evidence regarding his compliance with the Board's orders thus far and his efforts to gain employment without success due to the present restrictions on his license.

14. The Board concludes that Licensee's difficulties in obtaining employment as a physician still do not outweigh the public protection purpose of the limitations and do not present adequate cause for modification.

**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS** Licensee's Motion for Modification of License Limitations filed September 17, 2012, is hereby DENIED.

**IT IS FURTHER ORDERED** that the Board shall maintain jurisdiction over this matter to issue any future order(s) deemed necessary and appropriate.

**IT IS SO ORDERED THIS 12<sup>th</sup> DAY OF NOVEMBER, 2012, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

  
Kathleen Selzler Lippert, Executive Director  
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, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee 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, the undersigned, hereby certify that a true and correct copy of the above and foregoing **FINAL ORDER DENYING MOTION FOR MODIFICATION OF LICENSE LIMITATIONS** was served this 14<sup>th</sup> day of November, 2012 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

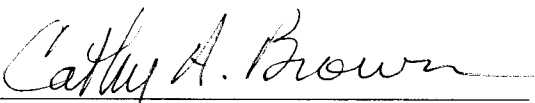
Elizabeth Herbert  
Irigonegaray & Associates  
1535 SW 29<sup>th</sup> Street  
Topeka, Kansas 66610

And a copy was hand-delivered to:

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

Melissa Massey, Compliance Coordinator  
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.

  
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Cathy Brown, Executive Assistant