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**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)
_____)

KSBHA Docket No. 09-HA00049

**FINAL ORDER DENYING MOTION FOR
MODIFICATION OF LICENSE RESTRICTIONS**

NOW on this 8th day of August, 2014, comes before the Kansas State Board of Healing Arts (“Board”) the Motion for Modification of License Restrictions filed by Pravin G. Sampat, M.D. (“Licensee”). Licensee appears in person, and by and through counsel, Robert V. Eye. Jane Weiler, 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, receiving exhibits into evidence, 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. On or about September 2, 2011, the Board issued a Final Order Terminating Suspension and Imposing Limitations (“2011 Final Order”) on Licensee’s license. The 2011 Final Order imposed limitations which prohibit Licensee from engaging in solo practice and prescribing controlled substances. The 2011 Final Order also requires that Licensee not practice the healing arts unless his practice is supervised under specific terms.

4. The 2011 Final Order states that the Board may consider termination or modification of the limitations after Licensee has engaged in active practice under the limitations for at least one year. The evidence to be evaluated includes:

- i. The appropriateness of the patient care Licensee has provided while practicing under the LIMITATION provisions as reported by the supervising physician;
- ii. Whether Licensee has fulfilled all the terms set forth in the Final Order of April 30, 2010;
- iii. Whether Licensee has complied with the recommendations of CPEP and Confidential
- iv. Licensee’s progress in achieving clinical competency to be able to practice with reasonable skill and safety to patients; and
- v. Licensee’s degree of rehabilitation to warrant the public trust.

5. On July 11, 2014, Licensee submitted a Motion for Modification of License Restrictions to the Board, requesting that the 2011 Final Order be modified to allow Licensee to engage in unsupervised solo practice and to prescribe controlled substances.

6. On July 17, 2014, Board counsel filed a Response to Motion for Modification of License Restrictions.

7. Licensee practiced under supervision at Larned State Hospital from approximately February 5 through March 5, 2013, with an approved practice supervisor. Licensee then practiced at Larned State Hospital from March 15, 2013, through March 28, 2013, with an approved, substitute practice supervisor.

8. On or about March 28, 2013, Licensee was terminated from employment at Larned State Hospital.

9. Three (3) Monthly Practice Supervisor Reports have been submitted to the Board from the Board-approved practice supervisors for the timeframe of February 5, 2013 through March 28, 2013.

10. The Monthly Practice Supervisor Reports opine that Licensee's patient care, documentation and prescribing were appropriate during the approximately two-month timeframe that Licensee actively practiced under supervision. One of Licensee's practice supervisors, Ralph Bharati, M.D., further expressed his endorsement of the removal of Licensee's practice limitations in a letter to the Board dated May 23, 2014. Dr. Bharati states that Licensee is "[a] very competent, sympathetic and thorough physician with excellent clinical skills and medical knowledge." Dr. Bharati indicates that these opinions were formed "during [his] close observation and supervision" of Licensee.

11. Licensee contends that the two-months of supervised practice and the opinions expressed by his supervising physicians demonstrate he is clinically competent and rehabilitated to warrant removal of the limitations on his license.

12. The one-year timeframe for supervised practice imposed in the 2011 Final Order is intended to give Licensee an adequate amount of time to have a wide variety of supervised patient encounters in order to provide the Board with a comprehensive view of Licensee's

clinical knowledge, judgment and ability to apply both. While the Board finds the Monthly Practice Supervisor Reports and Dr. Bharati's additional opinions to be positive, the Board concludes that two months of supervised practice is too brief to provide sufficient evidence that Licensee has made significant steps to achieving clinical competency.

13. Licensee is required to remain current with his continuing medical education requirements. On or about July 2, 2013, Licensee changed his license designation from "active" to "exempt." As set forth in K.S.A. 65-2809(f), Licensee is not required to submit evidence of completion of continuing medical education ("CME").

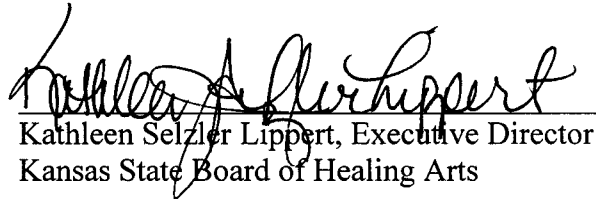
14. In support of his Motion for Modification, Licensee submitted a report prepared July 18, 2014, of his CME activities. The report reflects that Licensee received 198 Category 1 Credit Hours from January of 2011 through December of 2012. The Board finds Licensee's CME achievement to be commendable. However, in the absence of the required year of demonstrable competent practice while under supervision, Licensee's CME hours do not provide a sufficient basis to grant Licensee's Motion for Modification.

15. Licensee also reiterated his argument from previous motions for modification, that the limitations on his license create difficulty in obtaining employment as a physician. While recognizing the severity of the limitations imposed, the Board concludes that the public protection purpose of the limitations outweigh the impediments to Licensee and do not present adequate cause for modification.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee's Motion for Modification of License Restrictions filed July 11, 2014, 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 8 **DAY OF SEPTEMBER, 2014, 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 RESTRICTIONS** was served this 5th day of September, 2014 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


Robert V. Eye
Robert V. Eye Law Office, L.L.C
123 SE 6th Ave., Suite 200
Topeka, Kansas 66603

And a copy was hand-delivered to:

Jane Weiler, Associate 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, Kansas 66612

And the original was filed with the office of the Executive Director.



Cathy Brown, Executive Assistant