

FILED CAB

JUN 28 2010

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

KS State Board of Healing Arts

In the Matter of)
Pravin Sampat, M.D.)
License No. 04-18013)
_____)

Docket No. ⁰⁹ 10-HA00049

FINAL ORDER
(Pursuant to K.S.A. 77-501 et seq.)

Pursuant to the authority granted to the Kansas State Board of Healing Arts (“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.

I. Findings of Fact

The Board has been shown the following facts:

1. Pravin Sampat (“Licensee”) 4025 SW Indian Hills Rd., Topeka, Kansas 66610 is licensed to practice surgery and medicine in the State of Kansas and has been so licensed since February 1, 1979. Licensee’s license is currently suspended indefinitely as a result of Board action on April 20, 2010.
2. On March 26, 2010, Presiding Officer Merle Hodges, M.D., entered an Initial Order placing restrictions upon Licensee’s license as a result of findings by the Presiding Officer that Licensee had committed violations of Kansas Healing Arts Act. Specifically, the Presiding Officer found Licensee committed violations of K.S.A. 65-2836; K.S.A. 65-3827; and 65-4971 with respect to three patients treated by Licensee.
3. The Presiding Officer placed restrictions upon Licensee’s license but removed a suspension of Licensee’s license.

4. On March 26, 2010, the Board, upon its own motion and pursuant to K.S.A. 77-527(a), requested the full Board review the Presiding Officer's Initial Order.
5. On April 30, 2010, the Board entered a Final Order suspending indefinitely the Licensee's license and imposing further duties upon the Licensee.
6. The Board's Final Order wholly incorporated the Findings of Fact and Conclusions of Law as set forth in the Presiding Officer's Initial Order into the Final Order.
7. On May 18, 2010, Licensee filed a Petition for Reconsideration.

II. Applicable Law

K.S.A. 65-2801 states:

“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.”

Also See K.S.A. 77-529

III. Public 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 of Law

Based upon the Findings of Fact enumerated in Paragraphs #1 through #7, the Applicable Law and the Public Policy Statement set forth above:

THE BOARD HEREBY CONCLUDES AS FOLLOWS:

8. The Board has duly considered Licensee's Petition for Reconsideration.
9. The Board has not considered the underlying factual basis for the Final Order and bases its decision solely upon the Licensee's Petition for Reconsideration.

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

10. Pursuant to the authority granted to the Board by the Healing Arts Act, and the Kansas Administrative Procedure Act, specifically K.S.A. 77-529, the Licensee's Petition for Reconsideration is hereby **DENIED**.
11. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 28 DAY OF June, 2010, 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. A party to an agency proceeding may seek judicial review of a final order by filing a petition in the District Court pursuant to K.S.A. 77-601, et seq. Reconsideration of a final order is not a prerequisite to judicial review. Please note, filing a Petition for

Reconsideration may affect the timeframe in which a party has to file a Petition for Judicial Review. *Please see K.S.A. 77-601 et seq.* A copy of any petition for judicial review must be served upon Kathleen Selzler Lippert, the Board's Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the foregoing Final Order was served this 28th day of June, 2010 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Pravin Sampat, M.D.
4025 SW Indian Hills Rd.
Topeka, KS 66610

Elizabeth Herbert
Pedro Irigonegaray
Irigonegaray & Associates
1535 SW 29th Street
Topeka, KS 66611-1901

And a copy was hand delivered to the office of:

Janith Lewis, Associate Litigation Counsel
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, KS 66603

The original filed with:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, KS 66603



Cathy Brown
Executive Assistant