

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

In the Matter of)
Pravin G. Sampat, M.D.)
)
Kansas License No. 04-27319)
_____)

KSBHA Docket No. 09-HA00049

**FINAL ORDER TERMINATING SUSPENSION
AND IMPOSING LIMITATIONS ON LICENSE**

NOW, on this 12th day of August 2011, comes before the Kansas State Board of Healing Arts (“Board”) the Respondent’s Second Motion for Termination of Suspension. Pravin G. Sampat (“Licensee”) appears in person, and through counsel, Pedro L. Irigonegaray 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 the Kansas Healing Arts Act, 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 following a conference hearing in the above-captioned matter. After reviewing the file, hearing the testimony and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

I. Procedural History

1. 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. On or about October 8, 2008, Licensee was served with an emergency *ex parte* order, which indefinitely suspended Licensee's license for violations of K.S.A. 65-2836, K.S.A. 65-3827, and K.S.A. 65-4971.

3. After hearings were held, Presiding Officer Merle Hodges, M.D., entered an Initial Order on or about March 26, 2010, based upon the Presiding Officer's findings that Licensee committed violations of K.S.A. 65-2836, K.S.A. 65-3827, and K.S.A. 65-4971 with respect to three (3) patients treated by Licensee. Under the terms of the Initial Order, restrictions were placed on Licensee's license.

4. On or about 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 or about April 30, 2010, the Board entered a Final Order indefinitely suspending Licensee's license and imposing additional remedial measures.

6. On May 18, 2010, Licensee filed a Petition for Reconsideration with the Kansas State Board of Healing Arts regarding the suspension of his license.

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

8. On or about July 28, 2010, Respondent requested judicial review of the Board's April 30, 2010 Final Order by Shawnee County District Court in Case No. 10-C-001057.

9. On or about January 18, 2011, the District Court granted the Board's Motion to Dismiss and denied judicial review of the Board's Final Order.

10. On or about February 7, 2011, Licensee filed a motion for termination of the current suspension placed on his license, and requested that he be allowed to return to the full

and unrestricted practice of medicine and surgery in the State of Kansas under such reporting and supervisory conditions as the Board seems advisable.

11. On or about March 10, 2011, Respondent appealed the District Court's ruling to the Kansas Court of Appeals for review and consideration, Appellate Case No. 105754.

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

13. On or about April 26, 2011, the Board entered a Final Order denying Licensee's motion for termination of the suspension, based upon Licensee's failure to present sufficient evidence of his ability to practice the healing arts with reasonable skill and safety to patients and failure to present sufficient evidence of his rehabilitation to warrant the public's trust.

14. On July 8, 2011, Respondent moved the Kansas Court of Appeals for dismissal, which was granted on July 11, 2011.

15. On or about July 18, 2011, Respondent filed his Second Motion for Termination of Suspension with the Board.

16. On or about July 19, 2011, the Petitioner Board filed a Response to Licensee's Second Motion for Termination of Suspension.

II. Findings

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19. At the time of the conference hearing in this matter, Licensee was current in his payment of the costs assessed to him in the April 30, 2010 Final Order.

20. As required by the April 30, 2010 Final Order, Licensee has maintained compliance with his continuing medical education requirements.

21. On or about April 9, 2011, Licensee completed the University of California San Diego School Physician Assessment and Clinical Education Program (“PACE”) Program Physician-Patient Communication Course.

22. On June 15, 2011, Licensee completed the University of California San Diego School of Medicine’s Physician Prescribing Course facilitated through PACE.

II. Conclusions

23. Licensee’s compliance with the terms of the April 30, 2010 Final Order demonstrates substantial progress in achieving clinical competency to be able to practice with reasonable skill and safety to patients and genuine efforts toward attaining rehabilitation sufficient to once again warrant the public trust.

24. Licensee’s compliance thus far is not sufficient evidence to establish that Licensee is deserving of the right to resume unrestricted and unmonitored practice.

25. Due to the nature of Licensee’s previous violations of the Healing Arts Act and because Licensee’s rehabilitation is still in progress, a limited license requiring clinical supervision and a restriction on controlled substance prescribing is appropriate at this stage.

III. Order

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that the suspension of Licensee’s license is hereby terminated.

IT IS FURTHER ORDERED that Licensee's license shall be LIMITED as follows:

A. Licensee is prohibited from engaging in the solo practice of the healing arts.

B. Licensee is prohibited from prescribing controlled substances.

C. Licensee is prohibited from engaging in the practice of the healing arts, unless such practice is under the supervision of another Kansas-licensed physician who has been approved to serve in this capacity by the Board's designee, Ronald Whitmer, D.O.

D. Licensee shall submit for approval to the Board's designee the curriculum vitae of the proposed supervising physician, a description and location of the practice setting and a summary of the manner in which such supervision will take place.

E. The proposed supervising physician shall be a member of the same physician group or be employed by the same healthcare organization as Licensee, and practice at the same facility.

F. Prior to engaging in any practice activities, Licensee shall provide the proposed supervising physician with confidential Licensee shall further ensure that written confirmation of the supervising physician's receipt confidential is submitted to the Board's Compliance Coordinator.

G. For the purposes of this order, the term "supervision" means observation, consultation and direction by the supervising physician. Such supervision requires that the supervising physician be responsible for the care provided by Licensee and assure that the care is appropriate.

H. The level of supervision may include any of the following:

i. Direct Supervision: the supervising physician is physically present with the licensee and patient for all patient care;

- ii. Indirect Supervision with Direct Supervision Immediately Available: The supervising physician is physically at the location of patient care, and immediately available to provide be physically present with the licensee and patient; and
- iii. Indirect Supervision with Direct Supervision Available: The supervising physician is not physically present at the location of patient care, but is immediately available by means of telephonic and/or electronic modalities, and is available to be physically present with the licensee and the patient.

I. Licensee shall ensure that the supervising physician submits monthly reports on the fifteenth (15th) day of each month to the Board's Compliance Coordinator on a form provided to the supervising physician by Board staff. Such reports shall include a summary of the supervising physician's observations and opinions regarding the appropriateness of Licensee's patient care, prescribing of medications, and medical record documentation.

J. All monthly reports shall be submitted to: Compliance Coordinator, Kansas State Board of Healing Arts, 800 SW Jackson Street, Lower Level- Suite A, Topeka, Kansas 66612.

K. After Licensee has actively practiced in this limited capacity for a period of one (1) year, the Board may consider a motion for termination or modification of the LIMITATION provisions. For any period of time that Licensee is not actively practicing in Kansas, the LIMITATION will remain in effect, but such time will not be counted towards reducing the one (1) year timeframe.

L. In determining whether or not to terminate or modify the LIMITATION provisions upon the motion of Licensee, the Board may consider all relevant evidence, including but not limited to:

- 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 Acumen;
- 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.

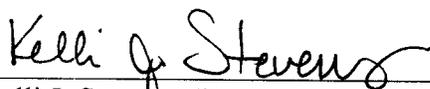
IT IS FURTHER ORDERED that all other orders set forth in the April 30, 2010 Final Order shall remain in effect.

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

IT IS SO ORDERED THIS 2nd DAY OF SEPTEMBER, 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts

Prepared by:


Kelli J. Stevens, #16032
General Counsel
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, the Board's Executive Director, at 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 Terminating Suspension and Imposing Limitations on License** was served this 6th day of September, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

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

Pedro L. Irigonegaray
Irigonegaray & Associates
1535 SW 29th Street
Topeka, KS 66611-1901

And a copy was hand-delivered to:

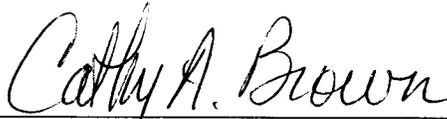
Janith A. Lewis, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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

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:

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