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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

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Docket No.: 09-HA-00049

Pravin G. Sampat, M.D.

Kansas License No. 04-18013

EMERGENCY EX PARTE ORDER OF SUSPENSION

NOW on this 6th day of October 2008, this matter comes before the Presiding Officer upon a Motion for *Ex Parte* Emergency Order of Suspension. Janith A. Davis, Associate Counsel filed a Motion for *Ex Parte* Emergency Order of Suspension. There are no other appearances.

The Presiding Officer has reviewed the agency file in Kansas Board of Healing Arts (KBHA) Docket No. 09-HA- 00049 . The Presiding Officer finds, concludes and orders as follows:

1. This is a motion for an order pursuant to K.S.A. 65-2838 and K.S.A. 77-536. Under those statutes, the Presiding Officer may issue an order without notice and hearing, and may temporarily limit or suspend a license if the Presiding Officer finds an imminent danger to the public health, safety, or welfare.
2. The Presiding Officer has received and reviewed a Motion for an *Ex Parte* Order suspending Licensee's license filed with KBHA on October 2, 2008. The motion requests an emergency suspension of Licensee's license.

Ex Parte Emergency Order of Suspension
Pravin G. Sampat, M.D.

3. The motion for an emergency order in the above captioned case alleges that Licensee has violated the Healing Arts Act, specifically:
 - a. K.S.A. 65-2836(b), in that Licensee has committed acts of unprofessional or dishonorable conduct;
 - b. K.S.A. 65-2836(p) in that he has prescribed, sold, administered, distributed, or given a controlled substance to any person for other than medically accepted or lawful purpose;
 - c. K.S.A. 65-2837(b) (12) in that he has committed conduct likely to deceive, defraud, or harm the public; and
 - d. K.S.A. 65-2837(b) (23) by prescribing, dispensing, administering or distributing a prescription drug or substance, including a controlled substance, in an improper or inappropriate manner, or for other than a valid medical purpose, or not in the course of the licensee's professional practice.
4. The motion also alleges that Licensee's continued practice constitutes an immediate danger to the public health, safety or welfare.
5. The motion for an emergency order in the above captioned case includes Exhibits 1-4.

FINDINGS OF FACT

6. Pravin G. Sampat, M.D.'s ("Licensee") last known mailing address to the Board is: 3300 SW 29th Street, Topeka, Kansas 66614.
7. Licensee is or has been entitled 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, and having last renewed such license on approximately July 1, 2008.

8. At all times relevant to the allegations set forth in the Motion, Licensee has held a current and active license to engage in the practice of medicine and surgery in the State of Kansas.
9. Licensee presently has an active and unrestricted license to practice medicine and surgery in the state of Kansas.
10. The Presiding Officer finds that:
 - a. Between January 15, 2007 and March 26, 2008, Licensee provided medical care and treatment to Patient #1.
 - b. Licensee's billing records reflect that between January 15, 2007 and March 26, 2008, Licensee charged Patient #1 from \$55.00 to \$300.00 for numerous office visits and house calls.
 - c. Licensee's billing records reflect that between January 15, 2007 and March 26, 2008, Patient #1 paid all charges for office visits and never had any outstanding balance due to Licensee, with the exception of March 25, 2008, when Patient #1 owed Licensee \$26.50.
 - d. Between January 15, 2007 and March 26, 2008, Patient #1 wrote numerous checks payable to Licensee in amounts ranging from \$100.00 to \$1,000.00, in excess of any amounts she owed to Licensee.
 - e. Documents and records for January 15, 2007 reflect the following:

- i. Medical records from Licensee reflect that he made a house call to Patient #1 on January 15, 2007, and patient was prescribed 25 Percocet pills.
 - ii. Licensee's billing records show that Patient #1 was charged \$55.00 and paid \$55.00 for the January 15, 2007 visit.
 - iii. Pharmacy records show that 25 Percocet pills were dispensed to Patient #1 on January 15, 2007. Licensee was the prescribing physician. Patient #1 paid \$0 to the pharmacy for the pills.
 - iv. On January 15, 2007, Patient #1 wrote a check for \$300 payable to Licensee.
 - v. A bank statement from Patient #1 reflects that the \$300 check made out to Licensee was paid and cleared Patient #1's bank account.
- f. Documents and records for February 6, 2007 reflect the following:
- i. Medical records from Licensee reflect that he made a house call to Patient #1 on February 6, 2007, and patient was prescribed 21 Percocet pills.
 - ii. Licensee's billing records show that Patient #1 was charged \$75.00 and paid \$75.00 for the February 6, 2007 visit.
 - iii. Pharmacy records show that 21 Percocet pills were dispensed to Patient #1 on February 6, 2007. Licensee was the

prescribing physician. Patient #1 paid \$0 to the pharmacy for the pills.

- iv. On February 6, 2007, Patient #1 wrote a check for \$660.00 payable to Licensee.
 - v. A bank statement from Patient #1 reflects that the \$660.00 check made out to Licensee was paid and cleared Patient #1's bank account.
- g. Documents and records for May 16, 2007 reflect the following:
- i. Medical records from Licensee do not reflect any house call to Patient #1 by Licensee or any office visit by Patient #1 to Licensee.
 - ii. There are no pharmacy records reflecting any prescriptions written by Licensee for Patient #1 on May 16, 2007, or any prescriptions dispensed to Patient #1 on May 16, 2007.
 - iii. Licensee's billing records show no charges outstanding for Patient #1 for any office or home visit as of May 16, 2007.
 - iv. On May 16, 2007, Patient #1 wrote a check for \$1,000.00 payable to Licensee.
 - v. A bank statement from Patient #1 reflects that the \$1,000.00 check made out to Licensee was paid and cleared Patient #1's bank account.
- h. Documents and records for September 6, 2007 reflect the following:

- i. Medical records from Licensee reflect that Patient #1 was seen in Licensee's office on September 6, 2007 and was prescribed 25 Percocet pills.
 - ii. Licensee's billing records show no charges billed to Patient #1 for the September 6, 2007 office visit and show no charges outstanding to Patient #1 for any office or home visit as of September 6, 2007.
 - iii. Pharmacy records show that 25 Percocet pills were dispensed to Patient #1 on September 6, 2007. Licensee was the prescribing physician. Patient paid \$5.00 to the pharmacy for the pills.
 - iv. On September 6, 2007, Patient #1 wrote a check for \$100.00 payable to Licensee.
 - v. A bank statement from Patient #1 reflects that the \$100.00 check made out to Licensee was paid and cleared Patient #1's bank account.
- i. On October 1, 2008, Licensee was interviewed by phone and indicated that the checks written to him by Patient #1 were for treatments that were not paid for at the time of service. He stated that a former staff member had caused problems with the computerized billing records and, subsequently, the payment ledgers were wrong. Licensee further stated that his billing records related to Patient #1 were handwritten and had to be reconstructed

through patient files and records in place of the computerized records.

11. Based on the foregoing evidence, Presiding Officer finds there is cause to believe that Licensee has violated the Kansas Healing Arts Act.
12. The Presiding Officer finds that Licensee's continuation in practice would constitute an immediate danger to the public health, safety or welfare.

CONCLUSIONS OF LAW

13. Pursuant to K.S.A. 65-2838(c), the Board has the authority to temporarily suspend Licensee's license to address an imminent threat to the health, safety or welfare of the public.
14. Pursuant to K.S.A. 65-2836, the Board has grounds to revoke, suspend, censure, fine or otherwise limit Licensee's license for violation of the Kansas Healing Arts Act.
15. Pursuant to K.S.A. 77-536, the Board may use an emergency proceeding to protect the public from an immediate danger to the public health, safety or welfare.
16. Licensee has violated the Healing Arts Act, specifically:
 - a. K.S.A. 65-2836(b), in that Licensee has committed acts of unprofessional or dishonorable conduct;
 - b. K.S.A. 65-2836(p) in that he has prescribed, sold, administered, distributed, or given a controlled substance to any person for other than medically accepted or lawful purpose;

- c. K.S.A. 65-2837(b) (12) in that he has committed conduct likely to deceive, defraud, or harm the public; and
- d. K.S.A. 65-2837(b) (23) by prescribing, dispensing, administering or distributing a prescription drug or substance, including a controlled substance, in an improper or inappropriate manner, or for other than a valid medical purpose, or not in the course of the licensee's professional practice.

17. The Presiding Officer finds that Licensee's continuation in practice would constitute an immediate danger to the public health, safety or welfare.

18. The Presiding Officer further concludes that Licensee's license to practice medicine and surgery should be immediately suspended until such time as an evidentiary hearing can be scheduled.

IT IS THEREFORE, ORDERED that the license of Pravin G. Sampat, M.D. is hereby immediately suspended.

IT IS FURTHER ORDERED that board counsel shall serve this order in the manner provided by law, and shall complete and file a proof of service.

PLEASE TAKE NOTICE that a hearing on this matter will be scheduled as soon as practicable at the Board office, 235 S.W. Topeka Blvd., Topeka, Kansas. The issue to be determined is whether the emergency order of suspension should remain in place, be modified or terminated. A Notice of Hearing will be issued.

PLEASE TAKE NOTICE that this is an emergency order. An emergency order is effective when rendered. A party to an agency proceeding may seek judicial review of an emergency order by filing a petition in the District Court as authorized by K.S.A. 77-

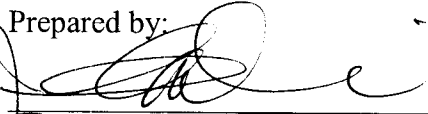
601, et seq. A petition for judicial review is not timely unless filed within 30 days following service of the order. A copy of any petition for judicial review must be served upon Board's Executive Director at 235 S.W. Topeka Blvd., Topeka, Kansas 66603.

Dated this 6th day of October 2008.

Kansas State Board of Healing Arts

Presiding Officer

Prepared by:



Janith A. Davis, #18115
Associate Counsel
Kansas Board of Healing Arts
235 South Topeka Blvd.
Topeka, Kansas 66603
(785) 368-7257

CERTIFICATION OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the

EMERGENCY *EX PARTE* ORDER OF SUSPENSION by United States mail,

postage prepaid, on this 6th day of October, 2008, to the following:

Pravin G. Sampat, M.D.
Licensee
3300 SW 29th Street
Topeka, Kansas 66614

And the original was hand-filed with:

Jack Confer
Executive Director
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

Ex Parte Emergency Order of Suspension
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901, et seq. A petition for judicial review is not timely unless filed within 30 days following service of the order. A copy of any petition for judicial review must be served upon Board's Executive Director at 235 S.W. Topeka Blvd., Topeka, Kansas 66603.

Dated this 6th day of October 2008.

Kansas State Board of Healing Arts

Mark A. Hodges
Presiding Officer

Prepared by:

[Signature]
Jacob A. Davis, #18115
Associate Counsel
Kansas Board of Healing Arts
235 South Topeka Blvd
Topeka, Kansas 66603
(785) 368-9257

CERTIFICATION OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the

EMERGENCY EX PARTE ORDER OF SUSPENSION by United States mail,

postage prepaid, on this 6th day of October, 2008, to the following:

Pharis C. Stumpel, M.D.
Licenses
3300 SW 22nd Street
Topeka, Kansas 66614

And the original was hand-filed with:

Jack Conder
Executive Director
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

Ex Parte Emergency Order of Suspension
Pharis C. Stumpel, M.D.

And a copy hand-delivered to:

Janith A. Davis
Associate Litigation Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

