

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

FILED

JUL 15 2011

K.S. State Board of Healing Arts

**In the Matter of
Dawood Sayed, M.D.**

Application for Kansas License

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KSBHA Docket No. 11-HA00113

**FINAL ORDER GRANTING LICENSURE AND IMPOSING FINE
AND PROTECTIVE ORDER**

NOW on this 17th day of June 2011, comes before the Kansas State Board of Healing Arts ("Board") the application of Dawood Sayed, M.D. ("Applicant") for a license to practice medicine and surgery in the State of Kansas. Applicant appears in person, and by and through his counsel, Mark Stafford of Holbrook & Osborn, P.A. Jessica Bryson, 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 following the conference hearing in the above-captioned matter. Upon reviewing the agency record, hearing the statements and arguments of Ms. Bryson, receiving into evidence Exhibits 1, 2, 3 and 4 offered by the Board, and Exhibit 5 offered by Applicant, hearing the testimony of the Applicant and arguments of Mr. Stafford, and otherwise being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

I. Findings

1. On or about March 21, 2011, Applicant submitted to the Board an application for a license to practice medicine and surgery in the State of Kansas. Such application was deemed complete and filed with the Board on June 13, 2011.

2. Applicant's mailing address as provided to the Board is: **Confidential**
Kansas City, Missouri, 64113.

3. In his application for licensure, Applicant answered "yes" to question no. 20 on Addendum 2 to the application, which asks:

Have you ever been arrested? Do not include minor traffic or parking violations or citations except those related to a DUI, DWI or a similar charge. You must include all arrests including those that have been set aside, dismissed or expunged or where a stay of execution has been issued.

4. Applicant also answered "yes" to question no. 21 on Addendum 2 to the application, which asks:

Have you ever been charged with a crime, convicted of a crime, imprisoned, or placed on probation (a crime includes both Class A misdemeanors and felonies)? You must include all convictions including those that have been set aside, dismissed or expunged or where a stay of execution has been issued.

5. In conjunction with his application for licensure, Applicant provided **Confidential**
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in which he disclosed a 1999 arrest and conviction for driving while intoxicated. Applicant specifically stated, "I have had no other legal actions against myself in regards to drugs or alcohol." Applicant further disclosed a ticket he received in 2002 for driving with an expired license.

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8. Prior to applying for licensure, Applicant requested a copy of his complete criminal background history report from the KBI. However, the KBI only provided Applicant with the open record version of his criminal background history. Confidential

Confidential

9. Applicant believed that the additional criminal matters not listed in the report he received from the KBI were no longer included in his criminal record.

10. Applicant failed to disclose these additional criminal matters in response to specific application questions that required him to provide such information.

11. K.S.A. 2010 Supp. 65-2836(a) provides grounds for denial of licensure or other Board action upon a finding that “The [Applicant] has committed fraud or misrepresentation in applying for or securing an original, renewal or reinstated license.”

II. Conclusions

12. Applicant’s actions misrepresented the totality of his criminal history.

13. There are mitigating circumstances which warrant departure from the Board’s “Guidelines for the Imposition of Disciplinary Sanctions” (August 2008). Applicant reasonably believed that the undisclosed criminal matters were no longer part

of his criminal record. Additionally, none of the undisclosed criminal matters would have been grounds for denial of licensure or other Board action. Finally, Applicant voluntarily undertook action to address potential areas of Board concern.

14. Applicant should be granted licensure to practice medicine and surgery in Kansas.

15. Applicant should be fined \$200 pursuant to K.S.A. 65-2863a for his acts of misrepresentation.

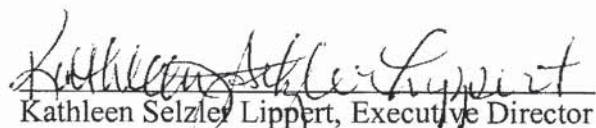
16. A protective order should be issued with respect to Exhibit 3 pursuant to K.S.A. 65-2839a(c) and Exhibit 5 pursuant to K.S.A. 65-2836(i).

IT IS THEREFORE ORDERED, that Applicant is hereby granted a license to practice medicine and surgery in Kansas effective June 28, 2011.

IT IS FURTHER ORDERED that Applicant is **FINED** in the amount of \$200, due in full on or before August 15, 2011. Payment in the form of a check made out to "Kansas State Board of Healing Arts" or a money order shall be sent to the following: Compliance Coordinator, Kansas State Board of Healing Arts, 800 SW Jackson Street, Lower Level- Suite A, Topeka, Kansas 66612.

IT IS FURTHER ORDERED that a protective order is hereby issued with respect to Exhibit 3 and Exhibit 5 in this matter.

IT IS SO ORDERED THIS 14th **DAY OF** July, 2011, 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, 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 copy of the foregoing Final Order was served this 15th July day of July, 2011 by depositing the same in the United States

Mail, first-class, postage prepaid, and addressed to:

Mark Stafford
Holbrook & Osborn, P.A.
107 SW 6th Avenue
Topeka, Kansas 66603

Dawood Sayed, M.D.
Confidential
Kansas City, MO 64113

And a copy was hand-delivered to:

Jessica Bryson, 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