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DEC 13 2016

KS State Board of Healing Arts

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

In the Matter of)		
)	Docket No.:	16-HA00058
Baseer Sayeed, M.D.)	OAH Docket No.:	16-HA0006
Kansas License No. 04-19625)		

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Joseph S. Behzadi, Associate Litigation Counsel, and Susan R. Gering Associate Litigation Counsel ("Petitioner"), and Baseer Sayeed, M.D. ("Licensee"), by and through his attorney Trevor C. Wohlford, Morris, Laing, Evans, Brock, & Kennedy, Chartered, and move the Board for approval of a Consent Order affecting Licensee's license to practice medicine and surgery in the State of Kansas. The Parties stipulate and agree to the following:

1. Licensee's last known mailing address to the Board is: 2160 West 21st North, Suite A, Wichita, Kansas 67203.
2. Licensee is or has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued license number 04-19625 on or about June 19, 1982. Licensee last renewed his Kansas active license on or about June 24, 2016. Licensee currently holds an active Kansas license to engage in the practice of medicine and surgery.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of medicine and surgery. K.S.A. 65-2801 *et seq.*, and K.S.A. 65-2869.

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4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 77-505 and 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.
5. The Kansas Healing Arts Act is constitutional on its face and as applied in the case. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
6. Licensee voluntarily and knowingly waives his right to a hearing. Licensee voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.
7. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.
8. The Board has received information and investigated the same, and has reason to believe that there may be grounds to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*

9. This Consent Order incorporates herein by reference the allegations as stated in the Petition filed on February 3, 2016. Exhibit 1, Petition in the Matter of Baseer A. Sayeed, M.D. KSBHA Docket No. 16-HA00058.
10. Licensee acknowledges that if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses, or other evidence, the Board has sufficient evidence to prove that Licensee has violated the Kansas Healing Arts Act with respect to the above allegations. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.
11. Licensee's acts, if proven, constitute unprofessional conduct and/or dishonorable conduct as set forth in K.S.A. 65-2836.
12. Licensee's conduct during the care and treatment constitutes violations of the Kansas Healing Arts Act as follows:
 - a. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(2), in that Licensee committed repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board in his care and treatment of Patient 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10;
 - b. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(3), in that Licensee engaged in a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice the healing arts in his care and treatment of Patient 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10;

- c. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(12), in that Licensee engaged in conduct likely to harm the public in his care and treatment of Patient 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10;
- d. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(17), in that Licensee used any false, fraudulent or deceptive statement in any document connected with the practice of the healing arts including the intentional falsifying or fraudulent altering of a patient or medical care facility record in his care and treatment of Patient 1, 5, 6, 8, and 9;
- e. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(23), in that Licensee prescribed, dispensed, administered or distributed a prescription drug or substance, including a controlled substance, in an improper or inappropriate manner, or for other than a valid medical purpose in his care and treatment of Patient 3;
- f. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(24), in that Licensee has had a repeated failure to practice the healing arts with that level of care, skill and treatment which is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances in his care and treatment of Patient 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10;
- g. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(25), in that Licensee failed to keep written medical records which accurately describe services rendered to Patient 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10;

- h. K.S.A. 65-2836(f), in that Licensee has willfully and/or repeatedly violated the Kansas Healing Arts Act in his care and treatment of Patient 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10;
- i. K.S.A. 65-2836(k), in that Licensee violated a lawful regulation promulgated by the board, specifically, K.A.R. 100-24-1, by failing to meet the minimum requirements for an adequate patient record for Patient 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10; and
- j. K.S.A. 65-2836(r), in that Licensee failed to furnish the board, or its investigators or representatives, any information legally requested by the board pertaining to Patient 5.

13. Pursuant to K.S.A. 65-2836, the Board may revoke, suspend, limit, censure or place under probationary conditions Licensee's license and pursuant to K.S.A. 65-2863a the Board has the authority to impose administrative fines for violations of the Kansas Healing Arts Act.

14. According to K.S.A.65-2838(b) and K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

15. All pending investigation materials in KSBHA Investigation Numbers 10-00322; 12-00308; and 13-00159; and KSBHA Docket No. 16-HA00058 regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel No. 25. Disciplinary Panel No. 25 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

16. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Licensee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Licensee's license to practice medicine and surgery in the State of Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee has failed to comply with any of the terms or conditions set forth in this Consent Order. The Board acknowledges that at any such hearing, Licensee retains the right to confront and examine all witnesses, present evidence, testify on his own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*

17. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Healing Arts Act, or to investigate complaints received under the Risk Management Law, K.S.A. 65-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Kansas Healing Arts Act.

18. Licensee hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees and agents, hereinafter collectively referred to as "Releasees", from any and all claims, including but not limited to those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.* arising out of the investigation and acts leading to the

execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

19. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.
20. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.
21. Licensee agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.
22. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

23. Licensee acknowledges that he has read this Consent Order and fully understands the contents.
24. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
25. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to:
- Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A,
Topeka, Kansas 66612
26. Licensee shall obey all federal, state and local laws and rules governing the practice of medicine and surgery in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.
27. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. This Consent Order shall constitute the Board's Order when filed with the office of the Executive Director for the Board and no further Order is required.
28. Licensee shall immediately notify the Board or its designee of any citation, arrest or charge filed against him or any conviction for any traffic or criminal offense excluding speeding and/or parking violations.
29. Licensee shall immediately notify the Board or its designee of any complaint filed, or investigation opened, by the proper licensing authority of another state, territory, District

of Columbia, or other country, or by a peer review body, a health care facility, a professional association or society, or by a governmental agency.

30. Licensee shall at all times keep Board staff informed of his current practice locations addresses and telephone numbers. Licensee shall provide the above information in writing to the Board within ten (10) days of any such change.

31. This Consent Order constitutes **public disciplinary action**.

32. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

33. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against his license to engage in the practice of medicine and surgery:

EDUCATION

34. Licensee shall attend and successfully complete the Medical Record Keeping Seminar at Center for Personalized Education for Physicians (“CPEP”) at Licensee’s expense.

35. On or before ~~October 30, 2016~~, ^{January 1, 2017, TB} Licensee shall notify the Compliance Coordinator in writing that Licensee has registered to attend the CPEP seminar on one of the following dates: ~~December 2, 2016~~, ^{TB} or the first scheduled course in 2017.

36. In addition, Licensee must participate in the six (6) month Medical Record Keeping Seminar Personalized Implementation Program (“PIP”)/follow-up program.

37. Licensee shall provide proof of successful completion of the Seminar within thirty (30) days of successfully completing the Medical Record Keeping Seminar.

38. Licensee shall provide proof of successful completion of PIP to the Compliance Coordinator within thirty (30) days of the completion of PIP.

39. All costs associated with the CPEP Medical Record Keeping Seminar and PIP shall be at Licensee's own expense to include, but not be limited to, the cost of the program, any cost of travel to and from the program, and the cost of accommodations while attending the program.

40. All documentation required pursuant to this Consent Order shall be submitted to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

LIMITATIONS

41. Licensee's license to practice medicine and surgery shall be limited in that he shall not practice under the Kansas Healing Arts Act unless he complies with each of the following:

- a. Licensee shall continue to practice medicine and surgery; however, Licensee's practice of medicine and surgery is limited to practice in the prison setting. Specifically, Licensee is currently employed with Corizon, who contracts for the state correctional facilities. If Licensee wishes to practice medicine and surgery outside the prison setting, Licensee will be required to file a motion of a request for termination of this limitation that will be filed in this matter and set for a conference hearing to be considered by the full Board at one of their regularly scheduled meetings.

b. Licensee shall notify and provide a copy of the Consent Order to his employer on or before ~~October 30, 2016.~~ ^{January 1, 2017. TB} 

c. Licensee shall notify the Board in writing that he has provided the Consent Order to his employer on or before ~~November 10, 2016.~~ ^{January 1, 2017. TB} 

BOARD COSTS

d. Licensee is hereby ordered to pay the Board's COSTS in conducting this proceeding under the Kansas Administrative Procedure Act in the amount that is put forth by the Board in a Statement of Costs. These costs shall be paid in full prior to the Board's consideration to terminate any provision of this Consent Order.

e. Licensee shall make all payments, which shall be in the form of a cashier's check or money order to the "Kansas State Board of Healing Arts" and send all payments to the attention of:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

IT IS SO ORDERED on this 12th day of December, 2016.

**FOR THE KANSAS STATE BOARD OF
HEALING ARTS:**

Kathleen Selzler Lippert ^{by K/S}
Kathleen Selzler Lippert
Executive Director

12/12/16
Date

Baseer Sayeed
Baseer Sayeed, M.D.
Licensee

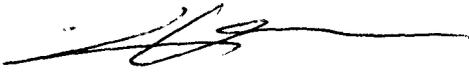
9/20/16
Date

PREPARED AND APPROVED BY:

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Baseer Sayeed, M.D.

APPROVED BY:



Trevor C. Wohlford, #19443

Attorney for Licensee

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800 SW Jackson, Suite 1310

Topeka, Kansas 66612-1216

Phone: 785-430-2012

Fax: 785-232-9983

twohlford@morrislaing.com

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 13th day of December, 2016, to the following:

Baseer Sayeed, M.D.
Licensee
2160 W. 21st North
Wichita, Kansas 67203

Trevor C. Wohlford, #19443
Attorney for Licensee
Morris, Laing, Evans, Brock & Kennedy, Chartered
800 SW Jackson, Suite 1310
Topeka, Kansas 66612-1216
And the original was hand-filed with:

Kathleen Selzler Lippert
Executive Director
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And a copy was hand-delivered to:

Joseph S. Behzadi
Associate Litigation Counsel
Susan R. Gering
Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Compliance Coordinator
Kansas Board of Healing Arts
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