

CAB

FILED

MAY 13 2013

KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

*In the Matter of* )  
 )  
ANWARUL BASHAR SIDDIQUI, M.D. )  
Kansas License No. 04-29605 )

Docket No.: 13-HA00089

EX PARTE EMERGENCY ORDER OF SUSPENSION

NOW on this 13<sup>th</sup> day of May, 2013, this matter comes before the Presiding Officer upon a Motion for *Ex Parte* Emergency Order of Suspension. On May 7, 2013, Associate Litigation Counsel Seth K. Brackman (“Petitioner”) filed a Motion for *Ex Parte* Emergency Order of Suspension and Emergency Proceedings. There are no other appearances.

The Presiding Officer has reviewed the agency file in Kansas State Board of Healing Arts Docket No. 13-HA00089. 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 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 license filed with KSBHA on May 7, 2013. The motion requests an emergency suspension of Licensee’s license.
3. The motion for an emergency order in the above captioned case alleges that Anwarul Bashar Siddiqui, M.D. (“Licensee”) is in violation of the Kansas Healing Arts Act:
  - a. K.S.A. 65-2836(i), in that he has the inability to practice the healing arts with reasonable skill and safety to patients Confidential

- b. K.S.A. 65-2836(b) as further defined in K.S.A. 65-2837(b)(16), in that he has committed an act of unprofessional or dishonorable conduct for committing an act of sexual abuse, misconduct or other improper sexual contact, which exploits the licensee-patient relationship, with a patient.
  - c. K.S.A. 65-2836(b) as further defined in K.S.A. 65-2837(b)(12), in that he has committed an act of unprofessional or dishonorable conduct for conduct likely to deceive, defraud or harm the public.
4. The motion for an emergency order in the above captioned case incorporates the Petition filed in KSBHA Docket number 13-HA00089 and includes Exhibits A & B, which includes an affidavit from Steven C. French, Special Investigator II for the Board, and **Confidential**  
**Confidential**

#### **FINDINGS OF FACT**

5. Anwarul Bashar Siddiqui, M.D.'s ("Licensee" or "Respondent") last known mailing address to the Board is: 807 E. Prescott Avenue, Salina, Kansas 67401.
6. Licensee is or has been entitled to practice medicine and surgery in the State of Kansas, having been issued License No. 04-29605 on or about April 6, 2002, and having last renewed such license on or about June 21, 2012.
7. At all times relevant to the allegations set forth in the Petition, Licensee has held an active license to practice medicine and surgery in the State of Kansas.
8. Licensee presently has an active license to practice medicine and surgery in the state of Kansas.

9. The Presiding Officer finds that Licensee is an imminent danger to the public health, safety, or welfare, due to his inability to practice the healing arts with reasonable skill and safety to patients **Confidential**

### CONCLUSIONS OF LAW

10. 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.
11. Pursuant to K.S.A. 65-2838(c), the Board has the authority to temporarily suspend Licensee's license if there is cause to believe that grounds exist under K.S.A. 65-2836 and amendments thereto for disciplinary action authorized by K.S.A. 65-2836 and amendments thereto against the licensee and that the licensee's continuation in practice would constitute an imminent danger to the public health and safety.
12. Pursuant to K.S.A. 77-536, the Board may use emergency proceedings to protect the public from an immediate danger to the public health, safety, or welfare.
13. The Presiding Officer finds there is cause to believe that Licensee has violated K.S.A. 65-2836(i), in that he has the inability to practice the healing arts with reasonable skill and safety to patients **Confidential**
14. The Presiding Officer finds there is cause to believe that Licensee has violated K.S.A. 65-2836(b) as further defined in K.S.A. 65-2837(b)(16), in that he has committed an act of unprofessional or dishonorable conduct for committing an act of sexual abuse, misconduct or other improper sexual contact, which exploits the licensee-patient relationship, with a patient.
15. The Presiding Officer finds there is cause to believe that Licensee has violated K.S.A. 65-2836(b) as further defined in K.S.A. 65-2837(b)(12), in that he has committed an act

of unprofessional or dishonorable conduct for conduct likely to deceive, defraud or harm the public.

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

**IT IS FURTHER ORDERED** that a Protective Order is granted to protect all confidential information under 42 CFR Part II, K.S.A. 65-4915, 65-2836(i), 65-2839a(d), and K.S.A. 65-2898a.

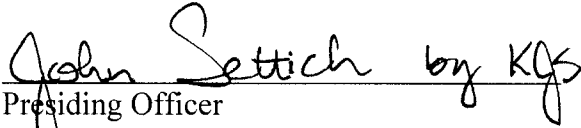
**PLEASE TAKE NOTICE** that a hearing on this matter will be scheduled as soon as practicable at the Board office, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612. The issue to be determined is whether the emergency order of suspension should remain in place, be modified or terminated. A Notice 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 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.

Dated this 13<sup>th</sup> day of May, 2013.

Kansas State Board of Healing Arts

  
Presiding Officer

Prepared by:



Seth K. Brackman, #23726  
Associate Litigation Counsel  
Kansas Board of Healing Arts  
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**CERTIFICATE OF SERVICE**

I, Cathy Brown, hereby certify that I served a true and correct copy of the Ex Parte Emergency Order of Suspension and Emergency Proceedings by United States mail, postage prepaid, on this 13<sup>th</sup> day of May, 2013, to the following:

Anwarul Bashar Siddiqui, M.D.  
Licensee  
807 E. Prescott Avenue  
Salina, Kansas 67401

Carol Ruth Bonebrake  
Attorney for Licensee  
107 SW 6<sup>th</sup> Avenue, Ste. 210  
Topeka, Kansas 66603

And a copies were hand-delivered to:

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

Reese H. Hays  
Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson Lower Level, Ste A  
Topeka, KS 66612


Seth Brackman  
Associate Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson Lower Level, Ste A  
Topeka, KS 66612

And a copy was given to:

KSBHA Presiding Officer  
Kansas State Board of Healing Arts  
*Through Kelli J. Stevens, General Counsel*

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

  
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Staff Member