



**FILED**

JUL 30 2014

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

KS State Board of Healing Arts

<b>In the Matter of</b>	)	
	)	<b>KSBHA Docket No. 13-HA00089</b>
<b>ANWARUL B. SIDDIQUI, M.D.</b>	)	
<b>Kansas License No. 04-29605</b>	)	<b>OAH Docket No. 13-HA0005</b>
	)	

**CONSENT ORDER**

**COMES NOW**, the Kansas State Board of Healing Arts, (“Board”), by and through Seth K. Brackman, Associate Litigation Counsel (“Petitioner”), and Anwarul B. Siddiqui, M.D. (“Licensee”), *pro se*, 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: 807 E. Prescott Avenue, Salina, Kansas 67401.
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 No. 04-29605 on approximately April 6, 2002, and having last renewed such license on June 19, 2013. Licensee’s license is currently limited by board action.
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.
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 pursuant to K.S.A. 65-2836(b), K.S.A. 65-2836(i), K.S.A. 65-2837(a)(1); K.S.A. 65-2837(a)(2); K.S.A. 65-2837(a)(3); K.S.A. 65-2837(b)(12), K.S.A. 65-2837(b)(16), K.S.A. 65-2837(b)(23), K.S.A. 65-2837(b)(24), K.S.A. 65-2837(b)(25), and K.S.A. 65-2837(b)(33) 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 facts as stated in the Petition that was filed on May 8, 2013, as well as additional facts.

### **STATEMENT OF FACTS**

#### **PATIENT I**

10. On or about January 31, 2013, the Kansas State Board of Healing Arts "KSBHA" received a complaint from Karen S. Aldridge, O.D., alleging that Licensee violated the Kansas Healing Arts statutes and regulations related to unprofessional conduct, specifically sexual boundary violations regarding a female patient ("Patient 1").
11. Patient 1, a forty-five (45) year old female, was originally referred to Licensee by Dr. P.J. Reddy.
12. Patient 1 presented to Licensee in June 2010 for numbness and subsequently presented to the Licensee's office for follow-up visits.
13. Licensee performed a nerve conduction test on Patient 1 in July 2010 and March 2012.
14. Patient 1 was diagnosed as having MS and Optic Neuritis. Licensee referred her to an ophthalmologist for additional treatment.
15. Patient 1 presented to Dr. Aldridge for her ophthalmologist appointments on four (4) separate occasions: January 9, 2012; February 9, 2012; June 19, 2012; and January 8, 2013.

16. Patient 1 disclosed to Dr. Aldridge's office staff between February and June 2012, that:
  - a. Licensee approached her in a sexual manner;
  - b. Touched her inappropriately;
  - c. Asked her if she used sex toys; and
  - d. Told her how long it had been since he had sex with his wife.
17. Patient 1 requested to change neurologists shortly after the February 9, 2012, ophthalmologist appointment. Patient 1 was scheduled to present to Licensee after the initial ophthalmologist appointment, but was listed as a "no show" by Licensee's office staff.
18. Dr. Aldridge intended to discuss these allegations with Patient 1 at her June 19, 2012, appointment, but forgot to ask her. Dr. Aldridge attempted to contact Patient 1 by telephone after the June 19, 2012 appointment to verify the allegations, but was unable to reach her on multiple occasions.
19. Approximately six (6) months later, on January 8, 2013, Dr. Aldridge asked Patient 1 about the allegations previously raised against Licensee during Patient 1's follow-up appointment, and Patient 1 explained to Dr. Aldridge that Licensee:
  - a. Asked her to disrobe completely with no gown;
  - b. Touched her pubic hair and said, "nice";
  - c. Asked her if she used sex toys; and
  - d. Told her how many months it had been since he had sex with his wife.
20. Based upon the complaint received by Dr. Aldridge, a KSBHA Special Investigator II conducted an interview of Licensee on March 28, 2013.

21. During the course of the interview, Licensee denied:
  - a. Requiring Patient 1 to disrobe for her evaluation;
  - b. Touching Patient 1's pubic hair;
  - c. Asking Patient 1 if she uses sex toys; or
  - d. Discussing his personal sexual activity, or lack thereof, with his wife.
22. Licensee initially denied performing evaluations with patients needing to disrobe. Licensee later amended his response to state that the office provides a gown if upper or lower limbs are involved.
23. At no time during the interview did Licensee have an explanation for how Patient 1 knew of his lack of sexual activity with his wife.

#### **PATIENT II**

24. On or about April 23, 2003, Patient 2, a thirty-three (33) year old female began seeing Licensee for headaches.
25. Licensee treated Patient 2 from approximately April 23, 2003, through approximately November 22, 2010.
26. Licensee prescribed oral medications, as well as injectable medications, to Patient 2 for headaches.
27. From approximately June 13, 2006, through March 17, 2010, Licensee prescribed medications to Patient 2. During this timeframe, Licensee failed to keep written medical records that describe the services provided to Patient 2, as well as any records regarding the prescriptions provided to Patient 2.
28. Further, Licensee admitted to KSBHA Special Investigator II during his interview regarding the alleged sexual boundaries violations with Patient 1, that:

- a. His physician/patient relationship with Patient 2 was different than Patient 1;
  - b. His physician/patient relationship with Patient 2 developed into a “deep friendship”;
  - c. He was close with Patient 2 and the two made comments to each other; and
  - d. He discussed his sex life with Patient 2, including how long it had been since he had last had sex with his wife.
29. Licensee asserted that the only patient he had discussed his personal sex life with was Patient 2.

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### **PATIENT III**

37. On or about September 7, 2011, the KSBHA received a complaint from Patient 3, a seventy-eight (78) year old female, alleging that Licensee had been prescribing Morphine to her daughter, Patient 2, but the prescriptions were written in her name without her knowledge.

38. On approximately June 20, 2011, Patient 3 was reviewing her quarterly Humana prescription insurance statement and discovered that Licensee had written prescriptions to her for Morphine Sulfate.
39. Approximately one week later, Licensee and Patient 2 came to Patient 3's home. Licensee expressed that he had "made a terrible mistake" when he wrote fraudulent prescriptions for Patient 2 in Patient 3's name. Patient 3 informed Licensee that she would not lie for him and Patient 2.
40. On or about August 17, 2011, Licensee went to Patient 3's home and informed her that he was under investigation. Licensee asked Patient 3 to help him. Licensee asked Patient 3 if she could "say you had forgotten you asked me for a script for Morphine." Patient 3 informed Licensee she would not lie for him.
41. On or about August 18, 2011, Patient 2 went to Patient 3's home and begged her to help her and Licensee. Patient 3 told Patient 2 she would not lie for them.
42. On approximately August 28, 2011, Patient 3 saw her primary care physician, William Baxter, M.D. Patient 3 expressed her concerns to Dr. Baxter. After Patient 3 relayed her story to Dr. Baxter regarding Licensee, Dr. Baxter showed Patient 3 a letter he had received from Licensee.
43. The letter sent to Dr. Baxter by Licensee was dated February 18, 2011. Dr. Baxter received the letter on or about August 27, 2011, via hand-delivery. The letter thanked Dr. Baxter for his referral of Patient 3, and indicated that Licensee had also prescribed Morphine for Patient 3's fibromyalgia.

44. Licensee's February 18, 2011, letter to Dr. Baxter also contained statements regarding Patient 3's mental status that were not founded, including that she had short term memory loss.
45. Dr. Baxter never referred Patient 3 to Licensee for treatment of her fibromyalgia, or any other condition.
46. On or about August 30, 2011, Patient 3 filed a police report with the Salina Police Department alleging that Licensee had fraudulently prescribed Morphine in her name for Patient 2's usage.
47. Licensee had been fraudulently prescribing Morphine in Patient 3's name from approximately January 19, 2009, to approximately February 19, 2011.
48. Licensee failed to keep documentation of the care and treatment provided to Patient 3, including written medical records for the prescriptions listed above.

#### **PATIENT IV**

49. From approximately January 26, 2011, to August 2, 2011, Licensee prescribed Patient 4, an adult male, Morphine Sulfate and Hydrocodone. Patient 4 is the adult, former stepson of Patient 2.
50. On approximately November 29, 2011, Licensee sent a response letter to KSBHA Special Investigator II stating that he had no medical records for Patient 4, as he had seen him as a courtesy after normal business hours.
51. Licensee did not keep any written medical records regarding his care and treatment of Patient 4, to include prescriptions written.

## **PATIENT V**

52. On or about June 16, 2010, Patient 5, a forty-five (45) year old female, presented to Licensee's office by referral from her primary care physician.
53. Patient 5 reported pain and tingling sensation in the right hand and pain in the shoulder and neck for the last four (4) months, as well as myofascial pain.
54. On or about June 22, 2010, Licensee referred Patient 5 for nerve conduction studies in both arms. The test results were reported as normal in both arms.
55. From approximately July 22, 2010, through March 26, 2011, Licensee prescribed Patient 5 hydrocodone for the treatment of headaches.
56. From approximately April 20, 2011, through November 1, 2011, Licensee prescribed Patient 5 oxycodone for myofascial pain syndrome, cervical dystonia, and degenerative disc disease.
57. Licensee failed to document his reasoning for using two (2) different benzodiazepams at the same time from the same family of medications.
58. Licensee failed to meet the standard of care by starting Patient 5 on high doses of opioids before trying more usual therapies, and placed her on two (2) benzodiazepam family medications without documenting the need.
59. The usage of chronic opioids led to medication overuse headaches rather than helping Patient 5 alleviate her headache disorder.

## **PATIENT VI**

60. On or about October 30, 2006, Patient 6, a twenty-eight (28) year old female presented to Licensee's office by referral for syncope.

61. Licensee treated Patient 6 from approximately October 30, 2006, to approximately September 2013, for migraine headaches and seizures. Patient 6 also had a history of suicidal ideations.
62. Licensee prescribed a regimen of opioids for the treatment of Patient 6's migraine headaches, including occasional injectable medications.
63. Licensee failed to properly treat Patient 6's migraine headaches, which led to medication overuse headaches.

### CONCLUSIONS OF LAW

64. Licensee does not admit nor deny the allegations contained in this Consent Order. 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, but does not admit nor deny to violating each statute as listed below. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.
65. Licensee violated K.S.A. 65-2836(i), in that Licensee has the inability to practice the healing arts with reasonable skill and safety by reason of **Confidential**  
**Confidential**
66. Licensee violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(12), in that Licensee has committed conduct likely to deceive, defraud or harm the public.

67. Licensee violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(16), in that Licensee has committed acts of unprofessional and dishonorable conduct by committing an act of sexual abuse, misconduct or other improper sexual contact, which exploits the licensee-patient relationship, with a patient.
68. Licensee violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(17), in that Licensee has committed acts of unprofessional and dishonorable conduct by using false, fraudulent, and deceptive statements 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.
69. Licensee violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(23), in the Licensee has committed act of unprofessional and dishonorable conduct 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.
70. Licensee violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(24), in the Licensee has committed acts of unprofessional and dishonorable conduct for 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.
71. Licensee violated K.S.A. 65-2836(b), as further defined by 65-2837(b)(25), in the Licensee has committed acts of unprofessional and dishonorable conduct for

failure to keep written medical records which accurately describe the services rendered to the patient, including patient histories, pertinent findings, examination results and test results.

72. Licensee violated K.S.A. 65-2836(b), as further defined by 65-2837(b)(33), in the Licensee has committed acts of unprofessional and dishonorable conduct for engaging in conduct which violated patient trust and exploits the licensee patient relationship for personal gain.
73. 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.
74. 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.
75. All pending investigation materials in KSBHA Investigative Case Numbers 10-00525, 13-00243, 13-00420, 13-00617 and Docket Number 13-HA00089 regarding Licensee, were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel and/or their appointed member for this matter. Disciplinary Panel No. 27 authorized and directed Board counsel, through their appointed member for this matter, to seek settlement of this matter with the provisions contained in this Consent Order.
76. 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 her 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.*

77. 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.
78. 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.

79. 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.
80. 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.
81. 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.
82. 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.

83. Licensee acknowledges that he has read this Consent Order and fully understands the contents.
84. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
85. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Compliance Coordinator, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.
86. 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.
87. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become a Final 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.
88. Licensee shall immediately notify the Board or its designee of any citation, arrest or charge filed against him or of any conviction for any traffic or criminal offense.

89. Licensee shall at all times keep Board staff informed of all 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.
90. This Consent Order constitutes disciplinary action.
91. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.
92. 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:

**VOLUNTARY SURRENDER TREATED AS A REVOCATION**

93. Licensee hereby surrenders his license to practice medicine and surgery. Such surrender shall be treated as a revocation for all purposes including reporting.
94. Licensee agrees that an application for reinstatement of the license will be considered in accordance with the provisions of K.S.A. 65-2844. Further, Licensee's application will be governed by *Vakas v. The Kansas Board of Healing Arts*, 248 Kan. 589 (Kan. 1991), and all applicable statutes, law, rules and regulations regarding qualifications for licensure and reinstatement.
95. Licensee shall be required to pay the fee for reinstatement of a revoked license with any application for reinstatement.
96. Licensee agrees that in the event he applies for reinstatement of his license, the allegations contained in the Petition and this Consent Order will be considered as findings of fact and conclusions of law.

97. Licensee shall place his patients' records in the custody of another licensed physician or records maintenance facility in compliance with K.A.R. 100-24-2 and 100-24-3. Licensee shall notify the Board on or before July 31, 2014, of the specific measure taken and the appropriate contact information so that the Board can respond to questions from patients about the location of their medical records and how they can obtain them.
98. Pursuant to K.S.A. 65-2867, it shall be unlawful for Licensee to open or maintain an office for the practice of the healing arts or to announce or hold out to the public the intention, authority, or skill to practice the healing arts.
99. Licensee is prohibited from owning, managing, being employed by or in any way acting in an advisory capacity for any entity providing health care services.

#### **BOARD COSTS**

100. Licensee is hereby ordered to pay the Board's incurred COSTS in conducting these proceedings 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 reinstate Licensee's license to practice medicine and surgery in the State of Kansas.
101. Licensee shall make all payments, which shall be in the form of 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 30 day of July, 2014.

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

  
Kathleen Selzlet Lippert  
Executive Director

7/30/14  
Date

  
Anwarul B. Siddiqui, M.D.  
Licensee

July 25, 2014  
Date

**PREPARED AND APPROVED BY:**

  
Seth K. Brackman, #23726  
Associate Litigation Counsel  
Kansas Board of Healing Arts  
800 SW Jackson Ave, Lower-Level Suite A  
Topeka, Kansas 66612  
785-368-7257

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Consent Order  
Anwarul B. Siddiqui, M.D.

**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 30<sup>th</sup> day of July, 2014, to the following:

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

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 delivered to:

Seth K. Brackman  
Associate Litigation Counsel  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

General Counsel's Office  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

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

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

  
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Staff Member

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Consent Order  
Anwarul B. Siddiqui, M.D.