

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

JAN 12 2007

KS State Board of Healing Arts

In the Matter of)
)
 Vijendra Dave, M.D.)
 Kansas License No. 04-28553)
 _____)

Docket No. 07-HA - 00052

**CONSENT ORDER FOR TEMPORARY LIMITATION
AND SUSPENSION OF LICENSE PENDING FORMAL HEARING**

COMES NOW, the Kansas State Board of Healing Arts ("Board") by and through Kelli J. Stevens, Litigation Counsel ("Petitioner"), and Vijendra Dave, M.D. ("Licensee"), and move the Board for approval of a Consent Order affecting Licensee's license to practice medicine and surgery in the State of Kansas during the pendency of this action. The parties stipulate and agree to the following:

1. Licensee's last known mailing address to the Board is 1932 E. 47th Street S. #92, Wichita, Kansas 67216.

2. Licensee is presently entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-28553 on approximately February 12, 2000. Licensee last renewed his license on July 1, 2006. The status of Licensee's license is Active.

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.*; 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. 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 this case. Licensee agrees that, in considering this matter, the Board is not 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. Licensee is a psychiatrist who practices in Wichita, Kansas.

9. (Confidential)

(Confidential)

10. (Confidential)

(Confidential)

11. (Confidential)

(Confidential)

12. (Confidential) there are grounds to suspend Licensee's license on an emergent basis.

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

14. In lieu of the conclusion of formal proceedings and/or the making of findings by the Board, Licensee, by signature affixed to this Consent Order, hereby voluntarily ___ agrees to the following provisions concerning his license to practice the healing arts in Kansas:

- (a) Commencing immediately and until January 20, 2007, Licensee is hereby temporarily **LIMITED**, in that he shall not engage in any direct patient care activities. Licensee's collaborative physician arrangement with nurse practitioners providing psychiatric care may continue during such time, subject to review as may be required by the Board. This provision is intended to protect the welfare and safety of patients presently under the care of nurse practitioners who have a collaborative physician arrangement with Licensee so that sufficient time exists for a new collaborative physician to assume this role.
- (b) Commencing January 21, 2007, Licensee's license is hereby temporarily **SUSPENDED** pending a formal hearing in this matter.

15. Licensee's failure to comply with the provisions of the Consent Order may result in the Board taking disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act.

16. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the 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 Healing Arts Act.

17. Licensee hereby releases the Board, its employees and agents, from any and all claims, including but not limited to, those damages, actions, liabilities and causes of action, both administrative and civil, including the Kansas Act for judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* This release shall forever discharge the Board 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 Board, its employees or agents, arising out of acts leading to the execution of this Stipulation or the content of this Stipulation.

18. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record, and shall be reported to the Federation of State Medical Boards, National Practitioner Databank and any reporting entities authorized to receive disclosure of this Consent Order.

19. 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.

20. 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.

21. Licensee by signature to this document, waives any objection to the participation of the Board members in the consideration of this offer of settlement, and agrees not to seek the disqualification or recusal of any Board member in any future proceeding on the basis that the Board member has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

22. Licensee acknowledges that he has read this Consent Order and fully understands the contents.

23. All correspondence or communication between Licensee and the Board relating to this Consent Order shall be by certified mail addressed to the Kansas Board of Healing Arts, Attn: Kelli J. Stevens, Litigation Counsel, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

24. 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.

25. 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.

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

IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board, and is the Order of the Board.

IT IS FUTHER ORDERED

- (a) Commencing immediately and until January 20, 2007, Licensee is hereby temporarily **LIMITED** in that he shall not engage in any direct patient care activities. Licensee's collaborative physician arrangement with nurse practitioners providing psychiatric care may continue during such time, subject to review as may be required by the Board. This provision is intended to protect the welfare and safety of patients presently under the care of nurse practitioners who have a collaborative physician arrangement with Licensee so that sufficient time exists for a new collaborative physician to assume this role.
- (b) Commencing January 21, 2007, Licensee's license is hereby temporarily **SUSUPENDED** pending a formal hearing in this matter.

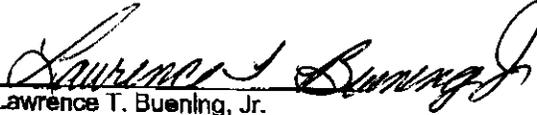
IT IS SO ORDERED.

FROM :

FAX NO. : 785 368-7103

Jan. 11 2007 04:53PM PB

KANSAS BOARD OF HEALING ARTS:

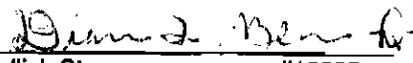

Lawrence T. Buening, Jr.
Executive Director

Date Jan 12, 2007


Vijendra Dave, M.D.
Licensee

Date 1-11-07

PREPARED AND APPROVED BY:


Kelli J. Stevens #16032
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3065
(785) 296-7413

Vijendra Dave, M.D.
Consent Order

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing CONSENT ORDER was served this 12th day of January, 2007, by depositing the same in the United States mail, postage prepaid, and addressed to the following:

Vijendra Dave, M.D.
1932 E. 47th Street S. #92
Wichita, Kansas 67216

and a copy was hand-delivered to:

Kelli J. Stevens, Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

and the original was hand-delivered for filing to:

Lawrence T. Buening, Jr.
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

