

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of

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Docket No. 22-LHA00045

Vishal Verma, M.D.

Kansas License No. 04-35315

CONSENT ORDER

COMES NOW, Disciplinary Panel #37, a duly constituted committee of the Kansas State Board of Healing Arts ("Board"), by and through Matthew Gaus, Deputy Litigation Counsel ("Petitioner"), and Vishal Verma, M.D. ("Licensee"), by and through Jordon T. Stanley, Gordon Rees Scully Mansukhani, LLP, and move the Board for approval of a Consent Order affecting Licensee's license to practice medicine and surgery in Kansas. The Parties stipulate and agree to the following:

1. Licensee's last email address known to the Board is: **CONFIDENTIAL**
CONFIDENTIAL Licensee's last e-mail address known to the Board is:
CONFIDENTIAL

2. Licensee is entitled to engage in the practice of medicine and surgery in Kansas, having been issued license number 04-35315 on September 23, 2011. Licensee's current license status is Active, having last renewed such license on or about July 25, 2022.

3. During all times relevant to the facts set forth in this Consent Order Licensee held an Active license to practice medicine and surgery in Kansas.

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4. The Board has received information **CONFIDENTIAL** , and has reason to believe there are grounds to take action against Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.* Specifically:

a. On or about January 31, 2020, the Maryland State Board of Physicians ("the Maryland Board") issued a Final Decision and Order ("the Maryland Order"), concluding an investigation into Licensee's telemedicine practices and failure to disclose previous discipline. The Maryland Order made the following findings of fact and conclusions of law:

i. From approximately February 27, 2014 through September 7, 2017, Licensee dispensed Latisse, a prostaglandin analog used to grow longer, darker, and thicker eyelashes, to over 1,300 Maryland patients without a dispensing permit.

ii. Licensee violated Maryland telemedicine regulations by failing to incorporate real-time auditory communications or real-time visual and auditory communications to allow a free exchange of information between the patient and the physician performing the patient evaluation, constituting unprofessional conduct.

iii. Licensee was deemed guilty of unprofessional conduct by the Maryland Board.

b. As a result of the above findings, the Maryland Board:

i. Publicly reprimanded Licensee;

ii. Placed Licensee on six months' probation;

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iii. Required Licensee to successfully complete courses on telemedicine, prescribing of medication, and recordkeeping.

iv. Assessed Licensee a civil fine of \$50,000.

c. At one point, Licensee was licensed to practice in at least 50 jurisdictions. Since the Maryland Order was issued, Licensee has been disciplined in at least 25 of those jurisdictions in addition to Maryland.

d. Licensee disclosed he has had his hospital privileges revoked, has been placed on probation by a hospital in which he maintained privileges, has had his request for reappointment of privileges denied, and/or has had the utilization of his services discontinued by at least six hospitals as a result of the Maryland Order and subsequent discipline in other jurisdictions.

5. 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. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

6. The Board is the sole and exclusive administrative agency in Kansas authorized to regulate the practice of the healing arts, and specifically the practice of medicine and surgery. K.S.A. 65-2801 *et seq.*

7. 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 acting beyond its jurisdiction as provided by law.

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8. 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.

9. 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.

10. The Board has received information and investigated the same, and has reason to believe there are grounds to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.* Specifically, the Board has evidence to establish the following:

- a. Licensee violated K.S.A. 65-2836(j), which holds that a licensee may be subject to discipline where the licensee has had a license to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia, or other country. Specifically, Licensee has been disciplined in Maryland and over 25 other jurisdictions.

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b. Licensee violated K.S.A. 65-2836(s), which holds that a licensee may be subject to discipline where sanctions or disciplinary actions have been taken against the licensee by a peer review committee, healthcare facility, a governmental agency or department or a professional association or society for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under the Kansas Healing Arts Act. Specifically, has had his hospital privileges revoked, placed on probation, or otherwise been subject to sanctions for disciplinary action as a result of the discipline taken against him in multiple jurisdictions.

11. Licensee acknowledges that if formal proceedings were conducted and Licensee presented no exhibits, witnesses, or other evidence, and did not in any way otherwise contest the allegations and averments made by the Board, 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.

12. Pursuant to K.S.A. 65-2836, the Board may revoke, suspend, limit, censure, or place under probationary conditions Licensee's license.

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

14. **CONFIDENTIAL**
regarding Licensee were fully reviewed and considered by the Board members who serve on the

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Board's Disciplinary Panel. Disciplinary Panel No. 37 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

15. 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 engage in the practice of medicine and surgery in 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.*

16. 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.

17. Licensee hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees, and agents (hereinafter collectively referred to as "Releasces") from any and all claims, including but not limited to those for alleged damages,

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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.

18. 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.

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, 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

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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.

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

23. Licensee acknowledges this Consent Order has been entered into freely and voluntarily.

24. Licensee shall obey all federal, state, and local laws and rules governing the practice of medicine and surgery in 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. 77-505 and 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. Licensee shall immediately notify the Board or its designees of any citation, arrest or charge filed against him or any conviction for any traffic or criminal offense excluding speeding and/or parking violations.

27. 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 county, or by a peer review body, a health care facility, a professional association or society, or by a governmental agency.

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28. 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 days of any such change.

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

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

31. 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 in Kansas.

PUBLIC CENSURE

32. Licensee is hereby **publicly censured** for violating the Kansas Healing Arts Act.

IT IS HEREBY 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 17th day of April, 2023.

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FOR THE KANSAS STATE
BOARD OF HEALING ARTS:

Susan Helu

4/17/23

Date

VV

Vishal Verma, M.D.
Licensee

3/9/23

Date

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PREPARED AND APPROVED BY:

/s Matthew Gaus

Matthew P. Gaus, #22609
Deputy Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612
Phone: 785-296-8022
Fax: 785-368-8210
Email: Matthew.Gaus@ks.gov

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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, and via e-mail on this 17th day of April, 2023, to the following:

Vishal Verma, M.D.

CONFIDENTIAL

Licensee

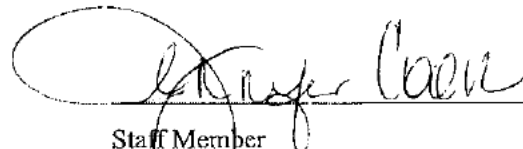
Jordon T. Stanley
Gordon Rees Scully Mansukhani, LLP
211 N. Broadway, Suite 2150
St. Louis, MO 63102
jtstanley@grsm.com
Attorney for Licensee

And the original was hand-filed with:

Office of the Executive Director
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And a copy was hand-delivered to:

Matthew Gaus
Deputy Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612


Staff Member

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