

JUL 26 2018

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

KS State Board of Healing Arts

In the Matter of)	
)	KSBHA Docket No.: 17-HA00021
GURPREET S. RANDHAWA, M.D.)	
Kansas License No. 04-28472)	

CONSENT ORDER FOR SURRENDER

COMES NOW, the Kansas State Board of Healing Arts ("Board"), by and through Susan R. Gering, Deputy Litigation Counsel, and Gurpreet S. Randhawa, M.D. ("Licensee"), by and through his attorneys Mark Stafford of Forbes Law Group, LLC, and Nathaniel Foreman of Yoxall, Antrim, Foreman & Frymire, LLP, and move the Board for approval of a Consent Order affecting Licensee's license to practice medicine and surgery in Kansas. The Board and Licensee stipulate and agree to the following:

FACTS

1. Licensee's last known mailing address to the Board is: [REDACTED] Liberal, Kansas 67901.
2. Licensee is or has been entitled to practice medicine and surgery in the State of Kansas, having been issued License No. 04-28472 on approximately October 16, 1999. Licensee last renewed such license on or about May 15, 2017. Licensee's current license status is Active.
3. This Consent Order incorporates herein by reference the facts as stated in the Petition that was filed on June 18, 2018. (Exhibit A, Petition, *In the Matter of Gurpreet S. Randhawa, M.D.*, KSBHA Docket No. 17-HA00021).
4. Generally, the Board filed a petition on June 18, 2018, after Licensee failed to meet the requirements of his Consent Order he entered into with the Board on or about October 25, 2016.

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License No. 04-28472**

(See Exhibit A, Petition, *In the Matter of Gurpreet S. Randhawa, M.D.*, KSBHA Docket No. 17-HA00021 filed on June 18, 2018.).

5. On or around the filing of the June 18, 2018, the Board initiated Investigation 18-00974 to investigate Licensee's current fitness and competency to practice medicine and surgery based on

The investigation was still pending.

6. Since the filing of the petition and the initiation of Investigation 18-00974, Licensee has decided to retire from the practice of medicine, and is leaving the country with no plans to return to the United States other than for family or social matters.

7. Licensee acts and conduct as alleged in the Petition and if proven, constitute acts in violation of the Kansas Healing Arts as follows:

a. K.S.A. 65-2836(k), in that Licensee violated a lawful order of the Board previously entered into by the Board in Docket No. 17-HA00021, when he failed to comply with the terms and conditions of the 2016 Consent Order. More specifically:

i. Licensee violated, and continues to violate, the 2016 Consent Order by: failing to hire a scribe within the established thirty (30) day timeline from the date he entered the Consent Order; continuing to practice without a scribe that adheres to the requirements of the 2016 Consent Order; and/or providing proof of the successful hiring of a scribe immediately upon completion of the hiring process; and

b. Licensee violated the 2016 Consent Order when he failed to follow all recommendations of the CPEP Assessment issued to Licensee in November 2017, after

already failing to contact CPEP and schedule a Competence Assessment and complete his CPEP assessment within six (6) months of the approval of the 2016 Consent Order.

8. Under K.S.A. 65-2836 *et seq.*, the Board has grounds to revoke, suspend, censure, placed on probation or otherwise limit Licensee's license for violations of the Kansas Healing Arts Act.

9. While admitting no wrongdoing, 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. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

SURRENDER

10. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby surrenders his license to practice medicine and surgery in the State of Kansas with an effective date of August 1, 2018. Such surrender shall be treated as a revocation for all purposes, including reporting.

11. Licensee agrees that an application for reinstatement of the license will be considered in accordance with the provisions of K.S.A. 65-2844 and all applicable statutes, law, rules, and regulations regarding qualifications for licensure and reinstatement. Further, Licensee's application will be governed by *Vakas v. the Kansas Board of Healing Arts*, 248 Kan. 589 (Kan. 1991).

12. Licensee shall be required to pay the fee for reinstatement of a revoked license with any application for reinstatement.

13. Licensee agrees that in the event he applies for reinstatement of his license, the allegations contained in this Consent Order, and as more fully set forth in the Petition filed in KSBHA Docket No.: 17-HA00021, will be considered for any application for reinstatement.

14. Licensee further agrees that Investigation 18-00974 shall also be handled at the time of the Board's consideration of his application for reinstatement.

15. Licensee agrees that he will not apply for reinstatement or stay of his revocation of his license until three (3) years has elapsed from the date of the approval of this Consent Order.

16. Licensee shall place his patients' records in the custody of another individuals licensed to practice medicine and surgery or osteopathic medicine, a records maintenance facility, or other Board approved agent, in compliance with K.A.R. 100-24-2 and 100-24-3. Licensee shall notify the Board in writing on or before August 30, 2018, of the specific measure taken and the appropriate contact information of the designated record custodian so that the Board can respond to questions from patients about the location of their medical records, and how they can obtain them.

17. Licensee acknowledges that 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.

18. The Board is the sole and exclusive administrative agency of the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of medicine and surgery.

19. 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

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.

20. 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.

21. 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.

22. 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.

23. A protective order is hereby entered to protect all confidential information under 42 CFR Part II, K.S.A. 65-2836(i), and K.S.A. 65-4925.

24. 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.

25. 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

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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.*

26. 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.

27. 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.

28. 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 this Consent Order.

29. 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.

30. 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.

31. 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.

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

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

34. 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.

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35. 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 Final Order when filed with the office of the Executive Director for the Board and no further Order is required.

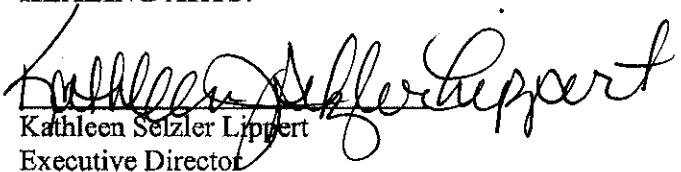
36. This Consent Order constitutes **public disciplinary action**.

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

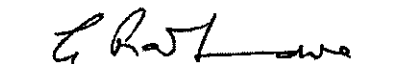
IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

IT IS SO ORDERED on this 26 day of July, 2018.

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


Kathleen Selzler Lippert
Executive Director

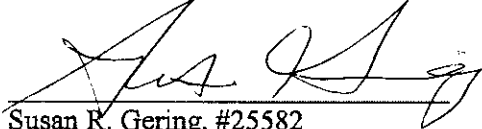
7/26/2018
Date


Gurpreet S. Randhawa, M.D.
Licensee

July 25th 2018
Date

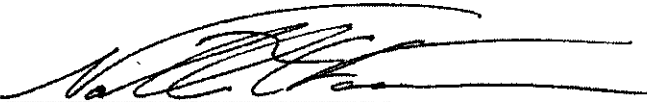
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PREPARED AND APPROVED BY:



Susan R. Gering, #25582
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612
785-368-8212
785-368-8210 (fax)
Susan.gering@ks.gov
Attorney for Petitioner

APPROVED BY:



Mark W. Stafford, #13233
Forbes Law Group, LLC
6900 College Blvd., Suite 840
Overland Park, Kansas 66211
mstafford@forbeslawgroup.com

Nathanial C. Foreman, # **22691**
Yoxall, Antrim, Foreman, & Frymire, LLP
101 W. Fourth St.
Liberal, Kansas 67901
nforeman@yoxallfirm.com
Attorneys for Licensee

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a copy of the foregoing Consent Order for Surrender was served this 26th day of July, 2018, by depositing the same in the United States

Mail, first-class postage prepaid, and addressed to:

Mark W. Stafford
Attorney for Licensee
Forbes Law Group, LLC
6900 College Blvd., Suite 840
Overland Park, Kansas 66211

Nathaniel C. Foreman, #22691
Attorney for Licensee
Yoxall, Antrim, Foreman, & Frymire, LLP
101 W. Fourth St.
Liberal, Kansas 67901

Gurpreet S. Randhawa, M.D.
Licensee
[REDACTED]
Liberal, Kansas 67901

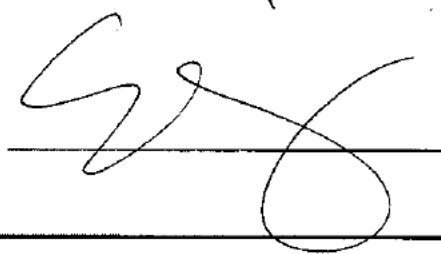
with a copy hand delivered to:

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

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

and the original was filed with the office of the Executive Director:

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



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