

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2016-28771

KHAJA CHISTY, M.D.,

RESPONDENT.

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ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, by and through its undersigned counsel, hereby files this Administrative Complaint before the Board of Medicine against Respondent, Khaja Chisty, M.D., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed physician within the state of Florida, having been issued license number ME 109705.

3. Respondent's address of record is P.O. Box 451959, Sunrise, Florida 33354.

4. The Colorado Medical Board is the licensing authority regulating the practice of medicine in the state of Colorado.

5. On or about November 18, 2016, the Colorado Medical Board entered an Order of Suspension based on the reasonable belief that Respondent had violated Colorado's Medical Practice Act and that the public health, safety, or welfare required emergency action.

6. The Colorado Medical Board entered the Order of Suspension against Respondent after making findings that Respondent had been absent from his office for extended periods of time, and in his absence, had left pre-signed and post-dated prescriptions at his office; that Respondent had failed to notify patients that he would be away and unable to continue their treatment, he failed to monitor patients during his absence; and that Respondent had prescribed inappropriate combinations of controlled substances to certain patients.

7. On or about December 15, 2016, the Colorado Medical Board and Respondent entered into a Non-Disciplinary Interim Cessation of Practice Agreement (hereinafter "Cessation Agreement"). The Cessation Agreement terminated the Order of Suspension.

8. By entering into the Cessation Agreement, Respondent agreed to cease practicing as a physician pending the Colorado Medical Board's evaluation and investigation of the allegations against his license.

9. Section 458.331(1)(b), Florida Statutes (2016), sets forth grounds for disciplinary action by the Board of Medicine and provides that having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction constitutes grounds for discipline. The licensing authority's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician's license, shall be construed as action against the physician's license.

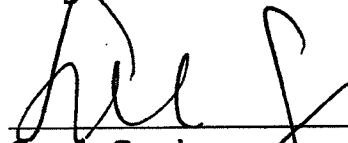
10. The Order of Suspension and Cessation Agreement entered into by the Colorado Medical Board and Respondent constitutes action against Respondent's license and/or authority to practice medicine in Colorado, by the licensing authority of Colorado.

11. Based on the foregoing Respondent has violated Section 458.331(1)(b), Florida Statutes (2016), by entering into a Cessation Agreement with the Colorado Medical Board.

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 29 day of September, 2017.

Celeste Philip, M.D., M.P.H.
Surgeon General and Secretary



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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Amber Greene
DATE OCT 02 2017

SEC/
PCP: September 29, 2017
PCP Members: Georges El-Bahri, M.D.; Sarvam Terkonda, M.D.; Nicholas Romanello

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested. A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.

Please be advised that mediation under Section 120.573, Florida Statutes, is not available for administrative disputes involving this agency action.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition any other discipline imposed.