

FILED DATE **APR 29 2019**
Department of Health

STATE OF FLORIDA
BOARD OF MEDICINE

By: *Anne Mues*
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2016-28771
LICENSE NO.: ME0109705

KHAJA CHISTY, M.D.,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on April 5, 2019, in West Palm Beach, Florida, for consideration of the Amended Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause pursuant to Respondent's Election of Rights. At the hearing, Petitioner was represented by Sarah Corrigan, Assistant General Counsel. Respondent was present but was not represented by counsel. The facts are not in dispute.

Upon consideration, it is ORDERED:

1. The allegations of fact set forth in the Amended Administrative Complaint are approved and adopted and incorporated herein by reference as the findings of fact by the Board.

2. The conclusions of law alleged and set forth in the Amended Administrative Complaint are approved and adopted and

incorporated herein by reference as the conclusions of law by the Board.

3. The violations set forth warrant disciplinary action by the Board.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent shall pay an administrative fine in the amount of \$2,500.00 to the Board within 6 months from the date Respondent's license to practice medicine in the State of Florida is reinstated. Said fine shall be paid by money order or cashier's check.

2. Respondent's license to practice medicine in the State of Florida is hereby **SUSPENDED** until such time as his license to practice medicine in the State of Colorado is unencumbered. The Respondent shall appear before the Board's Probation Committee to request reinstatement and the Board retains jurisdiction in this matter to impose terms and conditions upon reinstatement of Respondent's license, including, but not limited to, a period of probation with said terms and conditions to be set at the time of reinstatement.

3. Respondent shall be and is hereby issued a letter of concern by the Board.

RULING ON MOTION TO ASSESS COSTS

The Board reviewed the Petitioner's Motion to Assess Costs and imposes the costs associated with this case in the amount of

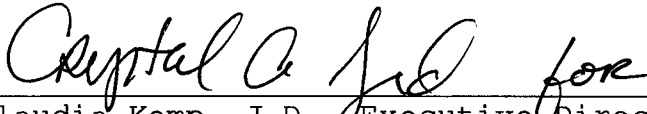
\$3,329.69. Said costs are to be paid within 6 months of reinstatement of his medical license in the State of Florida.

(NOTE: SEE RULE 64B8-8.0011, FLORIDA ADMINISTRATIVE CODE. UNLESS OTHERWISE SPECIFIED BY FINAL ORDER, THE RULE SETS FORTH THE REQUIREMENTS FOR PERFORMANCE OF ALL PENALTIES CONTAINED IN THIS FINAL ORDER.)

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 26th day of April, 2019.

BOARD OF MEDICINE



Claudia Kemp, J.D., Executive Director
For Steven Rosenberg, M.D., Chair

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF HEALTH AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by **Certified Mail** to KHAJA CHISTY, M.D., 19330 SW 69th Street, Fort Lauderdale, Florida 33332; P.O. Box 451959, Sunrise, Florida 33354; and 4900 Oakland Park Boulevard, Suite 300, Lauderdale Lakes, Florida 33313; by email to Allison Dudley, Assistant General Counsel, Department of Health, at Allison.Dudley@flhealth.gov; and by email to Edward A. Tellechea, Chief Assistant Attorney General, at Ed.Tellechea@myfloridalegal.com this 29th day of April, 2019.

Certified Article Number

9414 7266 9904 2140 1144 82

SENDER'S RECORD

|||...
Khaja Chisty, M.D.
19330 SW 69th Street
Fort Lauderdale, FL 33332

Annie Moses

Deputy Agency Clerk

Certified Article Number

9414 7266 9904 2140 1144 75

SENDER'S RECORD

|||...
Khaja Chisty, M.D.
P.O. Box 451959
Sunrise, FL 33354

Certified Article Number

9414 7266 9904 2140 1143 69

SENDER'S RECORD

|||...
Khaja Chisty, M.D.
4900 Oakland Park Boulevard
Suite 300
Lauderdale Lakes, FL 33313

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Ron DeSantis
Governor

Vision: To be the Healthiest State in the Nation

MEMORANDUM

DATE: April 26, 2019

TO: Mark Whitten, J.D. Bureau Chief
Bureau of Health Care Practitioner Regulation

FROM: Claudia J. Kemp
Executive Director, Board of Medicine

SUBJECT: Delegation of Authority

This is to advise you that while I am out of the office Friday, April 26, 2019, the following Program Operations Administrator is delegated to serve as Acting Executive Director for the Board of Medicine.

Crystal Sanford

Program Operations Administrator

(850) 245- 4132

CK/rh

cc:

Sylvia Sanders
Staff, Board of Medicine
Board and Council Chairs

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

**FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK**

CLERK: *Bridget Coates*

DATE: *9.28.2018*

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2016-28771

KHAJA CHISTY, M.D.,

RESPONDENT.

AMENDED ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, by and through its undersigned counsel, hereby files this Amended 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. At all times material to this Complaint, Respondent was licensed to practice in Colorado, having been issued license number DR 51265.

6. On or about April 26, 2018, the Colorado Medical Board executed a Stipulation and Final Agency Order, resolving case numbers 2015-4537-B; 2015-4674-B; 2015-5000-B; 2016-165-B; 2016-4960-B; 2016-5225-B; 2016-5306-B; and 2017-737-B and disciplining Respondent's Colorado medical license for engaging in unprofessional conduct.

7. Section 458.331(1)(b), Florida Statutes (2016-2017), 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.

8. On or about April 26, 2018, the licensing authority of Colorado took action against Respondent's Colorado medical license via the above-mentioned Stipulation and Final Agency Order.

9. Based on the foregoing Respondent has violated Section 458.331(1)(b), Florida Statutes (2016-2017), by having his license acted against by the licensing authority of Colorado.

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.

[Signature on following page.]

SIGNED this 28th day of SEPTEMBER, 2018.

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



Sarah Corrigan
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Florida Bar Number 0085797
(850) 245 - 4640 Telephone
(850) 245 - 4683 Facsimile

SEC/

PCP: September 28, 2018

PCP Members: Georges El-Bahri, M.D.; Gary Dolin, M.D.; Brigitte Goersch

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.