

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

**DEC 13 1999**

In the Matter of )  
the Application of )  
Vijendra Dave, M.D. )  
\_\_\_\_\_ )

Case No. 00-HA-27 KANSAS STATE BOARD OF  
HEALING ARTS

**STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**

**COME NOW**, the Kansas State Board of Healing Arts ("Board") by and through Kelli J. Benintendi, Associate Counsel ("Petitioner"), and Vijendra Dave, M.D. ("Applicant") appearing *pro se*, and stipulate and agree to the following:

1. The Board is the sole and exclusive administration 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.
2. Applicant admits that this Stipulation and Agreement and Enforcement Order ("Stipulation") and the filing of such document are in accordance with applicable law and that the Board has jurisdiction to consider the Stipulation.
3. Applicant agrees that the Kansas Healing Arts Act is constitutional on its face and as applied in this case.
4. Applicant agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
5. Applicant filed an application for licensure to practice medicine and surgery in the State of Kansas on or about August 24, 1999, and Applicant currently holds a postgraduate temporary permit, issued December 1, 1997.

6. (Confidential)

(Confidential)

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

8. Applicant voluntarily and knowingly waives his right to a hearing. Applicant 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. Applicant 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 Stipulation 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 Stipulation shall not be binding on the Board until an authorized signature is affixed at the end of this document. Applicant specifically acknowledges that counsel for the Board is not authorized to sign this Stipulation on behalf of the Board.

10. In consideration of the conditions, terms, covenants, and promises contained herein, the parties agree as follows:

(a) In lieu of the conclusion of formal proceedings and/or the making of findings by the Board, Applicant, by signature affixed to this Stipulation, hereby voluntarily agrees to the following limitations placed on his license to engage in the practice of medicine and surgery in the State of Kansas:

(i) **(Confidential)**

(ii) **(Confidential)**

(iii) **(Confidential)**

(iv) **(Confidential)**

**(Confidential)**

- (v) Applicant shall not engage in the solo practice of medicine and shall only practice in a group setting with ongoing supervision by a licensed physician approved by the Board, or its designee. Applicant is responsible for proposing to the Board a supervising physician to serve in that capacity.
- (vi) The supervising physician must submit quarterly reports regarding whether Applicant is practicing medicine with reasonable skill and safety, and whether Applicant's conduct and behavior is appropriate with patients and staff. Such reports shall be submitted to the Board, to the attention of Kelli J. Benintendi, by the 15<sup>th</sup> of the month at the end of each quarter. Failure of the supervising physician to submit the monitoring reports shall constitute a violation of the terms of this Stipulation and shall be grounds for disciplinary action. The supervising physician shall immediately notify the Board in writing if applicant is unable to practice medicine with reasonable skill and safety.
- (vii) Applicant shall immediately notify the Board of all changes in employment or

**(Confidential)**



(viii) (Confidential)

(ix) (Confidential)

(x) Applicant must obtain prior Board approval before modifying or discontinuing any of the requirements of this Stipulation.

(b) This Order constitutes limitations on Applicant's license to practice medicine and surgery in the State of Kansas. These limitations shall remain in effect for at least ~~five (5)~~ <sup>three (3)</sup> years. At the end of ~~five (5)~~ <sup>three (3)</sup> years, Applicant may request the termination of the limitation.

(c) Applicant's failure to comply with the provisions of the Stipulation will result in the Board taking disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act.

(d) Nothing in this Stipulation 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 Stipulation, or to initiate formal proceedings based upon known or unknown allegations of violations of the Healing Arts Act.

(e) Applicant 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 Applicant has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Applicant 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.

(f) Applicant further understands and agrees that upon signature by Applicant, this document shall be deemed a public record, and shall be reported to the National Practitioner Databank, Federation of State Medical Boards, and any other reporting entities requiring disclosure of this Stipulation.

(g) This Stipulation, 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.

(h) Applicant 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 Applicant is not present. Applicant 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.

(i) Applicant, 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.

(j) Applicant acknowledges that he has read this Stipulation and fully understands the contents.

(k) Applicant acknowledges that this Stipulation has been entered into freely and voluntarily.

(l) All correspondence or communication between Applicant and the Board relating to this Stipulation shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Kelli J. Benintendi, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

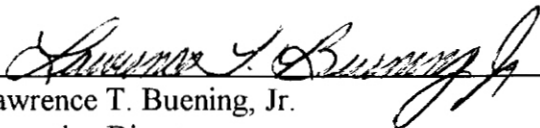
(m) Applicant shall obey all federal, state and local laws and rules governing the practice of medicine and surgery in the State of Kansas that may be in place at the time of execution of the Stipulation or may become effective subsequent to the execution of this document.

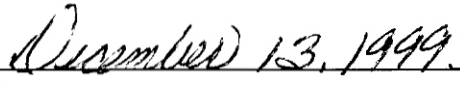
(n) Upon execution of this Stipulation by affixing a Board authorized signature below, the provisions of this Stipulation shall become an Order under K.S.A. 65-2838. This Stipulation shall constitute the Board's Order when filed with the Office of the Executive Director for the Board and no further Order is required.


IN WITNESS WHEREOF, the parties have executed this agreement on this


13<sup>th</sup> day of December, 1999.

KANSAS STATE BOARD OF HEALING ARTS

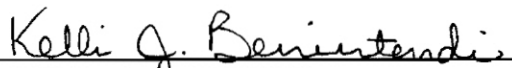
  
\_\_\_\_\_  
Lawrence T. Buening, Jr.  
Executive Director

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Vijendra Dave, M.D.  
Applicant

  
November 29, 1999  
\_\_\_\_\_  
Date

Prepared By:

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

**CERTIFICATE OF SERVICE**

I, Kelli J. Benintendi, Associate Counsel, Kansas Board of Healing Arts, hereby certify that I served a true and correct copy of the **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** by United States mail, postage prepaid, on this 13<sup>th</sup> day of December, 1999, to the following:

Vijendra Dave, M.D.  
1114 ½ Park Avenue  
El Dorado, Kansas 67042-3641

and the original was hand-delivered to:

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

Kelli J. Benintendi  
Kelli J. Benintendi  
Associate Counsel

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

**FILED**

DEC 18 2002

KANSAS STATE BOARD OF  
HEALING ARTS

In the Matter of )  
 )  
VIJENDRA DAVE, M.D. )  
Kansas License No. 04-28553 )  
\_\_\_\_\_ )

Docket No. 03-HA-13

**FINAL ORDER**

NOW ON THIS Fourteenth Day of December 2002, comes before the Board the request of Licensee Vijendra Dave, M.D. seeking termination of the limitations imposed by the December 1999 Stipulation and Agreement and Enforcement Order. Petitioner appears in person. Kelli J. Benintendi, Associate Counsel, appears for the Board.

Having the agency record before it, and having heard the statements of the parties, the Board finds, concludes and orders as follows:

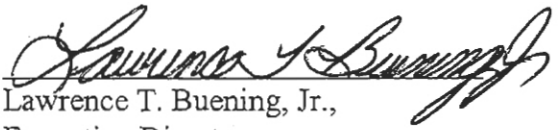
1. Licensee and the Board entered into a Stipulation and Agreement and Enforcement Order dated December 13, 1999, which imposed limitations upon Licensee's license.
2. Licensee has complied with the requirements of the Stipulation and Agreement and Enforcement Order.
3. The Board finds that good cause exists to terminate the limitations upon Licensee's license.

**IT IS, THEREFORE ORDERED** that the Stipulation and Agreement and Enforcement Order, and the limitations imposed therein, are hereby terminated.

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. A party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court as authorized by K.S.A. 77-610, et seq. Reconsideration of the Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the Final Order. A copy of any petition for judicial review must be served upon the Board's executive director at 235 S. Topeka Blvd., Topeka, KS 66603.

DATED THIS 18<sup>th</sup> Day of December, 2002.

Kansas State Board of Healing Arts

  
Lawrence T. Buening, Jr.,  
Executive Director

**Certificate of Service**

I certify that a true copy of the foregoing order was served this 19<sup>th</sup> day of December 2002 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Vijendra Dave, M.D.  
1932 E. 47th St. S, Lot 92  
Wichita, KS 67216-3174


and a copy was hand-delivered to the office of:

Kelli J. Benintendi  
Associate Counsel  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

  
\_\_\_\_\_



BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

**FILED**   
OCT 30 2007

KS State Board of Healing Arts

In the Matter of )  
Vijendra Dave )  
 )  
Kansas License No. 04-28553 ) Docket No. 07-HA00052  
 )  
\_\_\_\_\_ )

**FINAL ORDER**

NOW ON THIS 20th day of October, 2007, this matter comes before the Board to hear the request of Vijendra Dave, M.D. to terminate the suspension of his license. Dr. Dave appears in person and without counsel. Kelli J. Stevens, Litigation Counsel, appears for the Board.

Having the agency record before it, the Board finds, concludes and orders as follows:

1. The Board issued a Final Order dated August 27, 2007 that continued the suspension of Dr. Dave's license until such time as circumstances sufficiently change to protect the public. **(Confidential)**  
**(Confidential)** The Final Order also provided that Dr. Dave may present a plan for his return to practice, which plan must include practice supervision **(Confidential)**  
**(Confidential)**

2. The Board does not find that circumstances have changed since the time the Final Order was issued.

3. The Board will, in the future, consider whether circumstances have changed **(Confidential)**  
**(Confidential)**

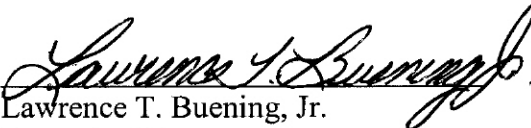
**IT IS, THEREFORE, ORDERED** that the request to terminate the suspension is denied.

**PLEASE TAKE NOTICE** that this is a final order. A final order is effective upon service. A party to an agency proceeding may seek judicial review of a final order by filing a petition in the District Court as authorized by K.S.A. 77-601, et seq. Reconsideration of a final order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the final

order. A copy of any petition for judicial review must be served upon the Board's Executive Director at 235 SW. Topeka Blvd., Topeka, KS 66603.

Dated this 30<sup>th</sup> day of October, 2007.

Kansas State Board of Healing Arts

  
Lawrence T. Buening, Jr.  
Executive Director

**Certificate of Service**

I certify that a true copy of the foregoing Final Order was served this 30<sup>th</sup> day of October, 2007, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Vijendra Dave  
1932 E 47th St S. #92  
Wichita, KS 67216

And a copy was hand-delivered to the office of

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



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. 47<sup>th</sup> 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.

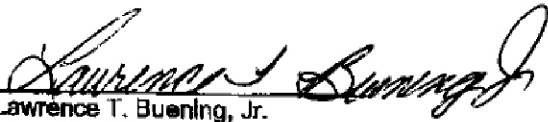
**IT IS FUTHER ORDERED**

- (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.**



**KANSAS BOARD OF HEALING ARTS:**

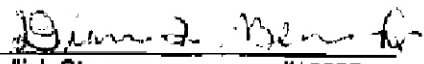
  
Lawrence T. Buening, Jr.  
Executive Director

Date Jan 12, 2007

  
Vijendra Dava, 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

**CERTIFICATE OF SERVICE**

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

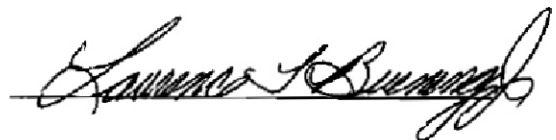
Vijendra Dave, M.D.  
1932 E. 47<sup>th</sup> Street S. #92  
Wichita, Kansas 67216

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



BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

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

Docket No. 07-HA00052

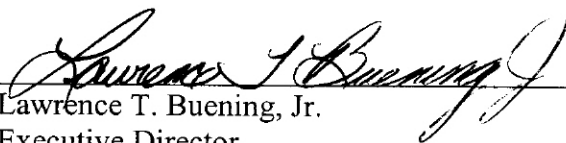
SUPPLEMENTAL JOURNAL ENTRY

NOW, on this 11<sup>th</sup> day of March, 2008, the above-entitled matter comes on before Lawrence T. Buening, Jr., Executive Director of the Kansas State Board of Healing Arts ("Board"). After reviewing the filing and being duly advised in the premises, the Executive Director makes the following determinations:

1. At its meeting December 9, 2007, the Board issued a Final Order Following Conference Hearing that was filed January 9, 2008.
2. As part of the Final Order, the Board appointed Board member Roger D. Warren, M.D. to issue an order terminating the suspension of license of Vijendra Dave, M.D.
3. On February 18, 2008, Dr. Warren ordered that the suspension of the license of Vijendra Dave, M.D. be terminated effective that date.

DATED this 11<sup>th</sup> day of March, 2008.

KANSAS STATE BOARD OF HEALING ARTS

  
\_\_\_\_\_  
Lawrence T. Buening, Jr.  
Executive Director

**CERTIFICATE OF SERVICE**

I, do hereby certify that on the 11<sup>th</sup> day of March, 2008, a true and correct copy of the above and foregoing was deposited in the United States mail, first class postage prepaid to the following:

Vijendra Dave, M.D.  
1932 E. 47<sup>th</sup> St. S #92  
Wichita, KS 67216


and a copy hand delivered to the office of:

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

and

Katy Lenahan, Licensing Administrator  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, KS 66603

and the original filed with the office of the Executive Director.

  
Lawrence T. Buening, Jr.  
Executive Director  
(785) 296-3680

FILED

CAE

APR 16 2009

KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

In the matter of	)	
Vijendra Dave, M.D.	)	
	)	
Kansas License No. 04-28553	)	Docket No. 07-HA00052
_____	)	

**JOURNAL ENTRY**

NOW on this 15<sup>th</sup> day of April, 2009, the above-captioned matter comes before Presiding Officer, Myron Leinwetter, D.O., on Licensee's Request to Appoint a Substitute **(Confidential)** A formal hearing has not been requested and this Order is made after reviewing the agency record and letters submitted by the Licensee and Board Litigation Counsel, Kathleen Selzler Lippert. The Presiding Officer finds and **ORDERS** as follows:

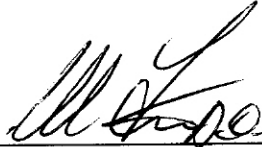
1. Licensee has entered into **(Confidential)** pursuant to the Final Order Following Conference Hearing filed on January 9, 2008.
2. As part of **(Confidential)** Licensee is required to **(Confidential)** approved by the Board.
3. By letter, on December 12, 2008, Licensee informed the Board that he needed to change his **(Confidential)** t and proposed a substitute.
4. That request was denied.
5. By letter dated January 27, 2009, Licensee proposed a different substitute **(Confidential)**
6. Licensee's request is granted.
7. **(Confidential)**

8. No other previous orders of the Board or Presiding Officer are modified by this Order.

**IT IS SO ORDERED.**

Dated this 15th day of April, 2009.

**KANSAS STATE BOARD OF HEALING ARTS**

A handwritten signature in black ink, appearing to read 'M. Leinwetter', written over a horizontal line.

Myron M. Leinwetter, D.O.  
Presiding Officer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Journal Entry was served this 16<sup>th</sup> day of April, 2009 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

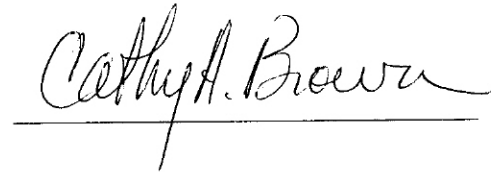
Vijendra Dave, M.D.  
1932 E 47 Street S., #92  
Wichita, KS 67216

And a copy hand delivered to:

Kathleen Selzler Lippert  
Litigation Counsel  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, KS 66603

And the original was hand delivered for filing to:

Jack Confer  
Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603

  
\_\_\_\_\_

**FILED** CAB

JAN 07 2009

KS State Board of Healing Arts

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

In the matter of	)	
Vijendra Dave, M.D.	)	
	)	
Kansas License No. 04-28553	)	Docket No. 07-HA00052
_____	)	

**FINAL ORDER**

**NOW** on this 7<sup>th</sup> day of January, 2009, the above-captioned matter comes before Presiding Officer, Myron Leinwetter, D.O., on Licensee's Request to Appoint a Substitute **(Confidential)**. A formal hearing has not been requested and this Final Order is made after reviewing the agency record and letters submitted by the Licensee and Board Litigation Counsel, Kathleen Selzler Lippert. The Presiding Officer finds and **ORDERS** as follows:

1. Licensee has entered into a **(Confidential)** contract pursuant to the Final Order Following Conference Hearing filed on January 9, 2008.
2. As part of the **(Confidential)** contract, Licensee is required to have **(Confidential)** approved by the Board.
3. By letter, on December 12, 2008, Licensee informed the Board that he needed to change **(Confidential)**
4. In the same letter, Licensee proposed a substitute **(Confidential)**
5. The substitute **(Confidential)** proposed by Licensee is currently on probation following disciplinary action by the Board.
6. Licensee's request is denied.



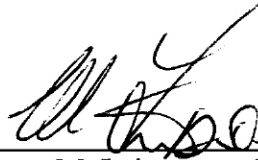
7. Licensee is to continue **(Confidential)** approved by the Board until Licensee requests a different **(Confidential)** and has that individual approved by the Board.

**IT IS SO ORDERED.**

**PLEASE TAKE NOTICE** that this is a Final Order. A final order is effective upon service. A party to an agency proceeding may seek judicial review of a final order by filing a petition in the District Court as authorized by K.S.A. 77-601, et seq. Reconsideration of a final order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the final order. A copy of any petition for judicial review must be served upon the Board's Executive Director at 235 SW Topeka Blvd., Topeka, KS 66603.

Dated this 7th day of January, 2009.

**KANSAS STATE BOARD OF HEALING ARTS**



---

Myron M. Leinwetter, D.O.  
Presiding Officer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Final Order was served this 7<sup>th</sup> day of January, 2009 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

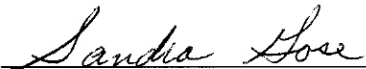
Vijendra Dave, M.D.  
1932 E 47 Street S., #92  
Wichita, KS 67216

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Kathleen Selzler Lippert  
Litigation Counsel  
Kansas State Board of Healing Arts  
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Jack Confer  
Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603

  
\_\_\_\_\_

FILED

CA 10

APR 16 2009

KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

In the matter of	)	
Vijendra Dave, M.D.	)	
	)	
Kansas License No. 04-28553	)	Docket No. 07-HA00052
_____	)	

**JOURNAL ENTRY**

NOW on this 15<sup>th</sup> day of April, 2009, the above-captioned matter comes before Presiding Officer, Myron Leinwetter, D.O., on Licensee's Request to Appoint a Substitute **(Confidential)** A formal hearing has not been requested and this Order is made after reviewing the agency record and letters submitted by the Licensee and Board Litigation Counsel, Kathleen Selzler Lippert. The Presiding Officer finds and **ORDERS** as follows:

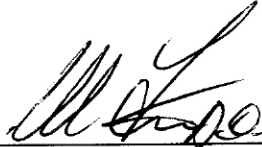
1. Licensee has entered into **(Confidential)** pursuant to the Final Order Following Conference Hearing filed on January 9, 2008.
2. As part of **(Confidential)** Licensee is required to **(Confidential)** approved by the Board.
3. By letter, on December 12, 2008, Licensee informed the Board that he needed to change his **(Confidential)** t and proposed a substitute.
4. That request was denied.
5. By letter dated January 27, 2009, Licensee proposed a different substitute **(Confidential)**
6. Licensee's request is granted.
7. **(Confidential)**

8. No other previous orders of the Board or Presiding Officer are modified by this Order.

**IT IS SO ORDERED.**

Dated this 15th day of April, 2009.

**KANSAS STATE BOARD OF HEALING ARTS**



---

Myron M. Leinwetter, D.O.  
Presiding Officer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Journal Entry was served this 16<sup>th</sup> day of April, 2009 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

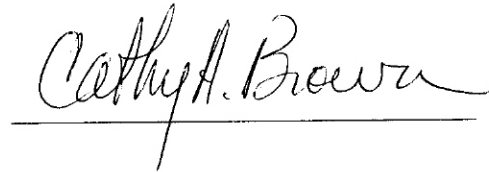
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Executive Director  
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Topeka, KS 66603

  
\_\_\_\_\_

**FILED** CAB

JAN 07 2009

KS State Board of Healing Arts

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

In the matter of	)	
Vijendra Dave, M.D.	)	
	)	
Kansas License No. 04-28553	)	Docket No. 07-HA00052
_____	)	

**FINAL ORDER**

**NOW** on this 7<sup>th</sup> day of January, 2009, the above-captioned matter comes before Presiding Officer, Myron Leinwetter, D.O., on Licensee's Request to Appoint a Substitute **(Confidential)**. A formal hearing has not been requested and this Final Order is made after reviewing the agency record and letters submitted by the Licensee and Board Litigation Counsel, Kathleen Selzler Lippert. The Presiding Officer finds and **ORDERS** as follows:

1. Licensee has entered into a **(Confidential)** contract pursuant to the Final Order Following Conference Hearing filed on January 9, 2008.
2. As part of the **(Confidential)** contract, Licensee is required to have **(Confidential)** approved by the Board.
3. By letter, on December 12, 2008, Licensee informed the Board that he needed to change **(Confidential)**
4. In the same letter, Licensee proposed a substitute **(Confidential)**
5. The substitute **(Confidential)** proposed by Licensee is currently on probation following disciplinary action by the Board.
6. Licensee's request is denied.

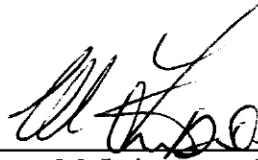
7. Licensee is to continue **(Confidential)** approved by the Board until Licensee requests a different **(Confidential)** and has that individual approved by the Board.

**IT IS SO ORDERED.**

**PLEASE TAKE NOTICE** that this is a Final Order. A final order is effective upon service. A party to an agency proceeding may seek judicial review of a final order by filing a petition in the District Court as authorized by K.S.A. 77-601, et seq. Reconsideration of a final order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the final order. A copy of any petition for judicial review must be served upon the Board's Executive Director at 235 SW Topeka Blvd., Topeka, KS 66603.

Dated this 7th day of January, 2009.

**KANSAS STATE BOARD OF HEALING ARTS**



---

Myron M. Leinwetter, D.O.  
Presiding Officer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Final Order was served this 7<sup>th</sup> day of January, 2009 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

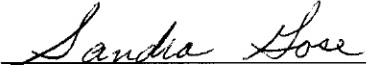
Vijendra Dave, M.D.  
1932 E 47 Street S., #92  
Wichita, KS 67216

And a copy hand delivered to:

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Litigation Counsel  
Kansas State Board of Healing Arts  
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Topeka, KS 66603

And the original was hand delivered to:

Jack Confer  
Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603

  
\_\_\_\_\_



BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

**FILED**  
MAY 14 2009

CAB

In the matter of )  
Vijendra Dave, M.D. )  
 )  
Kansas License No. 04-28553 ) Docket No. 07-HA00052  
 )  
\_\_\_\_\_ )

KS State Board of Healing Arts

**JOURNAL ENTRY**


NOW on this 8th day of May, 2009, the above-captioned matter comes before Presiding Officer, Myron Leinwetter, D.O., on Licensee's Request to Appoint a Substitute **(Confidential)** A formal hearing has not been requested and this Order is made after reviewing the agency record and letters submitted by the Licensee and Board Associate Litigation Counsel, Kelli J. Stevens. The Presiding Officer finds and **ORDERS** as follows:

1. Licensee has entered into a **(Confidential)** contract pursuant to the Final Order Following Conference Hearing filed on January 9, 2008.
2. As part of the **(Confidential)** contract, Licensee is required to have a **(Confidential)** approved by the Board.
3. By letter, on April 17, 2009, Licensee informed the Board that he needed to change his **(Confidential)** and proposed a substitute.
4. Licensee's request is granted.
5. **(Confidential)**
6. No other previous orders of the Board or Presiding Officer are modified by this Order.

**IT IS SO ORDERED.**

Dated this 8<sup>th</sup> day of May, 2009.

**KANSAS STATE BOARD OF HEALING ARTS**

A handwritten signature in black ink, appearing to read "M. Myron Leinwetter", written over a horizontal line.

M. Myron Leinwetter, D.O.  
Presiding Officer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Journal Entry was served this 11<sup>th</sup> day of May, 2009 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

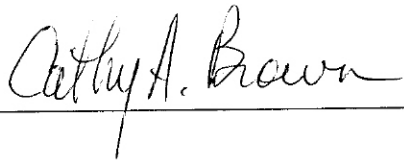
Vijendra Dave, M.D.  
1932 E 47 Street S., #92  
Wichita, KS 67216

And a copy hand delivered to:

Kelli J. Stevens  
Associate Litigation Counsel  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, KS 66603

And the original was hand delivered for filing to:

Jack Confer  
Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603

  
\_\_\_\_\_

**FILED**

*CAB*

DEC 16 2010

KS State Board of Healing Arts

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

**In the Matter of** )  
**Vijendra Dave, M.D.** )  
**License No. 04-28553** )  
\_\_\_\_\_ )

Docket No. 07-HA00052

**FINAL ORDER**  
**(Pursuant to K.S.A. 77-501 et seq.)**

Pursuant to the authority granted to the Kansas State Board of Healing Arts (“Board”) by K.S.A. 65-2801 et seq. and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 et seq., the Board hereby enters this Final Order in the above-captioned matter. Members of the Board serving on the Disciplinary Panel for this matter were recused from participation.

**I. Findings of Fact**

The Board has been shown the following facts:

1. Vijendra Dave, M.D. (“Licensee”), (confidential) Wichita, KS  
67216, is licensed to practice medicine and surgery in the State of Kansas,  
License No. 04-28553, and has been so licensed since February 12, 2000.
  2. On or about August 24, 1999, Licensee submitted an application for licensure  
to practice medicine and surgery in Kansas. (confidential)
- (confidential)
3. On December 13, 1999, Licensee entered into a Stipulation and Agreement  
and Enforcement Order (KSBHA Docket No. 00-HA00027) (“Stipulation”)  
with the Board. (confidential)

(confidential)

required Licensee to comply with the following limitations upon his license, as a condition to being granted a license to engage in the practice of medicine and surgery:

I.

(confidential)

II. Licensee agreed to restrict his practice to a group setting with a physician supervisor.

III.

(confidential)

4. The Stipulation stated that the limitations shall remain in effect for at least three (3) years. At the end of the three (3) year period, Licensee could request termination of the limitations.
5. On or about July 17, 2002, Licensee requested termination of the limitations in the Stipulation.
6. The Board entered a Final Order (KSBHA Docket No. 03-HA-13) on December 18, 2002, which terminated the provisions of the Stipulation.
- 7.

(confidential)

8. On January 12, 2007, Licensee entered into a Consent Order (KSBHA Docket No. 07-HA00052) with the Board. Licensee agreed to the following provisions concerning his license to practice the healing arts in Kansas:

I. Licensee agreed to the temporary limitation of his license, in that he was prohibited from engaging in any direct patient care activities, commencing immediately upon issuance of the Consent Order and until January 20, 2007.

II. Licensee also agreed to have his license temporarily suspended commencing on January 21, 2007 and continuing until a formal hearing could be held in this matter.

9. On January 25, 2007, a Petition was filed by the Board, which alleged that Licensee was not able to practice medicine with reasonable skill and safety

(confidential)

Licensee submitted a letter to the Board on or about April 19, 2007, requesting termination of the limitations placed upon his license.

(confidential)

(confidential)

10. On August 27, 2007, the Board issued a Final Order that denied Licensee's request to terminate the suspension of his license and ordered the continued suspension of his license until circumstances indicated that Licensee could practice with reasonable skill and safety.

(confidential)

(confidential)

(confidential)

The Final Order indicated that Licensee could request termination of the suspension after he presented a plan to the Board that

included a therapeutically supportive practice setting that could provide appropriate practice supervision.

11. On or about October 2, 2007, Licensee submitted a letter to the Board requesting termination of the suspension of his license. (confidential)

(confidential)

12. On October 30, 2007, a Final Order was issued which denied the request for termination of the suspension. The Board found that circumstances had not changed since the issuance of the August 27, 2007 Final Order. The Final Order indicated that the Board would, in the future, consider whether circumstances have changed (confidential)

(confidential)

13. On November 20, 2007, Licensee submitted a request for the termination of the temporary suspension of his license (confidential)

(confidential)

- 14.

(confidential)

(confidential)

## **II. Applicable Law**

- a. K.S.A. 77-501 et seq. – Kansas Administrative Procedure Act
- b. K.S.A. 65-2801 et seq. – Kansas Healing Arts Act
- c. K.S.A. 65-2836 – Revocation, Suspension, Limitation or Denial of Licenses;  
Censure of Licensee
- d. K.S.A. 65-2838 – Stipulations

## **III. Policy Statement**

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.



#### **IV. Conclusions of Law**

Based upon the Findings of Fact enumerated in Paragraphs #1 through #16, the Applicable Law and the Policy Statement set forth above:

#### **THE BOARD HEREBY CONCLUDES AS FOLLOWS:**

17. On or about August 24, 1999, Licensee submitted an application for licensure to practice medicine and surgery in Kansas. (confidential)

(confidential)

18. On December 13, 1999, Licensee entered into a Stipulation and Agreement and Enforcement Order (KSBHA Docket No. 00-HA00027) (“Stipulation”) with the Board. (confidential)

(confidential)

The Stipulation

required Licensee to comply with the following limitations upon his license, as a condition to being granted a license to engage in the practice of medicine and surgery:

I.

(confidential)

II. Licensee agreed to restrict his practice to a group setting with a physician supervisor.

III.

(confidential)

19. The Stipulation stated that the limitations shall remain in effect for at least three (3) years. At the end of the three (3) year period, Licensee could request termination of the limitations.
20. On or about July 17, 2002, Licensee requested termination of the limitations in the Stipulation.
21. The Board entered a Final Order (KSBHA Docket No. 03-HA-13) on December 18, 2002, which terminated the provisions of the Stipulation.
- 22.

(confidential)

23. On January 12, 2007, Licensee entered into a Consent Order (KSBHA Docket No. 07-HA00052) with the Board. Licensee agreed to the following provisions concerning his license to practice the healing arts in Kansas:
  - I. Licensee agreed to the temporary limitation of his license, in that he was prohibited from engaging in any direct patient care activities, commencing immediately upon issuance of the Consent Order and until January 20, 2007.
  - II. Licensee also agreed to have his license temporarily suspended commencing on January 21, 2007 and continuing until a formal hearing could be held in this matter.

24. On January 25, 2007, a Petition was filed by the Board, which alleged that Licensee was not able to practice medicine with reasonable skill and safety  
(confidential) Licensee submitted a letter to the Board on or about April 19, 2007, requesting termination of the limitations placed upon his license. (confidential)

(confidential)

25. On August 27, 2007, the Board issued a Final Order that denied Licensee's request to terminate the suspension of his license and ordered the continued suspension of his license until circumstances indicated that Licensee could practice with reasonable skill and safety. (confidential)

(confidential)

(confidential) The Final Order indicated that Licensee could request termination of the suspension after he presented a plan to the Board that included a therapeutically supportive practice setting that could provide appropriate practice supervision.

26. On or about October 2, 2007, Licensee submitted a letter to the Board requesting termination of the suspension of his license. (confidential)

(confidential)

27. On October 30, 2007, a Final Order was issued which denied the request for termination of the suspension. The Board found that circumstances had not changed since the issuance of the August 27, 2007 Final Order. The Final Order indicated that the Board would, in the future, consider whether

circumstances have changed

(confidential)

(confidential)

28. On November 20, 2007, Licensee submitted a request for the termination of  
the temporary suspension of his license

(confidential)

29.

30.

(confidential)

31.

32.

(confidential)

33. The Board has consistently received compliance reporting on a quarterly basis

34.

(confidential)

**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF  
HEALING ARTS:**


35. Licensee's request to terminate (confidential)  
requirement is hereby **DENIED**.

36.

(confidential)

37. The Board shall maintain jurisdiction over this matter to issue any Order(s)  
deemed necessary and appropriate.

**IT IS SO ORDERED THIS 15 DAY OF Dec, 2010, IN THE CITY  
OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

  
Kathleen Selzler Lippert  
Executive Director  
Kansas State Board of Healing Arts

## **NOTICE OF RIGHTS**

**PLEASE TAKE NOTICE** that this is a Final Order. A Final Order is effective upon service. A party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court as authorized by K.S.A. 77-601, et seq.

Reconsideration of a Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the Final Order. A copy of any petition for judicial review must be served upon Kathleen Selzler Lippert, the Board's Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

**CERTIFICATE OF SERVICE**

I, hereby certify that a true copy of the foregoing Final Order was served this 16<sup>th</sup> day of December, 2010 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Vijendra Dave, M.D.

(confidential)

Wichita, KS 67216

And a copy was hand delivered to the office of:

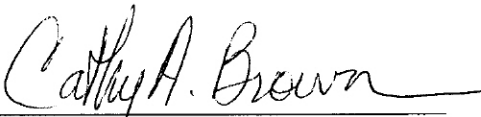
Kelli J. Stevens, Litigation Counsel  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, Kansas 66603

Katy Lenahan, Licensing Administrator  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, Kansas 66603

Melissa Massey, Compliance Coordinator  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, Kansas 66603

The original filed with:

Kathleen Selzler Lippert, Executive Director  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, KS 66603

  
\_\_\_\_\_  
Cathy Brown  
Executive Assistant