

**SETTLEMENT AGREEMENT BETWEEN THE MISSOURI  
STATE BOARD OF REGISTRATION FOR THE HEALING ARTS  
AND VIVEK AGNIHOTRI, MD**

COME NOW Vivek Agnihotri, MD, ("Licensee") and the Missouri State Board of Registration for the Healing Arts ("the Board"), and enter into this agreement for the purpose of resolving the issue of whether Licensee's physician and surgeon's license is subject to discipline. Licensee and the Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to sections 536.060 and 621.045, RSMo.<sup>1</sup>

1. Licensee acknowledges that he understands the various rights and privileges afforded to him by law, including the right to a hearing of the charges; the right to appear and be represented by legal counsel; the right to have all charges against him proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing; the right to present evidence on his own behalf; the right to a decision based upon the record concerning the charges pending against him; and the right to present evidence in mitigation of discipline at a hearing before the Board. Having been advised of these rights provided to him by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights, freely enters into this agreement and agrees to abide by the terms of this document as they pertain to him.
2. Licensee acknowledges that he may, at the time this agreement is effective or within fifteen (15) days thereafter, submit this agreement to the Administrative Hearing Commission to determine whether the facts agreed to by the parties constitute grounds to discipline Licensee's license.
3. Licensee acknowledges that he has been advised of his right to consult legal counsel in this matter.
4. The parties stipulate and agree that the discipline agreed to by the Board and Licensee in the consent order in Part III is based only on the agreement set out in Parts I and II herein. Licensee understands

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<sup>1</sup> All statutory references are to the Revised Statutes of Missouri Cumulative Supplement (2018), unless otherwise stated.

that the Board may take further action against him based on facts or conduct not specifically mentioned in this document that is either presently known to the Board or later discovered.

5. Licensee understands and agrees that the Board will maintain this agreement as an open record as required by Chapters 324, 334 and 610, RSMo, and it will report this agreement to the National Practitioner's Data Bank ("NPDB") and the Federation of State Medical Boards ("FSMB").

#### I. JOINT STIPULATION OF FACTS

Based upon the foregoing, the Board and Licensee herein jointly stipulate and agree to the following:

6. The Board is an agency of the state of Missouri created and established pursuant to section 334.120, RSMo, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.
7. Licensee is licensed by the Board as a physician and surgeon, license number 2009003411, which was first issued on February 11, 2009. Licensee's license is current, and it was current and active at all times relevant herein.
8. On or about May 25, 2018, Licensee entered a guilty plea in the Circuit Court of St. Louis County, Missouri in case number 16SL-CR04889-01 to Assault in the Third Degree, a Class A misdemeanor offense. The Court fined Licensee \$500.00.
9. The above-referenced incident arose out of events that happened on or about July 4, 2016, wherein Licensee allegedly attempted to cause personal injury to Z.T.
10. Victim, Z.T. was the spouse of Licensee and the events of July 4, 2016 occurred during a domestic dispute at their home.
11. The offense of Assault in the Third Degree, which is, on its face, a misdemeanor offense an act of violence and an offense involving moral turpitude.

12. The above is cause to discipline Licensee's license pursuant to sections 334.100.2(2) and 334.102.7(1)(a), RSMo.

## II. JOINT CONCLUSIONS OF LAW

13. Cause exists to discipline Licensee's license pursuant to sections 334.100.2(2) and 334.102.7(1)(a), RSMo which state:

334.100.2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person's certificate of registration or authority, permit or license for any one or any combination of the following causes:

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated pursuant to this chapter, for any offense involving fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

334.102.7. (1) The board may initiate a hearing before the board for discipline of any licensee's license or certificate upon receipt of one of the following:

(a) Certified court records of a finding of guilt or plea of guilty or nolo contendere in a criminal prosecution under the laws of any state or of the United States for any offense involving the qualifications, functions, or duties of any profession licensed or regulated under this chapter, for any offense involving fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

14. Licensee's conduct, as established by the foregoing facts, falls within the intendments of sections 334.100.2(2) and 334.102.7(1)(a), RSMo.
15. Cause exists for the Board to take disciplinary action against Licensee's license under sections 334.100.2(2) and 334.102.7(1)(a), RSMo.

### III. CONSENT ORDER ON DISCIPLINE

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of section 621.110, RSMo. This agreement, including the disciplinary order, will be effective immediately on the date entered and finalized by the Board. The following are the terms of the disciplinary order:

16. The physician and surgeon's license issued by the Board to Licensee, number 2009003411, is hereby placed on PROBATION for a period of one (1) year ("the disciplinary period").
17. During the disciplinary period, Licensee shall be entitled to practice as a physician and surgeon pursuant to Chapter 334, RSMo, provided he adheres to the terms of this disciplinary order.
18. Within six (6) months of the effective date of this disciplinary order, Licensee shall successfully complete a Board-approved anger management course. The Board maintains a list of preapproved courses on its website: <http://pr.mo.gov/boards/healingarts/CMECourses.pdf>. If Licensee wishes to take a course other than those preapproved, he must obtain approval from the Board before attending the course. Upon completing the course, Licensee shall forward proof of completion to the Board within thirty (30) days.
19. During the disciplinary period, Licensee shall comply with all provisions of Chapters 334 and 195, RSMo; all the regulations of the Board; all federal and state drug laws, rules and regulations; and all other federal and state laws. For purposes of this paragraph, "state" includes all states and territories of the United States.
20. During the disciplinary period, Licensee shall immediately notify the Board or its designee of any criminal citation, arrest or charge filed against him for any offense, excluding minor traffic violations.
21. During the disciplinary period, Licensee shall immediately notify the Board or its designee of any finding of guilt or plea of guilty or nolo contendere, regardless of whether sentence is imposed, for any criminal offense, excluding minor traffic violations.


22. During the disciplinary period, Licensee shall immediately notify the Board its designee of any complaint or investigation initiated by a licensing authority, government agency, peer review body or health care facility
23. During the disciplinary period, Licensee shall keep the Board informed of his current work and home telephone numbers and addresses. If Licensee changes his contact information during the disciplinary period, he shall notify the Board, in writing, within ten (10) days of said changes.
24. During the disciplinary period, Licensee shall comply with all requirements necessary to maintain a current and active license in the state of Missouri; including, renewing his license and paying all licensing fees in a timely manner.
25. During the disciplinary period, Licensee shall accept and comply with unannounced visits from representatives assigned by the Board to monitor compliance with the terms and conditions of this disciplinary agreement.
26. During the disciplinary period, Licensee shall meet with the Board or its representatives upon request.
27. If Licensee is licensed in other jurisdictions, he shall forward written notice of this disciplinary action to the medical licensing authorities of those jurisdictions within thirty (30) days of the effective date of this agreement. Licensee shall submit a copy of the written notice to the Board contemporaneously with sending it to the relevant licensing authority. If Licensee becomes licensed in any jurisdiction during the course of the disciplinary period, he shall notify the medical licensing authorities in those states of his disciplinary status within fifteen (15) days of obtaining said license. If Licensee is not licensed in other jurisdictions, he shall notify the Board of that fact, in writing, within thirty (30) days of the effective date of this agreement.
28. Licensee shall, within thirty (30) days of the effective date of this agreement, forward written notice of this disciplinary action to all employers, hospitals, nursing homes, out-patient centers, clinics, and any other facility where Licensee practices or has privileges. Licensee shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative. If Licensee obtains privileges or begins practicing with any employer,

hospital, nursing home, out-patient center, surgical center, clinic or other facility during the course of the disciplinary period, he shall notify the employer or medical facility of his disciplinary status within fifteen (15) days of the granting of privileges or beginning of practice. If Licensee does not have an employer, staff privileges or practice at any facility, he shall notify the Board of that fact, in writing, within thirty (30) days of the effective date of this agreement.


29. Licensee shall, within thirty (30) days of the effective date of this agreement, forward written notice of this disciplinary action to any allied health care professionals supervised by Licensee. Licensee shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative. If Licensee begins supervising any allied health care professionals during the course of the disciplinary period, he shall notify them of his disciplinary status within fifteen (15) days of becoming their supervisor. If Licensee does not supervise any allied health professionals, he shall notify the Board of that fact, in writing, within thirty (30) days of the effective date of this agreement.
30. For purposes of this agreement and unless otherwise specified herein, all reports, documentation, evaluations, notices, or other materials Licensee is required to submit to the Board in this agreement shall be forwarded to the State Board of Registration for the Healing Arts, Attention: Enforcement, P.O. Box 4, Jefferson City, Missouri 65102.
31. At the conclusion of the disciplinary period, Licensee shall be discharged from probation and his license fully restored if he complies with all the requirements stated herein. However, if the Board determines Licensee violated any term or condition of this agreement, the Board may vacate this agreement and impose such further discipline as it deems appropriate pursuant to section 324.042, RSMo. In the event the Board determines Licensee violated this agreement and that further discipline is appropriate, the Board is not bound by this agreement in its election of remedies and it may pursue any lawful action.
32. This agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 334, RSMo by Licensee not specifically mentioned in this document, either currently known to the Board or later discovered.

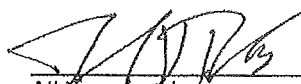
33. Licensee hereby waives and releases the Board, its members, and any of its employees, agents, or attorneys, including any former board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to any claims for attorney's fees and expenses, including any claims pursuant to section 536.087, RSMo, or any claim arising under 42 USC 1983, which may be based upon, arise out of, or relate to any of the matters raised in this agreement, or from the negotiation or execution of this agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this agreement in that it survives in perpetuity even in the event that any court of law or administrative tribunal deems this agreement or any portion thereof void or unenforceable.

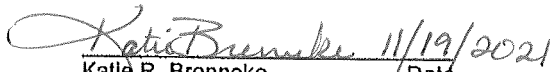
LICENSEE

  
\_\_\_\_\_  
Vivek Agnihotri, MD  
Licensee  
11/18/21  
Date

BOARD

  
\_\_\_\_\_  
James Leggett  
Executive Director  
11/22/21  
Date

  
\_\_\_\_\_  
Attorney for Licensee  
Missouri Bar No. 28744  
11/15/21  
Date

  
\_\_\_\_\_  
Katie R. Brenneke  
General Counsel  
Missouri Bar No. 68425  
11/19/2021  
Date

EFFECTIVE THIS 22<sup>nd</sup> DAY OF November, 2021