

**BEFORE THE IOWA BOARD OF MEDICINE**

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**IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST**

**NAEEM U. KHAN, M.D., RESPONDENT**

**FILE No. 02-11-571**

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**STATEMENT OF CHARGES and SETTLEMENT AGREEMENT  
(Combined)**

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COMES NOW the Iowa Board of Medicine (Board) and Naeem U. Khan, M.D., (Respondent), on December 20, 2013, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) and 653 IAC 25.3, enter into this combined Statement of Charges and Settlement Agreement.

**STATEMENT OF CHARGES**

1. Respondent was issued Iowa medical license no. 34655 on May 30, 2002.
2. Respondent's Iowa medical license went inactive due to nonrenewal on January 1, 2006.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

## COUNT I

4. **Discipline by Another Licensing Authority:** Respondent is charged pursuant to Iowa Code section 148.6(2)(d) and 653 IAC 23.1(1) with having a license to practice medicine and surgery or osteopathic medicine and surgery revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the order of disciplinary action is prima facie evidence.

### STATEMENT OF THE MATTERS ASSERTED

5. Respondent is an Iowa-licensed physician who currently practices medicine in Amarillo, Texas.

6. **Texas Disciplinary Action:** On or about February 5, 2010, Respondent was disciplined by the Texas Medical Board (Texas Board). The Texas Board alleged that Respondent failed to provide appropriate medical care to a single patient who underwent conscious sedation to treat a dislocated shoulder in Hereford, Texas, on November 16, 2007. The Texas Board issued Respondent a Public Reprimand and prohibited him from performing conscious sedation until he successfully completes a formal education program in conscious sedation and at least 20 hours of continuing medical education in orthopedic emergencies and pain management. See Attachment A.

7. **Wisconsin Disciplinary Action:** On or about May 18, 2011, Respondent was disciplined by the Wisconsin Medical Examining Board based on the disciplinary action taken by the Texas Board. See Attachment B.

## SETTLEMENT AGREEMENT

8. **CITATION AND WARNING:** Respondent is hereby **CITED** for being disciplined by the Texas Board for failing to provide appropriate medical care to a single patient who underwent conscious sedation to treat a dislocated shoulder in Hereford, Texas, on November 16, 2007. Respondent is hereby **WARNED** that being disciplined by another state licensing board and/or violating the laws and rules governing the practice of medicine in the future may result in further formal disciplinary action against his Iowa medical license.

9. **COMPLIANCE WITH THE TEXAS ORDER:** Respondent shall fully comply with the terms established by the Texas Board.

10. **NOTICE TO THE IOWA BOARD:** Respondent shall provide the Iowa Board written notice at least ninety (90) days prior to seeking reinstatement of his Iowa medical license at which time Respondent agrees to comply with any additional conditions ordered by the Board which are necessary to protect the public and ensure that Respondent practices medicine with reasonable skill and safety.

11. Respondent voluntarily submits this Order to the Board for consideration.

12. Respondent agrees that the State's counsel may present this Order to the Board for consideration.

13. By entering into this Order, Respondent understands that he has a right to be represented by legal counsel, voluntarily waives any rights to a

contested case hearing on the allegations in the Statement of Charges, and waives any objections to the terms of this Order. This Order constitutes the resolution of a contested case proceeding.

14. Respondent understands that by entering into this combined Statement of Charges and Settlement Agreement, Respondent cannot obtain a copy of the investigative file. Pursuant to Iowa Code section 272C.6(4), a copy of the investigative file may only be provided to a licensee after a Statement of Charges is filed but before the final resolution of those charges.

15. In the event Respondent fails to comply with any of the terms of this Order, the Board may initiate action to suspend or revoke Respondent's license or to impose other license discipline as authorized in Iowa Code chapters 148 and 272 and 653 IAC 25.

16. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

17. Respondent understands that the Board is required by Federal law (45 C.F.R. 60.8) to report this Order to the National Practitioner Data Bank.

18. The Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

19. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

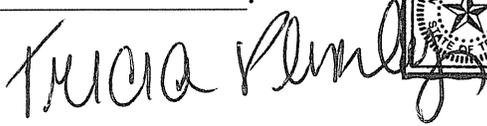
20. The Board's approval of this Order shall constitute a **Final Order** of the Board.



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Naeem U. Khan, M.D., Respondent

Subscribed and sworn to before me on October 4<sup>th</sup>, 2013.

Notary Public, State of Texas.



This Order is approved by the Board on December 20, 2013.



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Gregory B. Hoversten, D.O., Chairman  
Iowa Board of Medicine  
400 SW 8<sup>th</sup> Street, Suite C  
Des Moines, Iowa 50309-4686

LICENSE NO. L-6235

IN THE MATTER OF  
THE LICENSE OF  
NAMEEM ULLAH KHAN, M.D.

BEFORE THE  
TEXAS MEDICAL BOARD

MEDIATED AGREED ORDER

On the 5<sup>th</sup> day of February, 2010, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Naeem Ullah Khan, M.D. ("Respondent").

On November 20, 2008, Respondent appeared in person, with counsel Julian Rivera, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. The Board's representatives were Melinda McMichael, M.D., a member of the Board, and Paul R. Carrozza, a member of a District Review Committee. Lee Bukstein represented Board staff.

The matter did not settle and was transferred to Scott M. Freshour who filed a formal complaint at the State Office of Administrative Hearings ("SOAH"). After filing the matter at SOAH, Respondent retained new counsel Jeff McDonald. Upon retaining Mr. McDonald, and prior to this matter going to hearing the parties agreed to mediation. The Board was represented by Charles E. Oswalt, III, M.D. and Scott M. Freshour. The parties reached a settlement at the mediation.

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order.

FINDINGS OF FACT

The Board finds that:

1. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing

under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the "Act") or the Rules of the Board.

2. Respondent currently holds Texas Medical License No. L-6235. Respondent was originally issued this license to practice medicine in Texas on June 6, 2003.

3. Respondent is primarily engaged in family practice. Respondent is board certified by American Board Family Medicine, a member of the American Board of Medical Specialties. Respondent re-certified in this specialty in December 2009.

4. Respondent is 46 years of age.

5. Respondent has not received a prior disciplinary order from the Board.

6. The matters presented at mediation concerned Respondent's use of vecuronium, a neuromuscular blocking agent that causes paralysis, as part of conscious sedation to treat a dislocated shoulder.

7. The use of vecuronium was not proper as a method of conscious sedation. Also, Respondent did have appropriate informed consent for use of vecuronium.

8. Respondent's failure to intubate and have available appropriate reversal agents and to use reversal agents was unacceptable practice.

9. Respondent's use of inappropriate agents and procedures for sedation and reversal in this case resulted in the patient's death.

10. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this Agreed Order, pursuant to the provisions of Section 164.002 the Act, will save money and resources for the State of Texas. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

#### CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.

2. Section 164.051(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to practice medicine in an acceptable professional manner consistent with public health and welfare, as further defined by 22 Texas Administrative Code: §190.8(1)(A), failure to treat a patient according to the generally accepted standard of care; and (I) failure to obtain informed consent before performing a procedure.

3. Section 164.053(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent's administering a drug or a treatment in a non-therapeutic manner.

4. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule.

5. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

6. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

#### ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. This Agreed Order shall constitute a PUBLIC REPRIMAND of Respondent, and Respondent is hereby reprimanded.

#### **IT IS FURTHER ORDERED THAT:**

2. Respondent shall not be allowed to perform conscious sedation.

3. Within two years after date of the entry of this Order, Respondent, subject to the approval of the Executive Director and the Medical Executive Director, may complete a formal education program in conscious sedation. Respondent shall submit in writing to the Executive Director and Medical Executive Director of the Board information on the formal program, to include at least a

reasonably detailed description of the program content and faculty, as well as the course location and dates of instruction. Upon successful completion of the formal education program, including any final testing and/or assessment, Respondent shall provide the Compliance Division with written proof of the successful completion. The formal program requirements set forth in this paragraph shall be in addition to all other training and/or continuing medical education (CME) required for licensure maintenance and the CME specified in Ordering Paragraph No. 4 below. The failure to complete this program within two years from the date of the entry of this Order does not constitute a violation of this paragraph or the order. If Respondent does not successfully complete the terms of this Ordering Paragraph the requirements of Ordering Paragraph No. 2 shall continue in full force and effect.

4. Within one year from the date of the entry of this Order, Respondent shall enroll in and successfully complete at least 20 hours of CME approved for Category I credits by the American Medical Association equally divided between the following topics: orthopedic emergencies and pain management, approved in writing in advance by the Compliance Division of the Board. To obtain approval for the course, Respondent shall submit in writing to the Compliance Division of the Board information on the course, to include at least a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Division of the Board on or before the expiration of the time limit set forth for completion of the course. The CME requirements set forth in this paragraph shall be in addition to all other CME required for licensure maintenance.

5. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

6. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

7. Respondent shall inform the Board in writing of any change of Respondent's mailing or practice address within 10 days of the address change. This information shall be submitted to the Permits Department and the Director of Enforcement for the Board. Failure to provide such

information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

8. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that 10 days notice of a Probationer Show Compliance Proceeding to address any allegation of non-compliance of this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent waives the 30-day notice requirement provided by §164.003(b)(2) of the Medical Practice Act and agrees to 10 days notice, as provided in 22 Texas Administrative Code §187.44(4).

9. Respondent shall be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants.

10. The time period of this Order shall be extended for any period of time that: (a) Respondent subsequently practices exclusively outside the State of Texas; (b) Respondent's license is subsequently cancelled for nonpayment of licensure fees; (c) this Order is stayed or enjoined by Court Order; or (d) for any period of time longer than 60 consecutive days that Respondent does not actively practice medicine. If Respondent leaves Texas to practice elsewhere or ceases active practice for more than 60 consecutive days, Respondent shall immediately notify the Board in writing. Upon Respondent's return to active practice or return to practice in Texas, Respondent shall notify the Board in writing. When the period of extension ends, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension or tolling.

11. The requirements of this Order shall automatically terminate upon successful completion and verification of Ordering Paragraphs Nos. 3 and 4.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

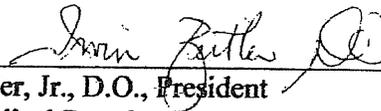
I, NAMEEM ULLAH KHAN, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 1/25/10, 2010.



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NAMEEM ULLAH KHAN, M.D.  
Respondent

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 5th day of February, 2010.



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Irvin Zeitler, Jr., D.O., President  
Texas Medical Board

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
NAEEM ULLAH KHAN, M.D.,	:	
RESPONDENT.	:	ORDER 0000 857

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Division of Enforcement Case No. 10MED301

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Naeem Ullah Khan, M.D.  
7415 Woodmont Drive  
Amarillo, TX 79119

Division of Enforcement  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

Wisconsin Medical Examining Board  
Department of Regulation and Licensing  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Medical Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. On June 20, 2001, the Wisconsin Medical Examining Board granted Naeem Ullah Khan, M.D., Respondent, date of birth January 5, 1964, a license to practice medicine and surgery in the state of Wisconsin pursuant to license number 43431-20. Respondent's Wisconsin license to practice medicine and surgery expired in 2007, and he retains the right to renew until 2012.
2. Respondent's address of record with the Department of Regulation and Licensing is 7415 Woodmont Drive, Amarillo, TX 79119.
3. On June 6, 2003 the Texas Board of Medicine issued Respondent a license to practice medicine and surgery in Texas (License No. L-6235).

4. Respondent's specialty is family practice and he is board certified by the American Board Family Medicine, a member of the American Board of Medical Specialties. In December 2009, Respondent re-certified in this specialty.

5. On February 5, 2010, the Texas Medical Board issued an Order of Public Reprimand barring the Respondent from performing conscious sedation unless and until Respondent, within two years, completed a formal education program in conscious sedation. Respondent was also required to complete 20 hours of CME in Orthopedic Emergencies and Pain Management. The Texas Board reinstated Respondent's full privileges on July 16, 2010.

6. The Texas discipline was based on care Respondent provided that fell below the standard of minimal competence when he used vecuronium, a neuromuscular blocking agent that causes paralysis, as part of conscious sedation to treat a dislocated shoulder. Respondent also failed to respond appropriately to the patient's resulting condition. Respondent's care created an unacceptable risk of harm to the patient, who did not survive the procedure.

7. Respondent does not intend to practice medicine and surgery in Wisconsin, does not intend to return to Wisconsin, and will not renew his license to practice Medicine and Surgery in Wisconsin.

#### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3) and authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by having been disciplined in another jurisdiction, as set forth above, has committed unprofessional misconduct as defined by Wis. Admin. Code § MED 10.02(2)(q). He is therefore subject to discipline pursuant to Wis. Stat. § 448.02(3).

#### ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Naeem Ullah Khan, M.D., Respondent, is hereby REPRIMANDED.

IT IS HEREBY FURTHER ORDERED that:

1. Respondent shall, within 30 days of the date of this Order, pay the costs of this proceeding in the amount of \$250.00.

2. Respondent's payment, and any requests pertaining to this Order shall be mailed, faxed or delivered to:

Department Monitor  
Wisconsin Department of Regulation and Licensing  
Division of Enforcement  
1400 East Washington Avenue  
P.O. Box 8935  
Madison, WI 53708-8935  
Fax: (608) 266-2264  
Telephone: (608) 267-3817

3. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs, the Respondent's license may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

4. This Order is effective on the date of its signing.

Wisconsin Medical Examining Board

By: Shankar MD MBA 5/18/11  
A Member of the Board Date