

STATE OF VERMONT
BOARD OF MEDICAL PRACTICE

In re: Adnan S. Khan, M.D.)
) Licensing Matter
)

STIPULATION AND CONSENT ORDER

NOW COME Adnan S. Khan, M.D. (“Applicant”) and the State of Vermont, by and through Attorney General William H. Sorrell and undersigned counsel, Assistant Attorney General Margaret O. Vincent, and stipulate as follows:

1. Adnan S. Khan M.D., Applicant, filed an application for Vermont medical licensure on May 29, 2014. Applicant is presently in good standing at the New London Hospital in New London, New Hampshire and holds a license in the State of New Hampshire.
2. Jurisdiction rests in the Vermont Board of Medical Practice (the “Board”) pursuant to 26 V.S.A. §§ 1353, 1391, 1398 and 3 V.S.A. §§ 809 and 814(c) and (d).

BACKGROUND

3. Applicant disclosed in applying for medical licensure in Vermont that he had entered into a Settlement Agreement with the State of New Hampshire Board of Medical Practice on April 4, 2014. *See In the Matter of Adnan S. Khan, MD* attached hereunto as Exhibit 1. The Settlement Agreement included the following:
 - a. A Reprimand from the New Hampshire Board of Medical Practice.
 - b. Dr. Khan was required to meaningfully participate in 15 hours of continuing medical education in the area of Advanced Cardiac Life Support to be

completed within 90 days of signing the settlement agreement. The CMEs were in addition to the hours required for licensure in the State of New Hampshire.

- c. An Administrative Fine in the amount of \$1,000.
 - d. Within ten days of the Settlement Agreement, Dr. Khan was to furnish a copy of the Settlement Agreement to any current employer for whom he performed services as a physician or work that required a medical degree and/or medical license or directly or indirectly involved patient care, and to any agency or authority that licenses, certifies or credentials physicians with which Respondent is presently affiliated.
 - e. Dr. Khan was to furnish a copy of the Settlement Agreement to any employer to whom he may apply for work as a physician or for work in any capacity that requires a medical degree and/or medical license or directly or indirectly involves patient care, and to any agency or authority that licenses, certifies or credential physicians, to which Dr. Khan may apply for any professional privileges or recognition.
4. Applicant agreed in the Settlement Agreement that if a disciplinary hearing had taken place, hearing counsel for the New Hampshire Board of Medical Practice may have presented evidence to support a conclusion that the Applicant (referred to as Respondent in the Settlement Agreement), had engaged in professional misconduct by the following facts:

- a. On or about February 6, 2013 patient RA's father contacted emergency medical services because his son had respiratory distress, fever and an elevated heart rate.
 - b. EMS documented a heart rate as high as 278 and performed a pre-hospital EKG because ventricular tachycardia ("VTach") was a concern. EMS contacted the hospital to report vital signs and their impression of VTach.
 - c. RA presented at the Emergency Department of Cheshire Medical Center at 11:29 p.m. The patient was triaged at 11:42 p.m. and a pulse of 245, blood pressure of 53/39 and a temperature of 101.02 were recorded. An EKG was performed at 11:43 p.m. It was documented that the results were shown to Respondent at 11:47 p.m.
 - d. Respondent's notes state that at 12:13 a.m. RA was examined. It was documented that Respondent suspected RA was in VTach, but no therapy was administered.
 - e. Respondent then contacted the on-call cardiologist at Cheshire Medical Center, who advised to treat the patient for probable sepsis with fluids and Tylenol. Respondent then ordered IV antibiotics and spoke to a Dartmouth-Hitchcock critical care physician about a transfer.
 - f. At 12:29 a.m. the patient had a ventricular fibrillation cardiac arrest. He was treated with various medications but no shock was given. At 12:45 a.m. the patient was pronounced dead.
5. Applicant complied and continues to comply with all of the conditions of his Settlement Agreement with the New Hampshire Board of Medical Practice.

6. Applicant is presently in good standing with the New London Hospital in New London, New Hampshire and Alice Peck Day Memorial Hospital, Lebanon, NH.

II. Agreement as to Terms and Conditions of Vermont Licensure

7. Applicant agrees that he is knowingly and voluntarily agreeing to this Stipulation and Consent Order. He agrees that he has had the opportunity to consult with his attorney regarding this Stipulation and Consent Order. He agrees and understands that by executing this document he is waiving at this time any rights of due process that he may possess with regard to the issuance to him of a Vermont medical license with accompanying terms and conditions. He agrees that the Vermont Board of Medical Practice possesses and shall continue to maintain jurisdiction in this matter, including any required action to enforce the terms herein.
8. Applicant agrees that the terms and conditions of this agreement shall be imposed concurrently with the issuance of Applicant's Vermont medical license.
9. Applicant understands and agrees that that the Vermont medical license issued pursuant to this agreement shall be issued with the designation "conditioned" for one year from the time that the Board accepts and approves this Stipulation and Consent Order.
10. Applicant agrees that for one year from the time the Board signs this Stipulation and Consent Order, he shall furnish a copy of this Stipulation and Consent Order, to any employer to whom he may apply for work that requires a Vermont medical license, or to any agency or authority that licenses, certifies or credential physicians, to which Applicant may apply for any professional privileges or

recognition in relation to employment or practice that requires a Vermont medical license.


11. The parties agree that this Stipulation and Consent Order shall be a public document, shall be made part of Applicant's licensing file, and shall be reported as a conditioned license to other licensing authorities and/or entities including, but not limited to, the National Practitioner Data Bank and the Federation of State Medical Boards.
12. This Stipulation and Consent Order is subject to review and acceptance by the Vermont Board of Medical Practice and shall not become effective until presented to and approved by the Board. If the Board rejects any part of this Stipulation and Consent Order, the entire agreement shall be considered void. However, should the terms and conditions of this Stipulation and Consent Order be deemed acceptable by the Board, the parties request that the Board enters an order adopting the facts and/or conclusions herein and all terms and conditions of licensure as set forth herein, including that this license is conditioned.
13. Applicant agrees that all terms and conditions herein may be adopted as an enforceable order of the Board. Applicant agrees that the Board of Medical Practice shall retain continuing jurisdiction in this matter and may enforce as necessary all terms and conditions herein.

Dated at Burlington, Vermont, this _____ day of _____, 2014.

STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

by: _____
MARGARET O. VINCENT
Assistant Attorney General

Dated at Keene, NH, this 25th day of August, 2014.



ADNAN S. KHAN
Applicant

Dated at _____, this _____ day of _____, 2014

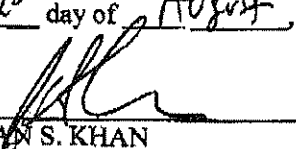
JAMES BELLO, Esq.
Counsel for Applicant

Dated at Burlington, Vermont, this _____ day of _____, 2014.

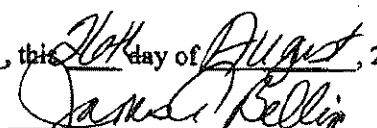
STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

by: _____
MARGARET O. VINCENT
Assistant Attorney General

Dated at Keene, NH, this 25th day of August, 2014.


ADNAN S. KHAN
Applicant

Dated at Boston, MA, this 26th day of August, 2014


JAMES BELLO, Esq.
Counsel for Applicant

Dated at Burlington, Vermont, this 26 day of August, 2014.

STATE OF VERMONT
WILLIAM H. SORRELL
ATTORNEY GENERAL

by: Margaret O. Vincent
MARGARET O. VINCENT
Assistant Attorney General

Dated at _____, _____, this ____ day of _____, 2014.

ADNAN S. KHAN
Applicant

Dated at _____, _____, this ____ day of _____, 2014

JAMES BELLO, Esq.
Counsel for Applicant

FOREGOING, AS TO ADNAN S. KHAN, M.D.
APPROVED AND ORDERED
VERMONT BOARD OF MEDICAL PRACTICE

<u>RD [Signature]</u>	<u>[Signature]</u>
<u>EC [Signature]</u>	<u>[Signature]</u>
<u>Patricia A. [Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>Maga Susan [Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>

DATED: September 3, 2014

ENTERED AND EFFECTIVE: September 3, 2014

Exhibit I

State of New Hampshire
Board of Medicine
Concord, New Hampshire 03301

In the Matter of:
Adnan S. Khan, MD
No.: 13404
(Misconduct Allegations)

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of medicine, the New Hampshire Board of Medicine ("Board") and Adnan S. Khan, MD ("Dr. Khan" or "Respondent"), a physician licensed by the Board, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Board according to the following terms and conditions:

1. Pursuant to RSA 329:17, I; RSA 329:18; RSA 329:18-a; and Medical Administrative Rule ("Med") 206 and 210, the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by physicians. Pursuant to RSA 329:18-a, III, the Board may, at any time, dispose of such allegations by settlement and without commencing a disciplinary hearing.
2. The Board first granted Respondent a license to practice medicine in the State of New Hampshire on February 7, 2007. Respondent holds license number 13404. Respondent practices emergency medicine in Keene, New Hampshire.
3. On or about June 4, 2013, the Board received information that on April 17, 2013 Cheshire Medical Center revoked the privileges of Dr. Khan.

4. In response to this, the Board conducted an investigation and obtained information from various sources pertaining to Respondent's alleged negligent treatment of a patient which allegedly resulted in the patient's death.
5. Respondent neither admits nor denies the alleged conduct, but stipulates that if a disciplinary hearing were to take place, Hearing Counsel may present evidence upon which the Board could conclude that Respondent engaged in professional misconduct, in violation of RSA 329:17, VI, by the following alleged facts:
 - A. On or about February 6, 2013 patient RA's father activated EMS for respiratory distress, fever, and an elevated heart rate.
 - B. EMS documented a HR as high as 278 and performed a pre-hospital EKG because ventricular tachycardia ("VTach") was a concern. EMS contacted the hospital to report vital signs and their impression of VTach.
 - C. RA presented at the Emergency Department of Cheshire Medical Center at 11:29 p.m. The patient was triaged at 11:42 p.m. and a pulse of 245, blood pressure of 53/39 and a temperature of 101.02 were recorded. An EKG was performed at 11:43 p.m. It was documented that the results were shown to Respondent at 11:47 p.m.
 - D. Respondent's notes state that at 12:13 a.m. RA was examined. It was documented that Respondent suspected RA was in VTach, but no therapy was administered.
 - E. Respondent then contacted the on-call cardiologist, who advised to treat the patient for probable sepsis with fluids and Tylenol. Respondent then ordered

IV antibiotics and spoke to a Dartmouth-Hitchcock critical care physician about a transfer.

- F. At 12:29 a.m. the patient had a ventricular fibrillation cardiac arrest. He was treated with various medications but no shock was given. At 12:45 a.m. the patient was pronounced dead.
- G. On July 17, 2013, Cheshire Medical Center revoked the medical privileges of Respondent.
6. The Board finds that the alleged conduct described above could constitute a violation of RSA 329:17, VI (c) and/ or (d).
7. Respondent acknowledges that this conduct if proven could constitute grounds for the Board to impose disciplinary sanctions against Respondent's license to practice as a physician in the State of New Hampshire.
8. Respondent consents to the Board imposing the following discipline, pursuant to RSA 329:17, VII:
- A. Respondent is REPRIMANDED.
- B. Respondent is required to meaningfully participate in 15 hours of continuing medical education in the area of Advanced Cardiac Life Support. These hours shall be in addition to the hours required by the Board for renewal of licensure and shall be completed within ninety days (90) from the effective date of this *Settlement Agreement*. Within fifteen (15) days of completing these hours, Respondent shall notify the Board and provide written proof of completion.

- C. Respondent is assessed an ADMINISTRATIVE FINE in the amount of \$1,000. Respondent shall pay this fine in full within thirty (30) days of the effective date of this *Settlement Agreement*, as defined further below, by delivering a money order or bank check, made payable to "Treasurer, State of New Hampshire," to the Board's office at 121 South Fruit Street, Concord, NH 03301.
- D. The Board may consider Respondent's compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondent's license.
- E. Within ten (10) days of the effective date of this agreement, as defined further below, Respondent shall furnish a copy of the *Settlement Agreement* to any current employer for whom Respondent performs services as a physician or work which requires a medical degree and/or medical license or directly or indirectly involves patient care, and to any agency or authority which licenses, certifies or credentials physicians, with which Respondent is presently affiliated.
- F. For a continuing period of one (1) year from the effective date of this agreement, Respondent shall furnish a copy of this *Settlement Agreement* to any employer to which Respondent may apply for work as a physician or for work in any capacity which requires a medical degree and/or medical license or directly or indirectly involves patient care, and to any agency or authority

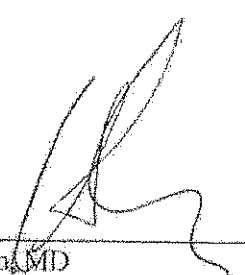
that licenses, certifies or credentials physicians, to which Respondent may apply for any such professional privileges or recognition.

9. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 329:17, VI (d), and a separate and sufficient basis for further disciplinary action by the Board.
10. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct described above. However, the Board may consider this misconduct as evidence of a potential violation under RSA 329:17, VI (d) and (i) in the event that future misconduct is proven against Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed by this Order as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.
11. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
12. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to him other than those terms and conditions expressly stated herein.
13. The Board agrees that in return for Respondent executing this *Settlement Agreement*, the Board will not proceed with the formal adjudicatory process based upon the facts described herein.
14. Respondent understands that his action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.

15. Respondent has had the opportunity to seek and obtain the advice of an attorney of his choosing in connection with his decision to enter into this agreement.
16. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to the Board during its review of this *Settlement Agreement* have prejudiced his right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
17. Respondent is not under the influence of any drugs or alcohol at the time he signs this *Settlement Agreement*.
18. Respondent certifies that he has read this document titled *Settlement Agreement*. Respondent understands that he has the right to a formal adjudicatory hearing concerning this matter and that at said hearing he would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*, he waives these rights as they pertain to the misconduct described herein.
19. This *Settlement Agreement* shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Board.

FOR RESPONDENT

Date: 2/27/14

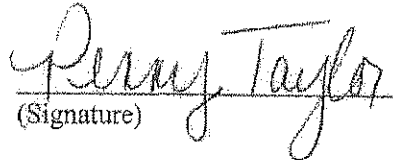


Adnan S. Khan, MD
Respondent

FOR THE BOARD/*

This proceeding is hereby terminated in accordance with the binding terms and conditions set forth above.

Date: April 4, 2014



(Signature)

PENNY TAYLOR

(Print or Type Name)
Authorized Representative of the
New Hampshire Board of Medicine

LOUIS
/* Rosenthal, MD Board members, recused.