

STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

In re:)	CONSENT
Waleed Khan, M.D.)	AGREEMENT
Complaint No. CR13-47)	

This document is a Consent Agreement, effective when signed by all parties, regarding discipline imposed upon the temporary license to practice as a physician in the State of Maine held by Waleed Khan, M.D. The parties to the Consent Agreement are: Waleed Khan, M.D. ("Dr. Khan"), the State of Maine Board of Licensure in Medicine ("the Board") and the State of Maine Department of the Attorney General. This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 32 M.R.S. § 3282-A.

STATEMENT OF FACTS

1. The Board first issued Dr. Khan a temporary license to practice as a physician in the State of Maine on June 11, 2012. At all times relevant to this complaint, Dr. Khan was licensed as a physician by the Board. On June 10, 2013, Dr. Khan's temporary license expired. Dr. Khan no longer holds a license to practice medicine in the State of Maine.

2. On March 12, 2013, the Board reviewed information received from Houlton Regional Hospital, which terminated Dr. Khan's employment as a result of inappropriate conduct with a patient. At the time, Dr. Khan was acting as a locum tenens physician providing coverage in the Emergency Department. According to the information, Dr. Khan was observed kissing a female patient. Following its review of this information, the Board voted to initiate a complaint against Dr. Khan's physician license pursuant to 32 M.R.S. § 3282-A alleging unprofessional conduct, and a violation of Board Rule Chapter 10, Sexual Misconduct based upon Dr. Khan's reported behavior. The Board docketed the complaint as CR13-47 and sent it to Dr. Khan for a written response.

3. On or about June 11, 2013, the Board received a response from Dr. Khan to complaint CR13-47. In his response, Dr. Khan described his medical education, and how he came to work as a locum tenens at the Emergency Department at Houlton Regional Hospital. Dr. Khan expressed regret over the concerns that the situation caused Houlton Regional Hospital and that it jeopardized his position at the hospital. However, Dr. Khan did not believe that his behavior rose to the level of unprofessional conduct or violated any Board statutes or rules. Dr. Khan asserted that the incident arose out of a cultural misunderstanding and as a result of his ethnic background. According to Dr. Khan, he "simply did not know how to respond" when the female patient "started kissing [him] on [his] lips." Dr. Khan asserted that it was the strangest thing that ever happened to him, and that he was from a culture where he could not imagine this happening. Dr. Khan claimed that he did not mention the kiss to the nurses in the Emergency Department because he was not aware that they had witnessed the incident, and he was surprised and embarrassed and did not know what to do.

4. On July 9, 2013, the Board reviewed complaint CR13-47, including Dr. Khan's response and all information obtained to date, and voted to further investigate it by interviewing the two nurses who witnessed the kissing incident in the Emergency Department and reported the incident to the hospital administration. The Board's investigator subsequently interviewed the two nurses and created a report of those interviews.

5. On September 10, 2013, the Board again reviewed complaint CR13-47, including the interview of the two nurses who witnessed the incident. According to the interview, Nurse #1 witnessed Dr. Khan kissing a female patient in a room in the Emergency Department. According to Nurse #1, she saw Dr. Khan in an embrace with the female patient, with their arms wrapped around one another, leaning into each other, in a passionate kiss. Nurse #1 left the

room, located Nurse #2, and told Nurse #2 to go the room where Dr. Khan was with the patient. According to Nurse #2, she went to the room in which Dr. Khan was with the female patient and observed Dr. Khan kissing the female patient, with their arms wrapped around one another, and the patient on a stretcher leaning into Dr. Khan. Both Nurse #1 and Nurse #2 expressed shock at witnessing Dr. Khan's kissing the female patient, who came to the Emergency Department under the influence of drugs and with lacerations on her arm. Both Nurse #1 and Nurse #2 immediately notified their supervising nurse about Dr. Khan's conduct. As a result of this information, the Board noted that the kiss lasted long enough for Nurse #1 to leave the room, tell Nurse #2 to go into the room, and Nurse#2 to enter the room where the incident was taking place. The Board also noted that neither Nurse#1 nor Nurse #2 saw Dr. Khan try to push away the female patient. Following its review of this information, the Board voted to set Complaint CR13-47 for an adjudicatory hearing. In addition, the Board voted to offer this Consent Agreement to resolve Complaint CR13-47 without further proceedings, including an adjudicatory hearing.

6. Board Rule Chapter 10, Sexual Misconduct, Section 1(3) and Section 1(B)(1) provides in relevant part:

"Physician/physician assistant sexual misconduct" is behavior that exploits the physician/physician assistant-patient relationship in a sexual way. This behavior is nondiagnostic and/or nontherapeutic, may be verbal or physical, and may include expressions or gestures that have a sexual connotation or that a reasonable person would construe as such. Sexual misconduct is considered incompetence and unprofessional conduct as defined by 32 M.R.S.A. §2591-A(2) and 32 M.R.S.A. §3282 -A(2).

"Sexual impropriety" is behavior, gestures, or expressions by the physician/physician assistant that are seductive, sexually suggestive, or sexually demeaning to a patient, including but not limited to kissing.

7. This Consent Agreement has been negotiated by and between Dr. Khan and legal counsel for the Board in order to resolve complaint CR13-47 without further proceedings, including an adjudicatory hearing. Absent Dr. Khan's acceptance of this Consent Agreement by signing and dating it in front of a notary and mailing it to Maureen Lathrop, Investigative Secretary, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137 on or before November 22, 2013, the matter will be scheduled for an adjudicatory hearing.

8. By signing this Consent Agreement, Dr. Khan waives any and all objections to, and hereby consents to allow the legal counsel to the Board to present this Consent Agreement to the Board for possible ratification.

COVENANTS

In lieu of proceeding to an adjudicatory hearing in this matter, Dr. Khan and the Board agree to the following:

9. Dr. Khan admits that with regard to complaint CR13-47 the Board has sufficient evidence from which it could reasonably conclude that he kissed a female patient in the Emergency Department at Houlton Regional Hospital. Dr. Khan admits that such conduct constitutes unprofessional conduct, violates Board Rule Chapter 10, and is grounds for discipline pursuant to 32 M.R.S. § 3286(2)(F) and (H).

10. As discipline for the conduct described in paragraphs 1-9 above pertaining to complaint CR13-47, and in light of the fact that Dr. Khan no longer holds a license to practice medicine in the State of Maine, Dr. Khan agrees to accept, and the Board agrees to issue, the following discipline:

a. A REPRIMAND. In this case, the Board has no evidence to indicate that Dr. Khan initiated the kiss. Nonetheless, by continuing to kiss a patient who was under the influence of drugs, Dr. Khan engaged in conduct that exploited the physician-patient relationship in a sexual way and which brings discredit upon the practice of medicine. As a physician, Dr. Khan is responsible for conducting himself in a manner that comports with the Board's laws and rules and with the ethical treatment of patients. Dr. Khan shall not engage in any similar type of conduct in the future.

b. A MONETARY FINE of One Thousand Dollars and Zero Cents (\$1,000.00). Dr. Khan shall ensure that he pays the monetary penalty within thirty (30) days following the execution of this Consent Agreement. Payment shall be made by certified check or money order made payable to "Treasurer, State of Maine," and be remitted to Maureen Lathrop, Investigative Secretary, Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137.

c. Reimburse the Board Nine Hundred Sixty-One Dollars Thirty-Nine Cents (\$961.39) as the actual costs of the investigation of this matter. Dr. Khan shall ensure that he makes full payment of reimbursement to the Board within thirty (30) days following the execution of this Consent Agreement. Payment shall be made by certified check or money order made payable to "Maine Board of Licensure in Medicine," and be remitted to the Maine Board of Licensure in Medicine, 137 State House Station, Augusta, Maine 04333-0137.

11. Violation by Dr. Khan of any of the terms or conditions of this Consent Agreement shall constitute grounds for discipline, including but not limited to modification, suspension, or revocation of licensure or the denial of re-licensure.

12. Pursuant to 10 M.R.S. § 8003(5) the Board and Dr. Khan agree that the Board has the authority to issue an order, following notice and hearing, imposing further discipline, including revocation or suspension of his license, in the event that he fails to comply with any of the terms or conditions of this Consent Agreement.

13. Dr. Khan waives his right to a hearing before the Board or any court regarding all findings, terms and conditions of this Consent Agreement. Dr. Khan agrees that this Consent Agreement and Order is a final order resolving complaint CR13-47. This Consent Agreement is not appealable and is effective until modified or rescinded by agreement of all of the parties hereto.

14. The Board and the Office of the Attorney General may communicate and cooperate regarding Dr. Khan or any other matter relating to this Consent Agreement.

15. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408.

16. This Consent Agreement constitutes discipline and is an adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB) and the Federation of State Medical Boards (FSMB).

17. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.

18. The Board and Dr. Khan agree that no further agency or legal action will be initiated against him by the Board based upon the facts described herein except or unless he fails to comply with the terms and conditions of this Consent Agreement. The Board may however consider the conduct described above as evidence of a pattern of misconduct in the event that

similar true allegations are brought against Dr. Khan in the future. The Board may also consider the fact that discipline was imposed by this Consent Agreement in determining appropriate discipline in any further complaints against Dr. Khan's Maine physician license.

19. Dr. Khan acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Consent Agreement, that he executed this Consent Agreement of his own free will and that he agrees to abide by all terms and conditions set forth herein.

20. For the purposes of this Consent Agreement, "execution" shall mean the date on which the final signature is affixed to this Consent Agreement.

I, WALEED KHAN, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT AND AGREE WITH ITS CONTENTS AND TERMS. I FURTHER UNDERSTAND THAT BY SIGNING THIS AGREEMENT, I WAIVE CERTAIN RIGHTS, INCLUDING THE RIGHT TO A HEARING BEFORE THE BOARD. I SIGN THIS CONSENT AGREEMENT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: March 7th 2014


WALEED KHAN, M.D.

STATE OF Texas

_____, S.S.

Personally appeared before me the above-named Waleed Khan, M.D., and swore to the truth of the foregoing based upon his own personal knowledge, or upon information and belief, and so far as upon information and belief, he believes it to be true.

DATED: March 7th 2014


NOTARY PUBLIC/ATTORNEY

MY COMMISSION ENDS: 12/10/17




STATE OF MAINE
BOARD OF LICENSURE IN MEDICINE

DATED: 3/19/14


MAROULLA S. GLEATON, M.D., Chairman

STATE OF MAINE DEPARTMENT
OF THE ATTORNEY GENERAL

DATED: 3/19/14


DENNIS E. SMITH
Assistant Attorney General

Effective Date: 3/19/14