



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

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NYS Department of Health*

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NYS Department of Health*

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Office of Professional Medical Conduct

Ansel R. Marks, M.D., J.D.
Executive Secretary

June 20, 2001

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Arif B. Khan, M.D.
1160 Hidden Ridge Drive #137
Irving, TX 75038

RE: License No. 213999

Dear Dr. Khan:

Enclosed please find Order #BPMC 01-149 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect June 20, 2001.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Corning Tower, Room 1258
Empire State Plaza
Albany, New York 12237

Sincerely,

A handwritten signature in black ink, appearing to read "Ansel R. Marks". The signature is fluid and cursive, with a large initial "A" and "M".

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Barry A. Gold, Esq.
Thuillez, For, Gold and Johnson, LLP
90 State Street
Albany, NY 12207

Amy B. Merklen, Esq.

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
ARIF B. KHAN, M.D.

CONSENT
ORDER
BPMC NO. 01-149


Upon the proposed agreement of Arif B. Khan, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 6/19/01


WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

ARIF B. KHAN, M.D.

CONSENT
AGREEMENT
AND
ORDER

Arif B. Khan , M.D., (Respondent) says:

That on or about May 18, 1999, I was licensed to practice as a physician in the State of New York, having been issued License No. 213999 by the New York State Education Department.

My current address is 1160 Hidden Ridge Drive, #1317, Irving, Texas, 75038, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with Thirty-Two (32) specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the Eighteenth, Twentieth, Twenty-Second, Twenty-Seventh and Twenty-Ninth Specifications, Failing to Keep Accurate Patient Records, in full satisfaction of the charges against me. I hereby agree to the following penalty:

1. Censure and Reprimand, and,
2. Two Thousand Dollar (\$2000) Fine. Unless otherwise specified herein, the fine is payable in full within thirty (30) days of the effective date of this Order. Payments must be submitted to:

Bureau of Accounts Management
New York State Department of Health
Empire State Plaza
Corning Tower, Room 1245
Albany, New York 12237

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain active registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

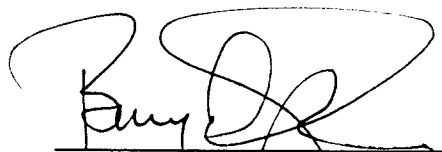
DATED 6/1/07



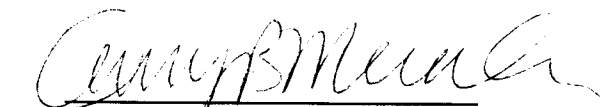
ARIF B. KHAN, M.D.
RESPONDENT

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.


DATE: 5-31-01


BARRY GOLD, ESQ.
Attorney for Respondent

DATE: 6-7-01


AMY B. MERKLEN
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: 6/18/01


DENNIS J. GRAZIANO
Director
Office of Professional
Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER : STATEMENT
OF : OF
ARIF BASIR KHAN, M.D. : CHARGES

-----X

ARIF BASIR KHAN M.D., the Respondent, was authorized to practice medicine in New York State on or about May 18, 1999, by the issuance of license number 213999 by the New York State Education Department.

FACTUAL ALLEGATIONS

- I. Respondent provided medical care and treatment to the below Patients on or about September 25, 1999, while at Elmira Ambulatory Care Services, Elmira, New York. Respondents' treatment of these patients failed to meet accepted standards of medical care, in that:
 - A. Respondent documented temperatures for Patient A during a surgical procedure without actually taking the patients's temperature.
 - B. Respondent documented temperatures for Patient B during a surgical procedure without actually taking the patients's temperature.

- C. Respondent documented temperatures for Patient C during a surgical procedure without actually taking the patients's temperature.
- D. Respondent documented temperatures for Patient D during a surgical procedure without actually taking the patients's temperature.

II Respondent provided medical care and treatment to the below Patients on or about November 17, 1999 while at Elmira Ambulatory Care Services, Elmira, New York. Respondents' care and treatment of these patients failed to meet accepted standards of medical care in that:

- E. Respondent documented temperatures for Patient E during a surgical procedure without actually taking the patients's temperature.
- F. Respondent documented temperatures for Patient F during a surgical procedure without actually taking the patients's temperature.
- G. Respondent documented temperatures for Patient G during a surgical procedure without actually taking the patients's temperature.
- H. Respondent documented temperatures for Patient H during a surgical procedure without actually taking the patients's temperature.
- I. Respondent documented temperatures for Patient I during a surgical procedure without actually taking the patients's temperature.

- J. Respondent documented temperatures for Patient J during a surgical procedure without actually taking the patients's temperature.
 - K. Respondent documented temperatures for Patient K during a surgical procedure without actually taking the patients's temperature.
 - L. Respondent documented temperatures for Patient L during a surgical procedure without actually taking the patients's temperature.
 - M. Respondent documented temperatures for Patient M during a surgical procedure without actually taking the patients's temperature.
 - N. Respondent documented temperatures for Patient N during a surgical procedure without actually taking the patients's temperature.
- III. Between August 1999 and December 1999, while Respondent was employed at the Pain Management Clinic of St. Joseph's Hospital, told nurses to document physicals as "complete", filling in "normal" for examinations that he never performed.

SPECIFICATIONS

THE FIRST THROUGH FIFTEENTH SPECIFICATIONS

Practicing the Profession Fraudulently

Respondent is charged with professional misconduct by reason of practicing the profession fraudulently in violation of N.Y. Education Law §6530(2) in that Petitioner charges:

1. The allegations in paragraph I A
2. The allegations in paragraph I B
3. The allegations in paragraph I C
4. The allegations in paragraph I D
5. The allegations in paragraph II E
6. The allegations in paragraph II F
7. The allegations in paragraph II G
8. The allegations in paragraph II H
9. The allegations in paragraph II I
10. The allegations in paragraph II J
11. The allegations in paragraph II K
12. The allegations in paragraph II L
13. The allegations in paragraph II M
14. The allegations in paragraph II N
15. The allegations in paragraph III

SIXTEENTH SPECIFICATION

Practicing the Profession with Negligence on more than one Occasion

Respondent is charged with professional misconduct by practicing the profession negligently on more than one occasion in violation of New York Education Law §6530 (3) in that Petitioner charges:

16. The allegations in paragraph I A, I B, I C, I D, II E, II F, II G, II H, II I, II J, II K, II L, II M, II N.

SEVENTEENTH SPECIFICATION

Practicing the Profession with Incompetence on more than one Occasion

Respondent is charged with professional misconduct by practicing with incompetence on more than one occasion in violation of New York Education Law §6530 (5) in that Petitioner charges:

17. The allegations in paragraphs I A, I B, I C, I D, II E, II F, II G, II H, II I, II J, II K, II L, II M, II N.

THE EIGHTEENTH THROUGH THIRTY-FIRST SPECIFICATIONS


Failing to Keep Accurate Patient Records

Respondent is charged with professional misconduct by failing to keep accurate patient records in violation of New York Education Law §6530 (32) in that Petitioner charges:

18. The allegations in paragraph I A.
19. The allegations in paragraph I B.
20. The allegations in paragraph I C.
21. The allegations in paragraph I D.
22. The allegations in paragraph II E.
23. The allegations in paragraph II F.
24. The allegations in paragraph II G.
25. The allegations in paragraph II H.
26. The allegations in paragraph II I.
27. The allegations in paragraph II J.
28. The allegations in paragraph II K.
29. The allegations in paragraph II L.
30. The allegations in paragraph II M.

31. The allegations in paragraph II N.

DATED: *June 7*, 2001
Albany, New York


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct