

BOARD OF MEDICAL PRACTICE

In re: Adnan Sikander Khan, M.D.)
) Docket No. MPN 145-1016
)

STIPULATION AND CONSENT ORDER

NOW COME Adnan Sikander Khan, M.D., and the State of Vermont, by and through Vermont Attorney General Thomas J. Donovan, Jr., and hereby stipulate and agree to the following in the above-captioned matter:

1. Adnan Sikander Khan, M.D. (“Respondent”) holds Vermont medical license number 042.0012971 originally issued by the Vermont Board of Medical Practice on September 3, 2014.
2. Jurisdiction in this matter rests with the Vermont Board of Medical Practice (“the Board”), pursuant to 26 V.S.A. §§ 1353-1357, 3 V.S.A. §§ 809-814, and other authority.

FINDINGS OF FACT

3. The Board opened this matter in October of 2016 upon receipt of information concerning Respondent. Specifically, the Board was notified that Respondent had entered into a Settlement Agreement with the State of New Hampshire Board of Medical Practice. The matter was assigned to the North Investigative Committee of the Board (“the Committee”).
4. Respondent entered into the original Settlement Agreement with the State of New Hampshire Board of Medical Practice (“New Hampshire Board”) on September 14, 2016. In March of 2017, the Settlement Agreement was voided by the New Hampshire Board.

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5. On April 11, 2017, Respondent entered into a new Settlement Agreement with the New Hampshire Board. See, In the Matter of Adnan S. Khan, M.D. A copy of the Settlement Agreement is attached hereto as Exhibit 1.
6. The Settlement Agreement with the New Hampshire Board provides alleged facts that the New Hampshire Board found demonstrated practice incompatible with the basic knowledge and competence expected of persons licensed to practice medicine by Respondent's alleged failure to diagnose and treat a patient's symptomatic Lyme disease.
7. Respondent stipulated in the New Hampshire Board Settlement Agreement that if a disciplinary hearing had taken place, hearing counsel for the New Hampshire Board may have presented evidence to support a conclusion that Respondent engaged in unprofessional conduct.
8. The Settlement Agreement with the New Hampshire Board includes the following discipline:
 - a. A Reprimand.
 - b. Completion of six and a half hours of the following continuing medical education ("CME") courses: "Lyme Disease Case Study Course" and "Respiratory Infections."
 - c. An administrative fine in the amount of \$2,000.00.
 - d. Adherence to the recommendations made in an AMI Report dated July 15, 2016. Development and implementation of an education program as provided for in the Report.

- e Supervision agreement with a licensed physician for a period of twelve months. Respondent's supervisor will provide written reports to the New Hampshire Board every sixty days.
 - f Provide a copy of the Settlement Agreement to any current employer for a period of two years.
9. Respondent has completed the CME courses and has paid the administrative fine.

CONCLUSIONS OF LAW

10. The Board may find that failure to practice competently by reason of any cause on a single occasion constitutes unprofessional conduct. Failure to practice competently includes the performance of unsafe or unacceptable patient care, or failure to conform to the essential standards of acceptable and prevailing practice. 26 V.S.A. § 1354(b)(1)&(2).
11. Respondent acknowledges that it is the Board's position that if the State were to file charges against him it could satisfy its burden at a hearing and a finding adverse to him could be entered by the Board, pursuant to 26 V.S.A. § 1354(b)(2).
12. Respondent agrees that the Board may enter as its facts and/or conclusions paragraphs 1 through 9 above, and further agrees that this is an adequate basis for the Board's actions set forth herein. Any representation by Respondent herein is made solely for the purposes set forth in this agreement.
13. Therefore, in the interest of Respondent's desire to fully and finally resolve the matter presently before the Board, he has determined that he shall enter into this agreement with the Board. Respondent enters no further admission here, but to

resolve this matter without further time, expense and uncertainty; he has concluded that this agreement is acceptable and in the best interest of the parties.

14. Respondent acknowledges that he is knowingly and voluntarily entering into this agreement with the Board. He acknowledges he has had the advice of counsel regarding this matter and in the review of this Stipulation and Consent Order. Respondent is fully satisfied with the legal representation he has received in this matter.
15. Respondent agrees and understands that by executing this document he is waiving any right to challenge the jurisdiction and continuing jurisdiction of the Board in this matter, to be presented with a specification of charges and evidence, to cross-examine witnesses, and to offer evidence of his own to contest any allegations by the State.
16. The parties agree that upon their execution of this Stipulation and Consent Order, and pursuant to the terms herein, the above-captioned matter shall be administratively closed by the Board. Thereafter, the Board will take no further action as to this matter absent non-compliance with the terms and conditions of this document by Respondent.
17. This Stipulation and Consent Order is conditioned upon its acceptance by the Vermont Board of Medical Practice. If the Board rejects any part of this document, the entire agreement shall be considered void. Respondent agrees that if the Board does not accept this agreement in its current form, he shall not assert in any subsequent proceeding any claim of prejudice from any such prior consideration. If the Board rejects any part of this agreement, none of its terms shall bind

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Respondent or constitute an admission of any of the facts of the alleged misconduct, it shall not be used against Respondent in any way, it shall be kept in strict confidence, and it shall be without prejudice to any future disciplinary proceeding and the Board's final determination of any charge against Respondent.

18. Respondent acknowledges and understands that this Stipulation and Consent Order shall be a matter of public record, shall be entered in his permanent Board file, shall constitute an enforceable legal agreement, and may and shall be reported to other licensing authorities, including but not limited to: the Federation of State Medical Boards Board Action Databank and the National Practitioner Data Bank. In exchange for the actions by the Board, as set forth herein, Respondent expressly agrees to be bound by all terms and conditions of this Stipulation and Consent Order.
19. The parties therefore jointly agree that should the terms and conditions of this Stipulation and Consent Order be deemed acceptable by the Board, it may enter an order implementing the terms and conditions herein.

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ORDER

WHEREFORE, based on the foregoing, and the consent of Respondent, it is hereby ORDERED that:

1. Respondent shall provide the Board with a copy of the AMI education program no later than twenty days after it has been approved by the New Hampshire Board.
2. Respondent shall provide the Board with written proof of successful completion of the AMI education program, as well as a written narrative about what he learned from the program and how he has applied it to his practice, no later than ten days after completion of the program.
3. Respondent shall provide the Board with copies of each written report from his supervisor no later than ten days after receipt of the report from his supervisor.
4. Respondent shall provide the Board with evidence of completion of all terms and conditions of his settlement agreement with the New Hampshire Board no later than ten days after completion.
5. Respondent shall notify any and all current and future employers of the contents of this Stipulation and Consent Agreement and Order for a period of two years by providing a copy of said document to his current employer(s).

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SIGNATURES

DATED at Montpelier, Vermont, this 8th day of August, 2017.

STATE OF VERMONT

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

By: Kassandra P. Diederich by [Signature]
Kassandra P. Diederich
Assistant Attorney General
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001

DATED at Brattleboro, Vermont, this 1st day of August, 2017.

[Signature]
Adnan S. Khan, M.D.
Respondent

DATED at Springfield, Vermont, this 4th day of August, 2017.

[Signature]
Ethan B. McNaughton, Esq.
Lamb & McNaughton, P.C.
6 Main Street
P.O. Box 860
Springfield, VT 05156
Counsel for Respondent

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

D. J. Lulow

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

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DATED:

August 2nd, 2017

ENTERED AND EFFECTIVE:

August 2nd, 2017