LICENSE NO. J-4878

IN THE MATTER OF

THE LICENSE OF

MUHAMMAD AKRAM KHAN, M.D.

BEFORE THE

TEXAS MEDICAL BOARD

AGREED ORDER

On the 29th day of August, 2014, came on to be heard before the
Texas Medical Board (the Board), duly in session, the matter of the license of Muhammad
Akram Khan (Respondent).

On March 3, 2014, Respondent appeared in person, with counsel, Russell G. Thornton,
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 Carlos L. Gallardo, a
member of the Board, and David D. Davila, D.O., a member of a District Review Committee
(Panel). Heather R. E. Pierce represented Board staff.

BOARD CHARGES

Board staff charged Respondent with placing a drug eluting stent in a patient against the
patient’s wishes and without adequate consent.

BOARD HISTORY

Respondent has a prior Board History. On August 21, 2009, an Agreed Order was
entered. The Agreed Order required Respondent to have a practice monitor for a year; he was
required to obtain 30 hours of continuing medical education (CME); and he was required to
obtain a written consultation from a licensed Texas physician board certified in vascular surgery
or interventional neuro-radiology prior to performing carotid arteriograms, vertebral arteriograms
and any endovascular interventions. This action was based on Respondent’s failure to meet the
standard of care in performing cardiac procedures. On August 21, 2010, the Agreed Order was
cleared.
Upon the recommendation of the Board’s representatives and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

FINDINGS

The Board finds the following:

1. **General Findings:**
   a. 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.
   b. Respondent currently holds Texas Medical License No. J-4878. Respondent was originally issued this license to practice medicine in Texas on November 20, 1993. Respondent is not licensed to practice in any other state.
   c. Respondent is primarily engaged in the practice of Cardiovascular Diseases. Respondent is board certified by the American Board of Cardiology a member of the American Board of Medical Specialties.
   d. Respondent is 50 years of age.

2. **Specific Panel Findings:**
   a. Although, there was a technical violation by deploying the drug eluting stent it did not harm the patient and may have been a better choice than the bare metal stent.
   b. There was a system error in failing to do the time-out which led to the mistake in using the drug eluting stent.
   c. Respondent admitted his mistake and the hospital has revised the procedure to ensure time-out is done in every case so as to prevent mistakes.

3. **Mitigating Factors:**
   i. In determining the appropriate sanctions in this matter, the Panel considered that Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent neither admits nor denies the information given above. 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.

ii. The patient continued to see the Respondent for six to eight months after the surgery.

iii. The Board's expert indicated that the use of the drug eluting stent was understandable since it is the most common treatment and is the standard of care. Additionally, the request for the bare metal stent was unusual.

CONCLUSIONS OF LAW

Based on the above Findings, 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 Board Rule 190.8(1)(C), failure to use proper diligence in one's professional practice.

3. 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.

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

ORDER

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

1. Within one year from the date of the entry of this Agreed Order, Respondent shall enroll in and successfully complete at least 12 hours of continuing medical education (CME) approved for Category I credits by the American Medical Association to be divided into the following topics: four hours in the topic of risk management, four hours in the topic of ethics, and four hours in the topic of patient communication; approved in writing in advance by the Executive Director or their designee. To obtain approval for the course, Respondent shall submit in writing to the Compliance Department 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 Department 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.

2. Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Respondent has privileges, has applied for privileges, applies for privileges, or otherwise practices. Within 30 days of entry of this Order Respondent shall provide documentation, including proof of delivery, to the Compliance Division of the Board that the Order was delivered to all such facilities.

3. 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.

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

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 inform the Board in writing of any change of Respondent’s office or mailing address within 10 days of the address change. This information shall be submitted to the Registration Department and the Compliance Department of 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. 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).

7. 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.

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

9. This Order shall automatically terminate upon Respondent’s submission of sufficient evidence to the Compliance Division of the Board that Respondent successfully completed the requirements ordered in Ordering Paragraph Nos. 1 and 2.

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.

SIGNATURE PAGES FOLLOW.
I, MUHAMMAD AKRAM 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: August 1st, 2014.

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MUHAMMAD AKRAM KHAN
Respondent

STATE OF Texas
COUNTY OF Collin

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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 1st day of August, 2014.

ALICIA ANN HICKS
Notary Public, State of Texas
My Commission Expires August 12, 2014
(Notary Seal)

Signature of Notary Public
SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 29th day of August, 2014.

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