SETTLEMENT AGREEMENT BETWEEN THE MISSOURI STATE BOARD OF REGISTRATION FOR THE HEALING ARTS AND BRIJ R. VAID, M.D.

Come now Brij R. Vaid, M.D. (hereinafter “Licensee”), and the State Board of Registration for the Healing Arts (hereinafter the “Board”) and enter into this agreement for the purpose of resolving the question of whether Brij R. Vaid’s license as a physician and surgeon will be subject to discipline. Licensee and the Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to section 621.045, RSMo\(^1\).

1. Licensee acknowledges that he understands the various rights and privileges afforded by law, including the right to a hearing of the charges against him; the right to appear and be represented by legal counsel; the right to have all charges against him proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against him; the right to present evidence on his own behalf; the right to a decision based upon the record concerning the charges pending against the Licensee; and the right to present evidence in mitigation of discipline at a hearing before the Board. Having been advised of these rights provided to the Licensee by operation of law, the Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this agreement and agrees to abide by the terms of this document as they pertain to him.

\(^1\) All statutory references are to the Revised Statutes of Missouri (2011) unless otherwise stated.
2. The Licensee acknowledges that he may, at the time this agreement is effective or within fifteen days thereafter, submit this agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for discipline of the Licensee's license.

3. The Licensee acknowledges that he has been informed of his right to consult legal counsel in this matter.

4. The parties stipulate and agree that the order agreed to by the Board and the Licensee in Part III herein is based only on the agreement set out in Parts I and II herein. The Licensee understands that the Board may take further action against him based on facts or conduct not specifically mentioned in this document that are either now known to the Board or may be discovered.

5. The Licensee understands and agrees that the Missouri State Board of Registration for the Healing Arts will maintain this agreement as an open record of the Board as required by Chapters 324, 334, and 610, RSMo, and will report this agreement to the National Practitioner's Data Bank (NPDB) and the Federation of State Medical Boards (FSMB).

I. JOINT STIPULATION OF FACTS

Based upon the foregoing, the Board and the Licensee herein jointly stipulate to the following:

6. The State Board of Registration for the Healing Arts is an agency of the State of Missouri created and established pursuant to section 334.120, RSMo for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.
7. The Licensee is licensed by the Board as a physician and surgeon, License Number 101441, which was first issued on July 1, 1992. Licensee's license is current, and was current and active at all times relevant herein.

8. On October 18, 2013, Licensee entered into a settlement agreement ("Settlement Agreement") with the Missouri Department of Health and Senior Services' Bureau of Narcotics and Dangerous Drugs ("BNDD"), placing Licensee's Missouri Controlled Substance Registration on probation for a period of two (2) years, subject to certain conditions.

9. In the Settlement Agreement, Licensee agreed he violated several controlled substance laws and rules based on the following findings:

   a. Licensee stocked and dispensed controlled substance samples in the Urgent Care Clinic;

   b. Licensee stocked and dispensed controlled substance for research purposes separate from the Urgent Care Clinic, but the activity occurs within the same facility;

   c. Licensee did not have a separate Missouri Controlled Substances Registration as required to participate in this research;

   d. Licensee was receiving and stocking the following controlled substances:

      i. Nuvigil, 150 mg tablets, 35 tablets in inventory;

      ii. Intermezzo, 1.75 mg tablets, 10 tablets in inventory;

      iii. Lunesta, 3 mg tablets, 3 tablets in inventory;
iv. Hydromorphone, varying strengths, maintained in research area;
e. Licensee did not maintain a separate dispensing log as required;
f. Dispensed controlled substances did not have required labelling;
g. Dr. Vaid’s receipt records did not document the names, addresses and DEA numbers of the suppliers or receivers. Dr. Vaid’s receipt logs list another product #9 Teva CNS BRE that is not identified as a controlled substance. Dr. Vaid did not maintain controlled substance receipt records as required.

10. The above constitutes cause to discipline Licensee’s license pursuant to sections 334.100.2(26) and 102.7(1)(b), RSMo (2011).

II. JOINT CONCLUSIONS OF LAW

11. Cause exists to discipline Licensee’s license pursuant to sections 334.100.2(26) and 334.102.7(1)(b), RSMo which state:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered the person’s certificate of registration or authority, permit or license for any one or any combination of the following causes:

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(26) Revocation, suspension, limitation, probation, or restriction of any kind whatsoever of any controlled substance authority, whether agreed to voluntarily or not, or voluntary termination of a controlled substance authority while under investigation;

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7. (1) The board may initiate a hearing before the board for discipline of any licensee's license or certificate upon receipt of one of the following:

(b) Evidence of final disciplinary action against the licensee's license, certification or registration issued by any other state, by any other agency or entity of this state or any other state or the United States or its territories, or any other country;

12. The Licensee's conduct, as established by the foregoing facts, falls within the intendments of section 334.100.2, RSMo.

13. The Licensee's conduct, as established by the foregoing facts, falls within the intendments of section 334.102.7, RSMo.

14. Cause exists for the Board to take disciplinary action against the Licensee's license under sections 334.100.2 and 334.102.7, RSMo.

III. JOINT AGREEMENT ON DISCIPLINE

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of section 621.110 RSMo. This agreement, including the disciplinary order, will be effective immediately on the date entered and finalized by the Board. The following are the terms of the disciplinary order:

15. License number 101441, issued by the Board to the Licensee, is hereby placed on PROBATION for a period of two (2) years (hereinafter "the Disciplinary Period").
16. During the period of probation, the Licensee shall be entitled to engage in the practice of medicine under Chapter 334, RSMo, provided he adheres to all of the terms of this Order.

17. During the disciplinary period, the Licensee shall comply with all provisions of Chapters 334 and 195, RSMo; all the regulations of the Board; all applicable federal and state drug laws, rules, and regulations; and all federal and state laws. For purposes of the paragraph, "State" includes all states and territories of the United States.

18. During the disciplinary period, the Licensee shall comply with all terms and conditions of the Settlement Agreement dated October 18, 2013, entered into between Licensee and the Missouri Department of Health and Senior Services' Bureau of Narcotics and Dangerous Drugs.

19. During the disciplinary period, the Licensee shall keep the Board informed of his current work and home telephone numbers and addresses. The Licensee shall notify the Board in writing within ten (10) days of any change in this information.

20. During the disciplinary period, the Licensee shall timely renew his license and timely pay all fees required for licensing and comply with all other Board requirements necessary to maintain the Licensee's license in a current and active state.
21. During the disciplinary period, the Licensee shall accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of this disciplinary agreement.

22. During the disciplinary period, the Licensee shall appear in person for interviews with the Board or its designee upon request.

23. If the Licensee is licensed in other jurisdictions, then he shall notify, in writing, the medical licensing authorities of those jurisdictions, within fifteen (15) days of the effective date of this settlement agreement, of the Licensee's disciplinary status in Missouri. The Licensee shall forward a copy of this written notice to the Board contemporaneously with sending it to the relevant licensing authority. If the Licensee is not licensed in other jurisdictions, he shall notify the Board of that fact in writing within fifteen (15) days of the effective date of this settlement agreement.

24. The Licensee shall notify, within fifteen (15) days of the effective date of this agreement, all employers, hospitals, nursing homes, out-patient centers, clinics, and all other facilities where the Licensee practices or has privileges, of his disciplinary status. Licensee shall notify any employer, hospital, nursing home, out-patient center, surgical center, clinic other facility he obtains privileges at or begins practicing at during the course of this agreement of his disciplinary status within fifteen (15) days of the granting of privileges or beginning of practice. If the Licensee does not have an employer, does not have privileges or does not
practice at any facility, he shall notify the Board of that fact in writing within fifteen (15) days of the effective date of this settlement agreement.

25. The Licensee shall notify any allied health care professionals he supervises of the disciplinary action imposed within fifteen (15) days of the effective date of this settlement agreement. Notification shall be in writing and the Licensee shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative. If the Licensee does not supervise any allied health professionals, he shall notify the Board of that fact in writing within fifteen (15) days of the effective date of this settlement agreement.

26. For purposes of this agreement, unless otherwise specified in this agreement, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Board in this Order shall be forwarded to the State Board of Registration for the Healing Arts, Attention: Investigations, P.O. Box 4, Jefferson City, Missouri 65102.

27. Upon the expiration of the disciplinary period, the Licensee’s license shall be fully restored if all requirements of law have been satisfied. However, in the event the State Board of Registration for the Healing Arts determines that the Licensee has violated any term or condition of this agreement, the Board may vacate this agreement and impose such further discipline as the Board shall deem appropriate pursuant to section 324.042, RSMo. In the event the State Board of Registration for the Healing Arts determines that further discipline is appropriate,
the Board may elect to pursue any lawful remedies afforded it and is not bound by
this agreement in its election of remedies concerning that violation.

28. No additional order shall be entered by this Board pursuant to the preceding
paragraph of this agreement without notice and an opportunity for hearing before
this Board as a contested case in accordance with the provisions of Chapter 536,
RSMo. If any alleged violation of this agreement occurred during the disciplinary
period, the parties agree that the Board may choose to conduct a hearing before it
either during the disciplinary period, or as soon thereafter as a hearing can be held,
to determine whether a violation occurred and, if so, may impose further
disciplinary action. The Licensee agrees and stipulates that the Board has
continuing jurisdiction to hold a hearing to determine if a violation of this
agreement has occurred.

29. This agreement does not bind the Board or restrict the remedies available to
it concerning any other violation of Chapter 334, RSMo, by the Licensee not
specifically mentioned in this document that are currently either known or
unknown to the Board.

30. Licensee hereby waives and releases the Board, its members, and any of its
employees, agents, or attorneys, including any former Board members, employees,
agents, and attorneys, of, or from, any liability, claim, actions, causes of action,
fees, costs and expenses, and compensation, including, but not limited to any
claims for attorney’s fees and expenses, including any claims pursuant to section
536.087, RSMo, or any claim arising under 42 USC 1983, which may be based
upon, arise out of, or relate to any of the matters raised in this agreement, or from
the negotiation or execution of this agreement. The parties acknowledge that this
paragraph is severable from the remaining portions of this agreement in that it
survives in perpetuity even in the event that any court of law deems this agreement
or any portion thereof void or unenforceable.

LICENSEE

Date

BOARD

Date

EXECUTIVE DIRECTOR

Date

ATTORNEY FOR LICENSEE

Date

Missouri Bar No.

EFFECTIVE THIS ___ DAY OF _____, 2014.
BEFORE THE MISSOURI BOARD OF REGISTRATION
FOR THE HEALING ARTS

State Board of Registration
For the Healing Arts,
Petitioner

v.

Brij R. Vaid, M.D.,
Respondent

Case number 2012-003243

ORDER

It is hereby ordered that effective June 18, 2012 the suspension issued on June 11, 2012 upon Respondent’s license to practice medicine and surgery, number 101441 is hereby terminated and the said license is hereby returned to its full privileges free and clear of all restrictions.

Tina Steinman
Executive Director

Date
MEMORANDUM

To: Whom it May Concern

From: Missouri Board of Healing Arts

Date: June 11, 2012

Re: Brij R. Vaid, M.D. – License # 101441

On June 11, 2012 Dr. Vaid's license was suspended by operation of law pursuant to Section 324.010 RSMo. for delinquency of state taxes or failure to file state income tax returns.