



Jeremiah W. (Jay) Nixon
Governor
State of Missouri

Kathleen (Katie) Steele Danner, Division Director
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance
Financial Institutions
and Professional Registration
John M. Huff, Director

STATE BOARD OF REGISTRATION FOR THE HEALING ARTS
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Connie Clarkston
Executive Director

**BEFORE THE MISSOURI BOARD OF REGISTRATION
FOR THE HEALING ARTS**

State Board of Registration
For the Healing Arts,
Petitioner

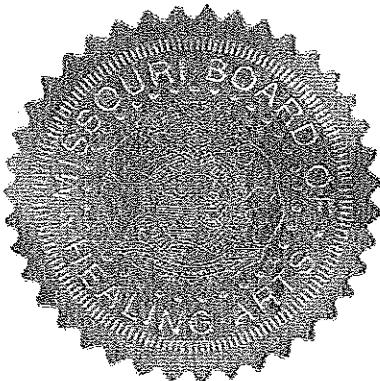
v.

Fazle M. Yasin, MD
Respondent

)
)
)
) Case Number: 2010-002458
)
)
)
)

ORDER

It is hereby ordered that effective January 2, 2016 the Order issued on January 2, 2013 upon Respondent's license to practice medicine and surgery, number 35224 is hereby terminated and said license is hereby returned to its full privileges free and clear of all restrictions.



Connie Clarkston

Connie Clarkston
Executive Director

January 4, 2016
Date



State of Missouri

Jeremiah W. (Jay) Nixon, Governor

Administrative Hearing Commission

Truman State Office Building, Room 640
301 West High Street P.O. Box 1557
Jefferson City, Missouri 65102
Telephone 573/751-2422
Facsimile 573/751-5018

June 27, 2013

Mark Pasewark
711 Old Ballas Rd., Ste 102
St Louis, MO 63141

Sarah Schappe
Board for the Healing Arts
PO Box 4
Jefferson City, MO 65102

RE: Case No. 13-0968 HA

To the Parties:

Petitioner filed a motion to dismiss with prejudice on June 26, 2013. To date, neither party has filed a motion for decision without a hearing under 1 CSR 15-3.446, nor has evidence been introduced at hearing in this case.

Therefore, under 1 CSR 15-3.431(1)(A), the petitioner's voluntary dismissal is deemed effective as of the date it was filed, June 26, 2013, without further action by this Commission, and we have closed the case.

Sincerely,

Ranada Vinyard
Staff Attorney

**BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI**

**STATE BOARD OF REGISTRATION)
FOR THE HEALING ARTS,)**

Petitioner,)

v.)

Case No. 13-0968 HA

FAZLE YASIN, M.D.)

Respondent.)

MOTION TO DISMISS WITH PREJUDICE

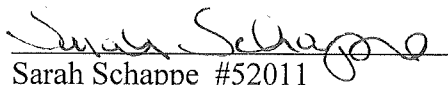
COMES NOW Petitioner, the State Board of Registration for the Healing Arts (hereinafter “the Board”), and requests that the above captioned case be dismissed with prejudice. In support thereof, Petitioner states:

1. Petitioner filed its Complaint and Motion for Emergency Suspension on or about June 4, 2013.
2. On or about, June 25, 2013, this Commission granted the Board’s Motion for Emergency Suspension pursuant to section 334.102.1(7) because two board approved facilities had found that Respondent was not fit to practice.
3. Since that date, the parties have been engaging in discovery.
4. This case is currently set for hearing on June 16, 2013.
5. On or about June 24, 2013, Respondent provided the Board with a letter from a neurologist stating, “I find nothing in his neurological evaluation or MRI imaging that would make him unfit to practice psychiatry.”
6. While the Board believes it was justified in filing the Complaint and Motion for

Emergency Suspension on June 4, 2013 and that the Commission was justified in issuing the Emergency Suspension on June 10, 2013, the change in circumstances evidenced by Respondent's completion of the boundaries course and the neurologist's letter of June 24, 2013, led to the Board's decision to dismiss this case with prejudice at this time.

WHEREFORE, the Board respectfully requests that the above captioned case be dismissed with prejudice.

RESPECTFULLY SUBMITTED,



Sarah Schappe #52011

General Counsel

Board of Registration for the Healing Arts

P.O. Box 4

Jefferson City, MO 65102

Phone: 573-751-0117

Fax: 573-751-3166

Email: sarah.schappe@pr.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the *Motion to Dismiss with Prejudice* was sent, via first class mail and email this ^{25th} day of June 2013, to:

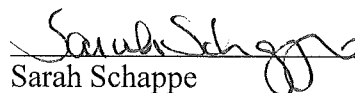
Mark D. Pasewark

Law Office of Mark D. Pasewark, LLC

711 Old Ballas Road, Suite 102

St. Louis, Missouri 63141

Email: MarkDPas@aol.com



Sarah Schappe

Before the
Administrative Hearing Commission
State of Missouri



STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS,

Petitioner,

vs.

FAZLE M. YASIN, M.D.,

Respondent.

No. 13-0968 HA

ORDER

Fazle M. Yasin, M.D., is subject to emergency suspension of his license to practice as a medical physician and surgeon because he is not fit to practice medicine.

Procedure

On June 4, 2013, the State Board of Registration for the Healing Arts ("Board") filed a complaint seeking to discipline Yasin's license. Along with its complaint, the Board also filed a request for emergency suspension based on Count IV of its complaint. The Board's complaint contains several exhibits authenticated by affidavits. On June 6 and 7, 2013, Yasin filed affidavits in response to the Board's request for emergency suspension.

We make the following findings of fact based on these affidavits and solely for the purpose of ruling on the Board's request for emergency suspension. Our findings of fact may change after a full evidentiary hearing.

Findings of Fact

1. On February 16, 1974, the Board licensed Yasin to practice as a medical physician and surgeon. This license is current and active.
2. On January 2, 2013, Yasin entered into a settlement agreement with the Board whereby his license was placed on probation for a period of three years.
3. One of the terms of Yasin's probation is that he obtain a multi-disciplinary evaluation from a Board-approved facility within 120 days. A list of Board-approved facilities is available on the Board's website, at: <http://pr.mo.gov/boards/healingarts/CMEcourses.pdf>.
4. Another term of Yasin's probation is that he follow all recommendations of the multi-disciplinary evaluation within six months of the effective date of the settlement agreement. This provides Yasin until July 1, 2013 to begin compliance with these recommendations.
5. Between January 18-21, 2013, Yasin obtained a multi-disciplinary evaluation from Professional Renewal Center ("PRC") in Lawrence, Kansas. PRC is a Board-approved facility.
6. On March 12, 2013, PRC issued its report of Yasin's multi-disciplinary evaluation. According to the report, Yasin is not fit to practice medicine unless he undergoes an intensive therapeutic treatment focusing on boundary issues. The three facilities PRC recommended for this treatment are: PRC; Acumen Institute in Lawrence, Kansas; and Pine Grove Professional Enhancement Program in Hattiesburg, Mississippi.
7. Rather than follow PRC's recommendation of an intensive therapeutic treatment, Yasin chose to obtain a second opinion.

8. Between April 17-20, 2013, Yasin obtained a multi-disciplinary evaluation from Presence Behavioral Health ("PBH") in Downers Grove, Illinois.¹

9. In May 2013, PBH issued its report of Yasin's multi-disciplinary evaluation. According to the report, Yasin is not fit to practice medicine. In addition, the comprehensive evaluation recommends that Yasin follow up with a neurologist regarding early frontal lobe dementia. Yasin has not followed up with a neurologist.

10. After PBH issued its report, Yasin enrolled in a professional boundaries course at Vanderbilt University that is scheduled to take place June 12-14, 2013. The Program for Distressed Physicians, Center for Professional Health, located at Vanderbilt University, is a Board-approved facility. However, this is a course. As such, it is not an intensive therapeutic treatment.

11. In response to the Board's affidavits, Yasin submitted five affidavits, three from health care professionals and two from his own office staff, in support of his ability to practice medicine. These four individuals do not represent, and are not affiliated with, Board-approved facilities. Yasin also submitted his own affidavit regarding the facts that have transpired since January 2, 2013.

12. Yasin continues to practice medicine to the present day.

Conclusions of Law

We have jurisdiction to determine whether there is probable cause for an emergency suspension of Yasin's license.² The Board alleges there is cause for emergency suspension under § 334.102, which provides:

¹ PBH is not specifically listed as a Board-approved facility on the Board's website. However, Resurrection Behavior Health-Addiction Services, which is a Board-approved facility, shares the same address as PBH. We therefore assume for purposes of the Board's request that the entities are the same.

² Sections 334.102 and 621.045. Statutory references are to RSMo. Supp. 2012, unless otherwise noted.

1. The board may apply to the administrative hearing commission for an emergency suspension or restriction of a licensee for the following causes:

* * *

(7) A report from a board-approved facility or a professional health program stating the licensee is not fit to practice. For purposes of this section, a licensee is deemed to have waived all objections to the admissibility of testimony from the provider of the examination and admissibility of the examination reports. The licensee shall sign all necessary releases for the board to obtain and use the examination during a hearing; or

(8) Any conduct for which the board may discipline that constitutes a serious danger to the health, safety, or welfare of a patient or the public.

2. The board shall submit existing affidavits Prior to the hearing, the licensee may file affidavits...for consideration by the administrative hearing commission.

3. Within five days of the board's filing of the complaint, the administrative hearing commission shall review the information submitted by the board and the licensee and shall...if probable cause exists pursuant to subsection 1 of this section and shall issue its findings of fact and conclusions of law. If the administrative hearing commission finds that there is probable cause, the administrative hearing commission shall enter the order requested by the board. . . .

In its complaint, the Board further alleges there is cause to discipline Yasin's license under

§ 334.100, which provides:

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:

* * *

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the

functions or duties of any profession licensed or regulated by this chapter, including, but not limited to, the following:

* * *

(p) Violating a probation agreement, order, or other settlement agreement with this board or any other licensing agency;

* * *

(25) Failure to comply with a treatment program or an aftercare program entered into as part of a board order, settlement agreement or licensee's professional health program[.]

Probable Cause

Probable cause is a lesser standard of proof than preponderance of the evidence and does not require the Board's allegations of serious danger to be uncontroverted, or the finder of fact to balance conflicting evidence.³ While we give some consideration to Yasin's evidence, the amount of consideration we give to each party's evidence under a probable cause standard will vary from the amount of consideration we will give each party's evidence under a preponderance of the evidence standard, after a full evidentiary hearing.

Reports from Board-Approved Facilities

Section 334.102.1(7) requires us to examine reports issued by Board-approved facilities. At least one and possibly two Board-approved facilities, PRC and PBH, have provided reports that Yasin is not fit to practice medicine. PRC's report allowed for the possibility of Yasin's continued practice of medicine only if he underwent intensive therapeutic treatment focusing on boundary issues, which he failed to undergo. PBH, which might also be a Board-approved facility, did not leave room for the possibility of Yasin's continued practice of medicine. Section 334.102.2 allows Yasin to file affidavits pursuant to a Board's request for emergency suspension

³ *Jamison v. State, Dep't of Soc. Services*, 218 S.W.3d 399, 411 (Mo. banc 2007).

under § 334.102. However, § 334.102.1(7) specifically discusses reports submitted by Board-approved facilities. Therefore, while we have considered the individuals' affidavits submitted by Yasin, we give much greater weight to the reports submitted by Board-approved facilities in this specific cause of action. Accordingly, we find there is probable cause for emergency suspension of Yasin's license under § 334.102.1(7).

Serious Danger to Health, Safety, and Welfare

Section 334.102.1(8) allows for emergency suspension for "[a]ny conduct for which the board may discipline[.]" The Board alleges in its complaint that it may discipline Yasin under § 334.100.2(4)(p) and (25). Section 334.100.2(4)(p) allows for discipline if Yasin has violated a settlement agreement with the Board. Section 334.100.2(25) allows for discipline if Yasin has failed to comply with a treatment program or aftercare program as part of a settlement agreement with the Board. Yasin has failed to comply with PRC's recommendation to undergo intensive therapeutic treatment focusing on boundary issues before continuing to practice medicine. Furthermore, he has failed to comply with PBH's recommendation to follow up with a neurologist. Both PRC and PBH issued these recommendations as part of multi-disciplinary evaluations required by Yasin's settlement agreement with the Board. However, the settlement agreement provides Yasin until July 1, 2013 to begin compliance with these recommendations. Therefore, Yasin's current state of non-compliance does not violate provisions of his settlement agreement. Accordingly, we do not find there is probable cause for emergency suspension of Yasin's license under § 334.102.1(8) at this time.

The hearing in this case is rescheduled for 10:30 am, July 1, 2013, at Chesterfield City Hall, Room 102/103, 690 Chesterfield Parkway West, Chesterfield, Missouri.

Summary

Yasin is subject to emergency suspension under § 334.102.1(7).

SO ORDERED on June 10, 2013.


SREENIVASA RAO DANDAMUDI
Commissioner

**SETTLEMENT AGREEMENT BETWEEN THE MISSOURI
STATE BOARD OF REGISTRATION FOR THE HEALING ARTS
AND FAZLE YASIN, M.D.**

Come now Fazle Yasin, 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 Fazle Yasin'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 § 621.045, RSMo.

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 her 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 her own behalf; the right to a decision based upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against the Licensee; and subsequently, the right to a disciplinary hearing before the Board at which time evidence may be presented in mitigation of discipline. 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.

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, 610, and 621, RSMo, as amended and will report this agreement to the National Practitioner's Data Bank (NPDB), the Health Integrity and Protection Data Bank (HIPDB), 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 §334.120, 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 35224, which was first issued on February 16, 1974. Licensee's license is current, and was current and active at all times relevant herein.

8. On or about March 2010, K.Z. was Respondent's employee.

Count 1

9. Herein incorporated by reference are paragraphs 1 through 8.

10. Strattera is a prescription medication, usually prescribed to treat Attention Deficit Disorder.

11. Respondent dispensed samples of Strattera to K.Z. without conducting a sufficient examination, without maintaining a patient record, and not in the course of professional practice.

12. Respondent had not diagnosed K.Z. with Attention Deficit Disorder and had no medical records from other providers confirming that diagnosis.

13. The above conduct constitutes cause to discipline license's license pursuant to §334.100.2(4) and (4)(h).

Count 2

14. Herein incorporated by reference are paragraphs 1 through 13.

15. During March 2010, Respondent engaged in therapy with K.Z.

16. During March 2010, under the guise of treating K.Z. and determining his sexual identity, Respondent engaged in counseling sessions with K.Z. Respondent engaged in at least three of the sessions with K.Z.
17. During a session on March 24, 2010, Respondent touched K.Z.'s abdomen and asked K.Z. if he was having an erection.
18. K.Z. did not request that Respondent treat him or attempt to discern his sexual identity.
19. The above conduct constitutes cause to discipline license's license pursuant to § 334.101.2 (4) and (4)(g).

II. JOINT CONCLUSIONS OF LAW

20. Cause exists to discipline Licensee's license pursuant to §334.100.2 (4), (4)(h), and (4)(g) 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:

(4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to, the following:

(h) Signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, except as authorized in section 334.104;

(i) Exercising influence within a physician-patient relationship for purposes of engaging a patient in sexual activity;

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

22. Cause exists for the Board to take disciplinary action against the Licensee's license under §334.100.2 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 §621.110 RSMo 2000. 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:

23. License number 35224, issued by the Board to the Licensee, is hereby placed on PROBATION for a period of three (3) years (hereinafter the "disciplinary period.").

24. During the probationary portion of the disciplinary period, 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.

25. Within one hundred and twenty (120) days of the effective date of this Order, the Licensee agrees to successfully complete a board approved continuing medical education course in the subject of boundaries. A list of pre-approved courses is listed on the Board's website: <http://pr.mo.gov/boards/healingarts/CMECourses.pdf>. If the Licensee wishes to take a course other than those pre approved the Licensee shall obtain the

Board's approval to attend a specific course prior to attending that course. The Licensee shall forward proof of the successful completion of this course to the Board within thirty (30) days of successful completion.

26. Within one hundred and twenty (120) days of the effective date of this Agreement, the Licensee will obtain a multi-disciplinary evaluation from a Board approved facility. A list of approved facilities may be found on the Board's website at <http://pr.mo.gov/boards/healingars/CMECourses.pdf>.

27. Licensee shall cause the report and recommendations of the multidisciplinary evaluation to be sent to the Board within thirty (30) days of its completion.

28. Licensee shall follow all recommendations of the multi-disciplinary evaluation, beginning no later than six (6) months from the date of this Agreement.

29. Within thirty (30) days of the effective date of this Order, and continuing through the duration of the disciplinary period, the Licensee shall participate in the Missouri State Medical Association's Physician Health Program (MPHP) or the Missouri Association of Osteopathic Physicians and Surgeons Program (MAOPS) at the Licensee's own cost.

The Licensee shall follow all recommendations for treatment or aftercare made by MPHP or MAOPS, and shall comply with each and every requirement to remain in the program.

Within fifteen (15) days of entering the MPHP or MAOPS program, the Licensee shall cause MPHP or MAOPS to send written notification to the Board confirming that the Licensee has joined the program. Within fifteen (15) days of entering the MPHP or MAOPS program, the Licensee shall sign a release to allow the Board to release information to and receive information from MPHP and/or MAOPS. This information shall include: lab results; diagnosis and treatment recommendations; discharge/transfer

summary; cooperation and progress; identifying information; change in status; quarterly progress reports; psychological reports; individual treatment plan; psychiatric evaluations; family assessments; and any and all records regarding evaluation, care and treatment for alcohol or drug abuse, psychiatric conditions, physical illnesses, and emotional illnesses. This release shall be in effect for the duration of the disciplinary period. The licensee will follow all recommendations of treatment and aftercare recommended. Any modifications or changes to those recommendations must be made in writing and approved by the facility with consent of the Board.

30. 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.

31. Within ten (10) days of the effective date of this Order, the Licensee shall execute and deliver to the Board a written medical/psychological and substance abuse treatment release(s) or other appropriate release(s) which shall cover the entire period of this Order authorizing the State Board of Registration for the Healing Arts to obtain records of the Licensee's treatment. Licensee shall not take any action to cancel the release(s) and shall take whatever actions are necessary to ensure that the release(s) remain in full force and effect throughout the disciplinary period.

32. During the disciplinary period, Licensee shall only conduct patient visits under the following circumstances:

a. For visits with children, the child's parent or guardian is continually present in the room with the child and Licensee.

b. For visits conducted via Skype, if another health care provider is continually present.

c. for all other patient visits, including group therapy, if a Board-approved chaperone is continually present with Licensee and patient(s).

The presence of the parent, guardian, health care provider, or other chaperone must be documented in the medical record. The parent, guardian, health care provider, or other chaperone must be able to observe and be observed by both the Licensee and the patient, in real time at anytime that Licensee is interacting or observing the patient.

AA and NA meetings that are open to the public shall not constitute "patient visits" for purposes of this paragraph, nor shall any unintentional, incidental interaction between Licensee and a patient (e.g. Licensee runs into patient at the grocery store, etc.).

33. 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. State here includes all states and territories of the United States.

34. 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.

35. 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.
36. 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.
37. During the disciplinary period, the Licensee shall appear in person for interviews with the Board or its designee upon request.
38. The Licensee shall notify, within fifteen (15) days of the effective date of this agreement, all hospitals, nursing homes, out-patient centers, surgical centers, clinics, and all other facilities where the Licensee practices or has privileges, of his disciplinary status. The Licensee shall notify any physician assistants or other allied health care professionals he supervises of the disciplinary action imposed. 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 have privileges or practices 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.
39. 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.

40. Upon the expiration of the disciplinary period, the Licensee's license shall be fully restored if all requirements of law have been satisfied; provided however, that 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, in its discretion, vacate this agreement and impose such further discipline as the Board shall deem appropriate.

41. 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 elect to pursue any lawful remedies afforded it and is not bound by this agreement in its election of remedies concerning that violation. The Board may in its discretion, vacate this agreement and impose such further discipline as the Board shall deem appropriate pursuant to §324.042, RSMo.

42. 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.

43. 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 attorneys fees and expenses, including any claims pursuant to §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

Fazle Yasin 9/19/12
Fazle Yasin, M.D. Date

BOARD

Connie Clarkston 1/2/13
~~Fina Steinman~~ Connie Clarkston Date
Executive Director

Attorney 9/19/12
Attorney Licensee Date
Missouri Bar No. 58565

Sarah Schappe 1/2/2013
Sarah Schappe Date
General Counsel, MO Bar No. 52011

EFFECTIVE THIS 19th DAY OF September, 2012
2nd January, 2013 CC