

LICENSE NO. Q-3862

IN THE MATTER OF  
THE LICENSE OF  
KHAJA CHISTY, M.D.

BEFORE THE  
TEXAS MEDICAL BOARD

AGREED ORDER

On the 1 day of MARCH, 2019, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Khaja Chisty, M.D. (Respondent).

On August 29, 2018, Respondent appeared in person, without counsel, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from Board staff. The Board's representatives were Frank Denton, a member of the Board, and Todd Pollock, M.D., a member of a District Review Committee (Panel). Kemisha Williams represented Board staff. Susan Rodriguez prepared this Agreed Order.

BOARD CHARGES

Board Staff charged that Respondent was disciplined by the Colorado Medical Board through a Stipulation Settlement and Final Agency Order effective April 26, 2018, which placed Respondent's license on probation for five years with certain stipulations and practice restrictions.

BOARD HISTORY

Respondent has not previously been the subject of disciplinary action by the Board.

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. Q-3862. Respondent was originally issued this license to practice medicine in Texas on April 10, 2015. Respondent is also licensed to practice in Iowa, Colorado and Florida.
- c. Respondent is primarily engaged in the practice of psychiatry. Respondent is board certified by the American Board of Psychiatry and Neurology, a member of the American Board of Medical Specialties.
- d. Respondent is 41 years of age.

2. Specific Findings:

- a. Respondent was disciplined by the Colorado Medical Board through a Stipulation Settlement and Final Agency Order effective April 26, 2018 placing Respondent's Colorado medical license on probation for five years with certain stipulations and practice restrictions, including a restriction on practice using telehealth technologies, and a mandate to complete a prescribing course.
- b. The Order arose from Respondent's unprofessional conduct due to extended absences from his practice during which time he used telemedicine without patient consent and inappropriate prescribing habits.
- c. Respondent was out of the country for two extended periods in 2015 and 2016. During those absences Respondent used secure video technology in order to provide care to his patients in his absence, who were required to click a consent button before beginning their session.
- d. Respondent eventually wants to return to Texas with his family and open a clinic in Plano. He plans to fully comply with the Colorado Order in order to go forward with practice in Texas.

3. Mitigating Factor:

In determining the appropriate sanctions in this matter, the Panel considered, as mitigating, 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.

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)(9) of the Act authorizes the Board to take disciplinary action against Respondent based on disciplinary action against Respondent by another state or the uniformed services of the United States, as further defined by Board Rule 190.8(3), disciplinary action by another state board.
3. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent committing unprofessional or dishonorable conduct that is likely to deceive or defraud the public as provided by Section 164.053, or injure the public.
4. 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.
5. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.
6. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation

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. Respondent shall not practice medicine, including telemedicine, in Texas until Respondent requests permission in writing to resume practice in Texas, personally appears before the Board to orally petition for permission to resume such practice, and provides clear and convincing evidence and information, which in the discretion of the Board adequately indicates that Respondent is physically, mentally, and otherwise competent to safely practice. Such evidence and information shall include at a minimum, but shall not be limited to, evidence that Respondent is in full compliance with all terms and conditions of the Colorado Medical Board Order.

Upon an adequate showing before the Board that Respondent is able to safely practice, Respondent may be granted permission to practice in Texas under such terms and conditions and for such time that the Board in, its discretion, determines are necessary to adequately protect the public.

2. At all times while Respondent is under the terms of this Order, Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities in Texas where Respondent has privileges, has pending an application for privileges, applies for privileges, or otherwise practices. Within 30 days of being first contacted by the Compliance Division of the Board following entry of this Order, Respondent shall provide to the Compliance Division of the Board documentation, including proof of delivery, that the Order was delivered to all such facilities.

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

4. 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.

5. 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 day 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 45-day notice requirement provided by §164.003(b)(2) of the Medical Practice Act and agrees to 10 day notice, as provided in 22 Texas Administrative Code §187.44(4).

6. 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.

7. Respondent shall not be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants.

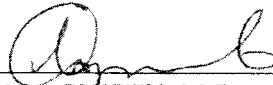
8. This Order shall remain in full force and effect without opportunity for amendment, except for clear error in drafting, until Respondent complies with Ordering Paragraph Nos. 1 and 2 of this Order and the Board enters a superseding order.

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, KHAJA CHISTY, 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: 12/11/, 2018.

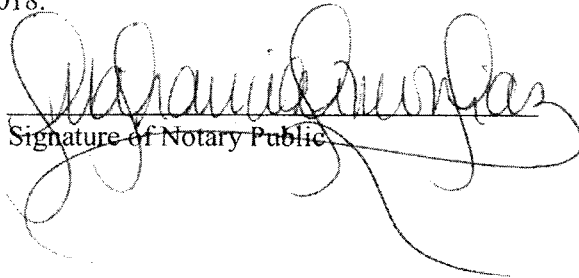


KHAJA CHISTY, M.D.  
Respondent

STATE OF Florida  
COUNTY OF Broward

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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 11<sup>th</sup> day of December, 2018.

  
Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 1  
day of March, 2019.



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Sherif Z. Zafran, M.D., President  
Texas Medical Board