

LICENSE NO. H-0074

IN THE MATTER OF
THE LICENSE OF
ZOHRA RASHID KHAN, M.D.

BEFORE THE
TEXAS MEDICAL BOARD

AGREED ORDER

On the 24 day of August, 2009, came on to be heard before the Texas Medical Board (the "Board"), duly in session, the matter of the license of Zohra Rashid Khan, M.D. ("Respondent").

On April 6, 2009, Respondent appeared in person, with counsel Ken Braxton, at an Informal Show Compliance Proceeding and Settlement Conference ("ISC") in response to a letter of invitation from the staff of the Board. The Board's representatives were Melissa Tonn, M.D., and Nancy Seliger, members of District Review Committees. Roger Calhoun represented Board Staff at the ISC. Darrin Dest prepared the Agreed Order.

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order.

FINDINGS OF FACT

The Board finds that:

1. 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.
2. Respondent currently holds Texas Medical License No. H-0074. Respondent was originally issued this license to practice medicine in Texas on August 23, 1986. Respondent is not licensed to practice in any other state.
3. Respondent is primarily engaged in the practice of psychiatry. Respondent is not board certified in this area.
4. Respondent is 61 years of age.

5. Respondent has not received a prior disciplinary order from the Board.
6. In 2006, Respondent provided psychiatric treatment at Millwood Hospital to the nine patients at issue, Patients A, B, C, D, E, F, G, H, and I.
7. The complaint alleged violations of the standard of care regarding these nine patients. However, the Board finds that Respondent did not violate the standard of care in regard to the care and treatment of these nine patients by Respondent.
8. However, a review of Respondent's recordkeeping in regard to these nine patients shows a pattern of inadequate documentation. Each of the following recordkeeping problems occurred multiple times in the treatment of these nine patients: medications prescribed by Respondent were not included in the patient's discharge summary; follow-up care was not clearly documented; and the documentation did not contain sufficient detail to justify the diagnosis given by Respondent.
9. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this Agreed Order, pursuant to the provisions of Section 164.002 the Act, will save money and resources for the State of Texas. 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 of Fact, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent's commission of a direct or indirect violation of a Board rule, specifically Board Rule 165.1, failure to maintain adequate medical records.
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. Such sanctions include: revocation, suspension, probation, public reprimand, limitation or restriction on practice, counseling or treatment, required educational or counseling programs, monitored practice, public service, and an administrative penalty.
4. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

5. 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 of Fact 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 Order, Respondent shall enroll in and successfully complete at least eight hours continuing medical education ("CME") approved for Category I credits by the American Medical Association or American Osteopathic Association in the subject of medical recordkeeping, approved in writing in advance by the Board. To obtain approval for the course, Respondent shall submit in writing to the Board 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 Board 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 comply with all the provisions of the Act and other statutes regulating the Respondent's practice.
3. 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.
4. 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).

5. 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.

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

7. This Order shall automatically terminate upon the successful completion of the requirements in Ordering Paragraph No. 1.

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.

I, ZOHRA RASHID 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: May 28,, 2009.

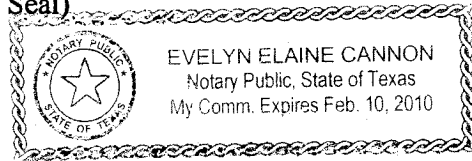
Zohra Rashid Khan MD
ZOHRA RASHID KHAN, M.D.
Respondent

STATE OF Texas §
COUNTY OF Tarrant §
§

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 28 day of May, 2009.

[Signature]
Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 21 day of August, 2009.

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