

**BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS**

FILED FEB 14 2005 KANSAS STATE BOARD OF HEALING ARTS

In that Matter of)
)
Krishna Rajanna, M.D.) Docket No. 05-HA-
Kansas License No. 04-15624)
_____)

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts (“Board”), by and through Stacy L. Cook, Litigation Counsel (“Petitioner”), and Krishna Rajanna, M.D. (“Licensee”), and move the Board for approval of a Consent Order. The parties stipulate and agree to the following:

1. Licensee’s last known address to the Board is 838 W. 39th Terrace, Kansas City, Missouri 64111.
2. Licensee is or has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-15624 on approximately June 10, 1972. Licensee’s license is active.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of medicine and surgery. K.S.A. 65-2869.
4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board’s Final Order.
5. The Kansas Healing Arts Act is constitutional on its face and as applied in this case.

6. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

7. Licensee voluntarily and knowingly waives his right to a hearing. Licensee voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit to rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

8. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

9. Licensee failed to maintain adequate cleanliness in his clinic, including but not limited to the following: (1) Licensee had carpeting on the floor of a surgical procedure room; (2) the trash cans in the clinic did not have lids; (3) sharps containers were overflowing; (4) human tissue was stored on a counter in the utility room for a time and was then stored in the freezer in a refrigerator where food was also kept; and (5) the clinic had an overall appearance of clutter and disarray.

10. Licensee did not properly dispose of sharp objects and human tissue/medical waste.

11. Licensee drew medications in syringes and kept the syringes in the refrigerator for future use. The syringes were not marked or labeled.

12. Licensee maintained in the office several expired medications.

13. Licensee did not properly label medications he dispensed.

14. Licensee did not follow the Practice Guidelines For Sedation And Analgesia By Non-Anesthesiologists when using conscious sedation in the office.

15. Pursuant to K.S.A. 65-2836(b) and K.S.A. 65-2836(k), the Board has grounds to revoke, suspend, limit, censure, or impose a fine on Licensee's license.

16. According to K.S.A. 65-2838(b), the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

17. In lieu of the conclusion of formal proceedings, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action and limitations on his license to engage in the practice of medicine and surgery:

a. Licensee shall not practice medicine and surgery unless he complies with each of the following:

(i) Licensee agrees to follow the 1996 American Society of Anesthesiologist's (ASA) Guidelines for Sedation and Analgesia by Non-Anesthesiologists ("Guidelines") and subsequent revisions and/or amendments. Compliance with the guidelines shall be documented in the patient records;

(ii) Licensee shall become certified in Advanced Cardiac Life Support on or before May 12, 2005. Licensee has until the

end of August 2005 to complete certification if he can demonstrate that a course is not available until this time;

- (iii) Licensee shall instruct all patients who receive conscious sedation to remain in his clinic at least one hour following the procedure. The Guidelines shall be followed during this time and with all patients until they are dismissed from the clinic;
- (iv) The parties agree to adopt the Guidelines for Office-Based Surgery and Special Procedures (“Guidelines for OBS”) approved by the Board as recommendations on October 12, 2002, a copy of which is attached. The parties agree that Licensee shall meet these guidelines in his practice of medicine and surgery. This means that the recommendations, however worded in the Guidelines for OBS, are mandatory. The requirement for accreditation for a nationally recognized accrediting agency shall be accomplished within one year following the date of this agreement. Meeting the standards adopted by any one of the organizations appearing on Guideline for OBS Appendix B shall satisfy the requirements of this agreement. Licensee shall appear before the Board at the April 2005 meeting to identify the standards promulgated by an organization appearing on Guideline for OBS Appendix B that he will

follow, and a time period for meeting those standards will be adopted by the Board.

- b. Licensee shall pay a fine of \$1,000.00. Such fine is due and payable to the Board within thirty (30) days of the filing of the Consent Order; and
- c. The Board will conduct at least two unannounced office inspections within the next six months to ensure that Licensee is properly disposing of waste, handling and maintaining medications in an appropriate manner, and maintaining a clean clinic. Prior to the inspection, a Board investigator will meet with Licensee and provide Licensee with the guidelines regarding the Board's expectations for the three items for inspection.

18. Licensee's failure to comply with the provisions of the Consent Order may result in the Board taking further disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act.

19. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Healing Arts Act, or to investigate complaints received under the Risk Management Law, K.S.A. 64-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Healing Arts Act.

20. Licensee hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees and agents, hereinafter collectively

referred to as “Releasees”, from any and all claims, including but not limited to, those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

21. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to the National Practitioner Databank, Federation of State Medical Boards, and any other reporting entities requiring disclosure of the Consent Order.

22. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

23. Licensee agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.

24. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member in any future proceedings on the basis that the Board member has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

25. Licensee acknowledges that he has read this Consent Order and fully understands the contents.

26. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

27. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Stacy L. Cook, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

28. Licensee shall obey all federal, state and local laws and rules governing the practice of medicine and surgery in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

29. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. This Consent Order shall constitute the Board's Order when filed with the office of the Executive Director for the Board and no further Order is required.

30. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

IT IS FURTHER ORDERED that :

- a. Licensee shall not practice medicine and surgery unless he complies with each of the following:
 - (i) Licensee agrees to follow the 1996 American Society of Anesthesiologist's (ASA) Guidelines for Sedation and Analgesia by Non-Anesthesiologists ("Guidelines") and subsequent revisions and/or amendments. Compliance with the guidelines shall be documented in the patient records. ;
 - (ii) Licensee shall become certified in Advanced Cardiac Life Support on or before May 12, 2005. Licensee has until the end of August 2005 to complete certification if he can demonstrate that a course is not available until this time;
 - (iii) Licensee shall instruct all patients who receive conscious sedation to remain in his clinic at least one hour following the procedure. The Guidelines shall be followed during this time and with all patients until they are dismissed from the clinic;
 - (iv) The parties agree to adopt the Guidelines for Office-Based Surgery and Special Procedures ("Guidelines for OBS")

approved by the Board as recommendations on October 12, 2002, a copy of which is attached. The parties agree that Licensee shall meet these guidelines in his practice of medicine and surgery. This means that the recommendations, however worded in the Guidelines for OBS, are mandatory. The requirement for accreditation for a nationally recognized accrediting agency shall be accomplished within one year following the date of this agreement. Meeting the standards adopted by any one of the organizations appearing on Guideline for OBS Appendix B shall satisfy the requirements of this agreement. Licensee shall appear before the Board at the April 2005 meeting to identify the standards promulgated by an organization appearing on Guideline for OBS Appendix B that he will follow, and a time period for meeting those standards will be adopted by the Board.

- b. Licensee shall pay a fine of \$1,000.00. Such fine is due and payable to the Board within thirty (30) days of the filing of the Consent Order; and
- c. The Board will conduct at least two unannounced office inspections within the next six months to ensure that Licensee is properly disposing of waste, handling and maintaining medications in an appropriate manner, and maintaining a clean clinic. Prior to the

inspection, a Board investigator will meet with Licensee and provide Licensee with the guidelines regarding the Board's expectations for the three items for inspection.

IT IS SO ORDERED on this 12TH day of February, 2005.

**FOR THE KANSAS STATE
BOARD OF HEALING ARTS:**

_____/s/_____
Lawrence T. Buening, Jr.
Executive Director

PREPARED AND APPROVED BY:

_____/s/_____
Stacy L. Cook #16385
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3065

AGREED TO BY:

_____/s/_____
Krishna Rajanna, M.D.
Licensee

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the **CONSENT ORDER** by United States mail, postage prepaid, on this 14th day of February, 2005 to the following:

Krishna Rajanna, M.D.
838 W. 39th Terrace
Kansas City, Missouri 64111

and the original was hand-delivered to:

Lawrence T. Buening, Jr.
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

_____/s/_____
Stacy L. Cook