

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

FAROUK Y. KHAN, M.D.,
RESPONDENT.

:
:
: FINAL DECISION AND ORDER
:
:

ORDER 0008656

Division of Legal Services and Compliance Case No. 21 MED 317

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Farouk Y. Khan, M.D.
Dothan, AL 36305

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-f8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Farouk Y. Khan, M.D. (Respondent), (Year of Birth 1950) is licensed in the state of Wisconsin to practice medicine and surgery, having license number 61099-20, first issued on July 18, 2013, with registration current through October 31, 2023. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Dothan, Alabama 36305.

2. At all times relevant to this proceeding, Respondent practiced as a pain management physician at three locations in Alabama.

Prior Board Action 17 MED 096

3. On October 28, 2016, the Alabama Board of Medical Examiners (Alabama Board) issued an Order Summarily Suspending Respondent's three Pain Management Registrations (PMRs) based upon his admission that he wrote prescription orders for patients who had previously obtained excessive amounts of controlled substances from other physicians for no legitimate purpose.

4. On April 14, 2017, the Alabama Board issued a Consent Order that revoked Respondent's three PMRs, revoked Respondent's Alabama Controlled Substances Certificate (ACSC), stayed the revocation of Respondent's ACSC, and placed Respondent's ACSC on probation for 18 months under the following terms and conditions:

- a. No ordering, prescribing, dispensing or administering Schedule II and Schedule IIN controlled substances;¹
- b. No ordering, prescribing, dispensing or administering opioids or benzodiazepines;
- c. No owning, practicing in, serving as a medical director, or being employed by a pain management practice;
- d. No working in, owning, or being affiliated with a methadone clinic or provide addiction treatment services utilizing buprenorphine; and
- e. Required monitoring by the Alabama Board to ensure compliance.

5. On December 20, 2017, the Wisconsin Medical Examining Board (Board) issued Order No. 5556, which reprimanded Respondent and required him to remain in compliance with all the terms and conditions of the April 14, 2017 Alabama Order, and to inform the Board if he intended to return to Wisconsin to practice. This Order also required Respondent to provide the Board with a copy of any document issued by the Alabama Board which alters the conditions of Respondent's practice of medicine in Alabama.

6. On August 19, 2019, the Board granted Respondent full licensure upon petition by Respondent.

DLSC Complaint No. 21 MED 317

7. In March 2019 Respondent requested that the Alabama Board remove the terms of probation on his ACSC. The Alabama Board agreed to do so if Respondent agreed to comply with several restrictions on his license to practice medicine. Respondent agreed and on April 11, 2019, signed a "Voluntary Agreement" which contained the agreed upon restrictions. The restrictions included:

- a. Respondent will not order, prescribe, dispense, or administer Schedule II and IIN controlled substances;
- b. Respondent will not order, prescribe, dispense, or administer opioids or narcotics;

¹ This category is for drugs that have a high potential for abuse which may lead to severe psychological or physical dependence. Drug Schedule II/IIN substances are considered to have medical value.

- c. Respondent will not order, prescribe, dispense, or administer benzodiazepines; however, he can prescribe clonazepam only as adjunct therapy for epilepsy;
- d. Respondent agrees he will not own, practice in, serve as the medical director for, or be employed by a pain management practice;
- e. The Board will continue to monitor his prescribing practices; and
- f. Any violation of the Agreement may result in the Board taking disciplinary action against Respondent's ACSC and/or his medical license.

8. On April 16, 2019, the Alabama Board issued an Order removing the probation on Respondent's ACSC.

9. On July 7, 2021, Respondent entered into a Consent Order with the Alabama Board, in which the Alabama Board found that Respondent had issued five Schedule II controlled substances in violation of the terms of the Voluntary Agreement executed by him on April 11, 2019, and that he prescribed controlled substances not authorized by his registration certificate, in violation of Ala. Admin. Code R. 540-X-5-.03(1)(g) and Ala. Code §§ 20-2-54 and 54.1. The Alabama Board assessed a \$5,000.00 administrative fine.

10. On August 5, 2019, Respondent petitioned the Wisconsin Medical Examining Board for full licensure. Included in his petition was a copy of the Alabama Board's April 16, 2019 Order granting full licensure and a screenshot of his Alabama license showing, "Full Unrestricted ACSC." Respondent did not report or provide a copy of the Voluntary Agreement he entered into with the Alabama Board on April 11, 2019. The Board granted Respondent full licensure unaware that he had entered into a Voluntary Agreement with the AL Board which Agreement contained restrictions on his license to practice medicine in Alabama.

11. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3) and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § Med 10.03(1)(b) by knowingly engaging in fraud or misrepresentation or dishonesty in applying, for or procuring a medical license, by examination for a medical license, or in connection with applying for or procuring periodic renewal of a medical license, or in otherwise maintaining such licensure.

3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § Med 10.03(3)(c) by having any credential pertaining to the practice of medicine and surgery or any act constituting the practice of medicine and surgery become subject to adverse determination by any agency of this or another state, or by any federal agency or authority.

4. As a result of the above conduct, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent is REPRIMANDED.
3. Respondent's license and registration to practice medicine and surgery in the state of Wisconsin (license no. 61099-20), is LIMITED as follows:
 - a. Within ninety (90) days of the date of this Order, Respondent shall at his own expense, successfully complete four (4) hours of education on the topic of professional ethics, and four (4) hours of education on the topic of prescribing of controlled substances, offered by a provider pre-approved by the Board's monitoring liaison, including taking and passing any exam offered for the courses.
 - b. Respondent shall submit proof of successful completion of the education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department, and also may not be used in future attempts to upgrade a credential in Wisconsin.
 - c. The Board's monitoring liaison may change the number of credit hours and/or education topics in response to a request from Respondent. The monitoring liaison may consider the topic availability and/or hours of education when determining if a change to the ordered education should occur.
 - d. This limitation shall be removed from Respondent's license and registration after satisfying the Board or its designee that Respondent has successfully completed all the ordered education.
4. Within ninety (90) days from the date of this Order, Respondent shall pay COSTS of this matter in the amount of \$1,543.00.
5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dspsmonitoring.wi.gov>.

6. In the event Respondent violates any term of this Order, Respondent's license and registration (no. 61099-20), or Respondent's right to renew his license and registration, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

7. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By: Shelton A. Wasserman, MD
A Member of the Board

7/19/2023
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

FAROUK Y. KHAN, M.D.,
RESPONDENT.

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STIPULATION

ORDER 0008656

Division of Legal Services and Compliance Case No. 21 MED 317

Farouk Y. Khan, M.D. (Respondent) and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.

9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Farouk Y. Khan, M.D., Respondent
Farouk Y. Khan, M.D., Respondent
Dothan, AL 36305
License No. 61099-20

06/20/2023
Date

Matthew Valley
Matthew Valley, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

6/21/2023
Date