

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

In the Matter of)
)
Aman K. Patel, D.O.) **KSBHA Docket No. 25-HA00015**
Kansas License No. 05-46078)
_____)

**AMENDED ORDER IMMEDIATELY SUSPENDING LICENSEE
PURSUANT TO K.S.A. 65-28,133 AND NOTICE OF HEARING**

NOW on this 8th day of January 2025, the Kansas State Board of Healing Arts (KSBHA) amends its Summary Order issued on November 21, 2024, and finds and orders the following:

1. On April 14, 2022, the KSBHA granted an active License No. 05-46078 to Aman K. Patel, D.O. (Licensee) to practice osteopathic medicine and surgery in Kansas as a participant in the Interstate Medical Licensure Compact (IMLC), codified at K.S.A. 65-28,133.
2. Licensee last renewed his license in Kansas on October 9, 2024.
3. On November 21, 2024, the KSBHA proposed suspension of Licensee’s license when it learned that the Maryland State Board of Physicians (Maryland), a member state of the IMLC, summarily suspended Dr. Patel’s license on October 23, 2024. Maryland Order for Summary Suspension of License to practice Medicine, Exhibit 1 to this Amended Order.

4. The Mississippi Board, also an IMLC member state, thereafter, immediately suspended Licensee's license in Mississippi finding "that the public health, safety, or welfare imperatively requires emergency action." See, Summary Order filed in this case.

5. The KSBHA's November 21, 2024, would have summarily suspended Licensee's Kansas license had he not requested a hearing.

6. Licensee requested a hearing, and the matter was set for hearing on the next available hearing date for February 14, 2025.

7. On December 4, 2024, Disciplinary Panel #39 filed its Response to Licensee's Request for Hearing arguing that the IMLC required that its 90-day suspension be automatic and immediate "without further action necessary" citing K.S.A. 65-28,133, Section 10(d).

8. On its face, it might appear that there is a conflict between the procedural requirements of the Kansas Administrative Procedures Act (KAPA) K.S.A. 77-501 *et seq.*, allowing for a hearing on certain orders *before* the orders become effective and the IMLC's language about automatic and immediate effectiveness of Board orders.

9. Kansas law, however, provides a means to resolve the conflict. "A specific statute controls over a general statute." *In re Mental Health Ass'n of Heartland*, 289 Kan. 1209, 1215, 221 P.3d 580 (2009). In this instance, the more

specific provisions of the IMLC control over the general statutes of KAPA. The specific provision for an immediate and automatic suspension “to permit member boards to investigate the basis for the action . . .”, K.S.A. 65-28,133, Section 10(d), takes priority over the more general summary proceedings of KAPA. In fact, K.S.A. 77-537(a)(1) of KAPA recognizes that its provisions apply only if the summary procedure “does not violate any provision of law.” In short, KAPA defers to the specific provisions applicable under other statutes, in this case the IMLC mandating an automatic and immediate suspension.

10. Kansas law also recognizes an agency’s right to take immediate action in situations posing an immediate danger to the public health, safety or welfare. *See*, K.S.A. 77-536. Mississippi recognized an immediate need to discipline Licensee based on Maryland’s findings.

11. Maryland’s findings included Licensee’s engagement in a “pattern of sexual harassment of at least four” females and identified that Licensee was using excessive force of unwanted sexual acts, groping female’s intimate body parts, and exposing his genitals to females. Maryland Order, p. 3, ¶ 5. The KSBHA finds that Licensee’s behaviors in this regard warrant KSBHA’s immediate action to prevent what happened in Maryland from happening in Kansas.

12. Under the IMLC, a member board “may terminate the automatic suspension of the license it issued prior to the completion of the 90-day suspension in

a manner consistent with the medical practice act of that state.” K.S.A. 65-28,133, Section 10(d). Licensee, therefore, is entitled to the opportunity to be heard on the issue of whether the KSBHA should terminate the automatic suspension prior to the completion of 90 days.

WHEREFORE, this order clarifies and amends the procedure to be applied in this matter as follows:

1. LICENSEE IS AUTOMATICALLY AND IMMEDIATELY SUSPENDED pursuant to K.S.A. 65-28,133, Section 10(d) for a period of 90 days or for such shorter period determined by the KSBHA to be necessary following a hearing.
2. This 90-day Suspension is effective on the date of service of this order.
3. Licensee is entitled to a hearing on the issue about whether the KSBHA should shorten the suspension prior to the completion of those 90 days. That is the justiciable issue before the KSBHA.
4. The hearing on this issue is set for February 14, 2025, or as otherwise duly scheduled, is in-person at the Board offices, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas, 66612 and is continuing until concluded.
5. Notice of this suspension is reasonable under the law.
6. An additional notice of hearing will follow with the details of the hearing set for February 14, 2025.

PLEASE TAKE NOTICE that this Order is a public record and is subject to reporting requirements.

IT IS SO ORDERED.

KANSAS STATE BOARD OF
HEALING ARTS



Susan Gile
Executive Director

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing **Amended Order Immediately Suspending Licensee Pursuant to K.S.A. 65-28,133 and Notice of Hearing** was served this 8th day of January 2025 by depositing the same in the United States Mail, first-class postage prepaid, and via email addressed to:

Aman K. Patel

CONFIDENTIAL

Licensee

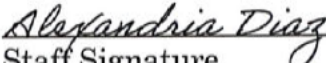
A copy was hand delivered to:

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and the original filed with the office of the Executive Director.


Staff Signature