BEFORE THE MISSOURI
STATE BOARD OF PODIATRIC MEDICINE

MISSOURI STATE BOARD OF
PODIATRIC MEDICINE, )
) )
Petitioner, ) ) Case number: POD-15-001-PV
)v.

ARMAND KACHIGIAN,
) )
Respondent.
)

ORDER OF THE MISSOURI
STATE BOARD OF PODIATRIC MEDICINE
DISCIPLINING THE LICENSE OF ARMAND KACHIGIAN

On or about August 5, 2010, the Missouri State Board of Podiatric Medicine ("Board") and Armand Kachigian ("Licensee"), entered into a Settlement Agreement Between State Board of Podiatric Medicine and Armand A. Kachigian ("2010 Settlement Agreement"), placing Licensee’s podiatric medicine license, license number 2006005132, on probation for a period of five (5) years subject to the terms and conditions set forth therein. The 2010 Settlement Agreement became effective on August 20, 2010.

On July 25, 2013, following a hearing before the Board, the Board issued a second order ("2013 Disciplinary Order") finding that Licensee violated several terms and conditions of the 2010 Settlement Agreement. The 2013 Disciplinary Order gave Licensee thirty days to come into compliance with the 2010 Settlement Agreement and held that if Licensee failed to come into compliance, Licensee’s license would be suspended for a period not to exceed three years until he came into compliance with the 2010 Settlement Agreement. The Board subsequently suspended Licensee’s license on or about September 20, 2013.
On December 26, 2014, the Board’s litigation counsel filed a Probation Violation Complaint with the Board alleging violations of the 2010 Settlement Agreement as incorporated into the August 20, 2013 Disciplinary Order.

On April 16, 2015, at approximately 4:00 p.m., the Board held a hearing pursuant to notice and § 621.110 and § 324.042, RSMo,¹ at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri 65102, for the purpose of determining whether there had been violation(s) of the probationary terms set forth in the Settlement Agreement. The Board was represented by Assistant Attorney General Faraz Nayyar. Respondent received proper notice and opportunity to appear and appeared in person without legal counsel. After being present and considering all of the evidence presented during the hearing, the Board issues the following Findings of Facts, Conclusions of Law and Order.

Based upon the foregoing the Board hereby states:

I. 

FINDINGS OF FACT

1. The Board is an agency of the state of Missouri created and established pursuant to § 330.100, RSMo, for the purpose of licensing all persons engaged in the practice of podiatric medicine in this state. The Board has control and supervision of the licensed occupation and enforcement of the terms and provisions of chapter 330, RSMo.

2. Armanı Kachigian ("Licensee"), is a natural person holding a license to practice podiatric medicine, license number 2006005132. Licensee’s license expired February 28, 2014 due to non-renewal.

¹Unless otherwise specified, all statutory references are to the Revised Statutes of Missouri (2000), as amended.
3. On or about August 20, 2010, Licensee’s podiatric medicine license was placed on probation via the 2010 Settlement Agreement with the Board for failing to disclose to the Board that his podiatric license with the State of Illinois had been disciplined and failing to disclose to the Board that Licensee had voluntarily surrendered his DEA Registration due to his violation of federal regulation. These instances regarded Respondent’s prescribing controlled substances to an individual with whom he had a personal relationship but was not his patient and was not for a legitimate medical purpose. On July 26, 2010, Licensee signed the Settlement Agreement. On August 5, 2010, the Board’s Executive Director signed the Settlement Agreement on behalf of the Board. On August 20, 2010, the Settlement Agreement became effective.

4. The Settlement Agreement provides, within section II, Joint Agreed Disciplinary Order, in pertinent part:

2. **Terms and conditions of the disciplinary period.** The terms and conditions of the disciplinary period are:

... 

3. Upon the expiration of the disciplinary period, the license of Kachigian shall be fully restored if all requirements of law have been satisfied; provided, however, that in the event the Board determines that Kachigian has violated any term or condition of this Settlement Agreement, the Board may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke, or otherwise lawfully discipline Kachigian’s license.

... 

7. If any alleged violation of this Settlement Agreement occurred during the disciplinary period, the parties agree that the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. Kachigian agrees and stipulates that the Board has continuing jurisdiction to hold a
hearing to determine if a violation of this Settlement Agreement has occurred.

5. In August 2013, the Board entered a second order with an effective date of September 20, 2013 ("2013 Disciplinary Order"). The 2013 Disciplinary Order found that Kachigian had violated several terms and conditions of the 2010 Settlement Agreement.

6. The 2013 Disciplinary Order states the following:

[Kachigian] ... shall remain on probation as set forth in the [2010 Settlement Agreement]. Additionally, Licensee shall have 30 calendar days from the effective date of this order to fully comply with the probation terms regarding continuing medical education set forth in paragraphs II, 2, D and II, 2 E of the [2010 Settlement Agreement]. Should Licensee fail to so comply with such probation terms, Licensee’s license will, on the 31st calendar day from the effective date of this order, be suspended for a period until Licensee does so comply, not to exceed 3 years. ... The suspension period, if any, and the probation period shall constitute the disciplinary period.

7. The Board subsequently suspended Kachigian’s license for failure to comply with the 2013 Disciplinary Order.


9. Kachigian is in violation of several terms and conditions of the 2010 Settlement Agreement as incorporated by the 2013 Disciplinary Order. The incorporated terms and conditions of the 2010 Settlement Agreement, Order, Section 2 include:

... 

C. During the disciplinary period, Kachigian shall timely renew his license and timely pay all fees required for licensing and comply with all other Board requirements necessary to maintain Kachigian’s license in a current and active state.

... 

H. Kachigian shall submit written reports to the Board no later than January 1 and July 1 of each year of the disciplinary period on
forms provided by the Board, stating truthfully whether there has been compliance with all the conditions of this agreement. It is Kachigian’s responsibility to see that the reports are submitted. Failure of the Board to provide the reporting forms shall not relieve Kachigian of the obligation to make the required reports.

10. Kachigian failed to timely renew his license and keep it in a current and active state as required by Section 2.C. of the 2010 Settlement Agreement’s Disciplinary Order.

11. Kachigian failed to submit the January 2014 and July 2014 written compliance reports required by Section 2.H. of the 2010 Settlement Agreement’s Disciplinary Order.

12. Kachigian was present at the April 16, 2015 hearing. In his sworn testimony, Kachigian acknowledged that he did not submit the required compliance reports in 2014 and that he did not renew his license.

II.

CONCLUSIONS OF LAW

13. This Board has jurisdiction over this proceeding pursuant to § 324.042, RSMo, and pursuant to the terms of the 2010 Settlement Agreement and the 2013 Disciplinary Order.

14. Section 324.042, RSMo, provides:

Any board, commission, or committee within the division of professional registration may impose additional discipline when it finds after hearing that a licensee, registrant, or permittee has violated any disciplinary terms previously imposed or agreed to pursuant to settlement. The board, commission, or committee may impose as additional discipline any discipline it would be authorized to impose in an initial disciplinary hearing.

15. The 2010 Settlement Agreement provides, within section II, Joint Agreed Disciplinary Order, in pertinent part:

2. **Terms and conditions of the disciplinary period.** The terms and conditions of the disciplinary period are:

   

   ...
3. Upon the expiration of the disciplinary period, the license of Kachigian shall be fully restored if all requirements of law have been satisfied; provided, however, that in the event the Board determines that Kachigian has violated any term or condition of this Settlement Agreement, the Board may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke, or otherwise lawfully discipline Kachigian’s license.

... 

7. If any alleged violation of this Settlement Agreement occurred during the disciplinary period, the parties agree that the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. Kachigian agrees and stipulates that the Board has continuing jurisdiction to hold a hearing to determine if a violation of this Settlement Agreement has occurred.

16. Licensee, by failing to timely provide written compliance reports to the Board, violated the 2010 Settlement Agreement and is subject to additional discipline under § 324.042, RSMo, and the 2010 Settlement Agreement.

17. Licensee, by failing to timely renew his license and keep it in a current and active state, violated the 2010 Settlement Agreement and is subject to additional discipline under § 324.042, RSMo, and the 2010 Settlement Agreement.

18. The Board has determined that this Order is necessary to ensure the protection of the public.

III.

ORDER

Having fully considered all the evidence before the Board, it is the ORDER of the Board that the podiatric medicine license of Armand Kachigian, license number 2006005132, is hereby
CENSURED. Should Licensee wish to practice podiatric medicine in Missouri, Licensee shall reapply for a license in accordance with the current requirements for licensure.

The Board will maintain this Order as an open and public record of the Board as provided in Chapters 330, 610 and 324, RSMo.

SO ORDERED, THIS 5th DAY OF MAY, 2015.

MISSOURI STATE BOARD OF PODIATRY

Sandy Sebastian, Executive Director