BEFORE THE MISSOURI
STATE BOARD OF PODIATRIC MEDICINE

MISSOURI STATE BOARD OF
PODIATRIC MEDICINE, )
) Petitioner,
) Case number: POD-13-001-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 ("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. This Settlement Agreement became effective on August 23, 2010.

On June 27, 2013, the Board’s litigation counsel filed a Probation Violation Complaint with the Board alleging violations of the Settlement Agreement by Licensee.

On July 25, 2013, 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

¹ Unless otherwise specified, all statutory references are to the Revised Statutes of Missouri (2000), as amended.
Board was represented by Assistant Attorney General You Jin Han. 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. Armand Kachigian ("Licensee"), is a natural person holding a license to practice podiatric medicine, license number 2006005132.

3. On or about August 20, 2010, Licensee’s podiatric medicine license was placed on probation via the 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, 2012, the Settlement Agreement became effective.
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:

   D. During the disciplinary period, Kachigian’s continuing medical education must be completed as required by 20 CSR 2230-2.030 and reported to the Board as each continuing education course is completed.

   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.

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. Licensee failed to timely report to the Board his completion of each required continuing medical education ("CME") courses.

6. Licensee failed to submit to the Board written compliance reports required under section II, 2., H, of the Settlement Agreement that were due on January 1, 2012, July 1, 2012 and January 1, 2013.

7. On or about February 28, 2012, Licensee submitted an online license renewal application to the Board on which he certified that he had completed the CME required under 20 CSR 2230-2.030 during the period two-years prior. Licensee’s license was subsequently renewed by the Board.

8. On or about April 1, 2013, Licensee submitted a compliance report to the Board in which he claimed to have been in full compliance with all of the terms of the Settlement Agreement. However, such attestation was untrue in that Licensee had not timely reported completion of the required CME to the Board and Licensee had not submitted compliance reports to the board by the required January 1, 2012, July 1, 2012 and January 1, 2013 deadlines.

9. The Board’s counsel presented evidence of the Board’s correspondence to Licensee regarding his obligations to report to the Board under the Settlement Agreement.

10. Since the August 20, 2010 effective date of the Settlement Agreement, Licensee has submitted no documentation of completed CME to the Board.

11. Licensee did not apply for an extension of time to complete the CME requirements pursuant to 20 CSR 2230-2.030(7)(f) and was not granted any such extension by the Board.

12. The Board set this matter for a probation violation hearing and served notice of the hearing upon Licensee in a proper and timely fashion.
13. At the July 25, 2013 probation violation hearing before the Board, Licensee testified that he was not denying any of the Board’s allegations, that he drove 150 miles to attend the Board’s hearing, and that he does have proof of the CME that he has completed. Licensee testified that if the Board wants the proof of CME completed, then he will submit that to the Board. Licensee asked that the Board make the punishment fit the crime and that he thought the original probation set out in the Settlement Agreement was excessive. Licensee testified that he has not cheated anyone, harmed anyone or placed anyone in danger. Licensee testified that he has been practicing for 22 years and now can’t get on staff at a hospital or get insurance. Licensee testified that he has been working in his friend’s office and would like to continue working. Licensee testified that he has been unaware of all this “rigmarole” involved with his probation. Licensee testified that he has re-obtained his DEA number. Licensee testified that he has completed over 100 hours of CME credits for the last two years. Licensee testified that he did not take a medical records class but just took standard CME classes. When asked why Licensee had not just submitted the required reporting to the Board, Licensee testified that he did not have an answer for that.

II.

CONCLUSIONS OF LAW

14. This Board has jurisdiction over this proceeding pursuant to § 324.042, RSMo, and pursuant to the terms of the Settlement Agreement.

15. 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.

16. Section 330.160, RSMo, provides, in pertinent part:

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2, for disciplinary action are met, the board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the certificate of registration or authority, permit, or license.

4. In any order of revocation, the board may provide that the person may not apply for reinstatement of the person's certificate of registration or authority, permit, or license for a period of time ranging from two to seven years following the date of the order of revocation. All stay orders shall toll this time period.

17. 20 CSR 2230-2.030, provides, in pertinent part:

(2) Each applicant for license renewal shall certify to the board that s/he has attended twenty-four (24) hours of board-approved continuing medical education (CME) for the biennial renewal period immediately preceding the biennial license renewal date.

(3) The reporting period for satisfying the CME requirements shall be the twenty-four (24)-month period immediately preceding the biennial license renewal date, which is February 28 of each even-numbered year. All CME hours shall be board approved. CME hours earned after the biennial renewal date (February 28 of even-numbered years) shall apply to the next reporting cycle. A renewal license will not be issued until all renewal requirements have been met.

(4) For the license renewal due on February 28, 2006, and each subsequent renewal thereafter, the licensee shall certify that s/he has obtained at least twenty-four (24) or fifty (50) hours, whichever is relevant, of continuing medical education during the two (2)-year period preceding the renewal on the renewal form provided by the board. The renewal form shall be submitted directly to the board, either by mail or online renewal, by February 28 of each even-numbered year. The licensee shall not submit
the record of CME attendance to the board except in the case of a board audit.

18. Licensee did not at any relevant time, qualify for any of the exceptions to the CME requirements contained in 20 CSR 2230-2.030(7)(H).

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

20. Licensee, in the compliance report that he did submit to the Board, failed to truthfully attest to his compliance in violation of the Settlement Agreement and is subject to additional discipline under § 324.042, RSMo, and the Settlement Agreement.

21. Licensee, by failing to timely report to the Board his completion of required CME courses, violated the Settlement Agreement and is subject to additional discipline under § 324.042, RSMo, and the Settlement Agreement.

22. 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, shall remain on probation as set forth in the 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 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 three years. With regard to the requirements of paragraph II, 2, D of the Settlement Agreement, to avoid licensure suspension, Licensee shall submit the required reporting only as it relates to the CME requirements for the February 2012 licensure renewal. Licensee shall comply with such term of discipline on an ongoing basis following the effective date of this Order. With regard to the requirements of paragraph II, 2, E of the Settlement Agreement, this is a one-time requirement that, once satisfied by Licensee, is not again required as a term of discipline. The suspension period, if any, and the probation period shall constitute the disciplinary period. During Licensee’s probation, Licensee shall be entitled to engage in the practice of podiatry under chapter 330, RSMo, provided Licensee adheres to all of the terms of this Order, as set out forth herein. Licensee shall not practice podiatry during the suspension period, if any.

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 20TH DAY OF AUGUST, 2013.

THIS ORDER SHALL BE EFFECTIVE ON THE 20TH DAY OF

September, 2013.

MISSOURI STATE BOARD OF PODIATRY

Sandy Sebastian, Executive Director