

FILED

FEB 20 2023

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

KS State Board of Healing Arts

**In the Matter of** )  
**Mark L. Allen, M.D.** )  
 )  
**Kansas License No. 04-20229** )  
\_\_\_\_\_ )

**Docket No. 17-HA00064**

**ORDER TERMINATING CONSENT ORDER**

On February 10, 2023, this matter came before the Kansas State Board of Healing Arts (“Board”) a on a Motion to Terminate Consent Order (“Motion to Terminate”) filed on January 11, 2023, by Dr. Mark L. Allen (“Licensee” or “Dr. Allen”), through counsel, requesting termination of the Consent Order filed December 7, 2017, and the practice limitation contained therein. Licensee appeared in person and through counsel, Kelli Stevens of Forbes Law Group and Stevens Law, LLC. Matthew Gaus, Deputy Litigation Counsel appeared on behalf of the Disciplinary Panel (“Panel”).

Under the authority granted to the Board by K.S.A. 65-2801 *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, the Board hereby enters this Order in the above-captioned matter. After reviewing the agency record, hearing the statements and arguments of the parties, receiving evidence, and being otherwise advised in the premises, the Board makes the following findings, conclusions and order:

**FACTS**

1. On December 7, 2017, Dr. Allen entered into a Consent Order with the Board in this matter to resolve the following allegations: (1) **CONFIDENTIAL** (2)

Inability to practice the healing arts with reasonable skill and safety to patients **CONFIDENTIAL**  
**CONFIDENTIAL** (3) Dr. Allen's license was disciplined by Ohio; (4) Dr. Allen entered into a settlement agreement with the Ohio State Board of Pharmacy involving the withdrawal of Licensee's application for a Terminal Distributor of Dangerous Drug License; and (5) Dr. Allen willfully and/or repeatedly violated the Kansas Healing Arts Act.

2. The requirements of the Consent Order included, but were not limited to the following:
  - a. Agree to not practice in a pain clinic, where the sole purpose is to prescribe pain medications or solo practice.

**CONFIDENTIAL**

- h. Continue compliance with the Ohio Medical Board monitoring requirements as determined by that Board.

3. The 'Limitation' section of the Consent Order containing the prohibitions of practicing in a pain clinic wherein the sole purpose is to prescribe pain medications or solo practice states:

This limitation is not self-terminating. Licensee may request to terminate his limitation provision of this Consent Order. Such

request shall be in writing. Licensee shall have the burden of proving that this provision should be lifted by clear and convincing evidence.

4. On November 9, 2022, Dr. Allen filed a Motion to Modify **CONFIDENTIAL**

**CONFIDENTIAL**

5. On November 22, 2022, the Panel filed a Response to Dr. Allen's Motion to Modify ("Response"). The Response stated the Panel has no objection.
6. After a Conference Hearing on the Motion to Modify, the Board granted Dr. Allen's Motion to Modify, modifying the December 7, 2017 Consent Order **CONFIDENTIAL** **CONFIDENTIAL** effective December 28, 2022.
7. On January 11, 2023, Dr. Allen filed a Motion to Terminate Consent Order ("Motion to Terminate"), requesting the Consent Order be terminated in its entirety and the practice limitation of not practicing in a pain clinic wherein the sole purpose is to prescribe pain medications or solo practice be lifted.
8. The Motion to Terminate provided the following facts to support termination of the Consent Order and specifically, the practice limitation:
- a. On or about February 29, 2012, Dr. Allen applied for a registration with the Ohio State Board of Pharmacy to be a Terminal Distributor of Drugs with a Pain Management Clinic Classification. In that application, Dr. Allen disclosed his disciplinary history with the Ohio Medical Board.
  - b. On or about June 14, 2014, The Ohio Pharmacy Board proposed to deny Dr. Allen's application on the grounds that his conduct underlying the disciplinary actions by the Ohio Medical Board constituted "not being of good moral character."
  - c. At no time were there ever any allegations of drug diversion or inappropriate prescribing against Dr. Allen by either the Ohio Medical Board or the Ohio Pharmacy Board.
  - d. On or about May 27, 2015, the Ohio Pharmacy Board and Dr. Allen entered into a Settlement Agreement wherein Dr. Allen agreed to withdraw his application and never reapply.
  - e. Dr. Allen holds unrestricted DEA registrations in both Missouri and Kansas.

- f. Dr. Allen appeared before the Missouri Board of Registration for the Healing Arts in May 2020. The Missouri Board entered into a non-disciplinary “Agreement In Lieu of Discipline” with Dr. Allen **CONFIDENTIAL**

**CONFIDENTIAL**

Dr. Allen does not have any limitations on his Missouri medical license.

- g. Dr. Allen has no intention of engaging in solo practice or practicing in a pain management clinic that solely prescribes pain medications. However, the existence of the limitation adversely affects Dr. Allen’s ability to be credentialed by health care facilities and third-party payors that require physicians hold an unrestrictive scope of practice.

# CONFIDENTIAL

9. The Disciplinary Panel, through counsel, submitted a neutral response to the Motion to Terminate. Specifically, the Response stated the Panel does not oppose termination and termination of the Consent Order in its entirety should be considered by the Board.

## CONCLUSION

The Board finds that Licensee has proven by clear and convincing evidence that the limitation of not practicing in a pain clinic wherein the sole purpose is to prescribe pain medications or solo practice should be lifted and concludes that termination of the Consent Order is warranted under the circumstances.

**IT IS THEREFORE ORDERED**, that the Motion to Terminate Consent Order is **GRANTED** and the Consent Order filed December 7, 2017, is hereby **TERMINATED** and its practice limitation is **LIFTED** effective February 10, 2023.

**IT IS SO ORDERED.**

**KANSAS STATE BOARD OF HEALING ARTS**

*Susan Gile*

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Susan Gile, Executive Director  
Kansas State Board of Healing Arts

**NOTICE OF RIGHTS**

**PLEASE TAKE NOTICE** that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, a party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court, as authorized by K.S.A. 77-601, *et seq.* Reconsideration of a Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within **30 days** following service of the Final Order. A copy of any petition for judicial review must be served upon Susan Gile, Executive Director, at 800 SW Jackson, Lower Level – Suite A, Topeka, Kansas, 66612.

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Final Order Terminating Monitoring was served this 20th day of February 2023 by depositing the same in the United States Mail, first-class, postage prepaid, and email addressed to:

Mark L. Allen M.D.  
**CONFIDENTIAL**

*Licensee*

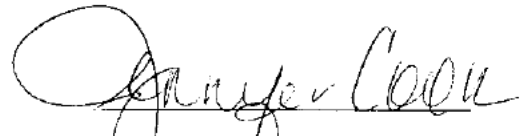
Kelli Stevens  
Stevens Law LLC  
15621 West 87<sup>th</sup> Street Parkway, #157  
Lenexa, KS 66219  
kstevens@stevenslawllc.com  
*Attorney for Licensee*

And a copy was hand-delivered to:

Matthew Gaus, Deputy Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level – Suite A  
Topeka, Kansas 66612

Compliance Coordinator  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level – Suite A  
Topeka, Kansas 66612

And the original was filed with the office of the Executive Director.

  
Staff Member