

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of)
)
Karen L. Epperson, M.D.) Docket No. 23-HA00032
Kansas License No. 04-24323)

CONSENT ORDER

COMES NOW, Disciplinary Panel #38 ("the Panel"), a duly constituted committee of the Kansas State Board of Healing Arts ("Board"), by and through Matthew Gaus, Deputy Litigation Counsel, and Karen L. Epperson, M.D. ("Licensee"), *pro se*, and move the Board for approval of a Consent Order affecting Licensee's license to practice medicine and surgery in Kansas. The Parties stipulate and agree to the following:

1. Licensee's last email address known to the Board is: **CONFIDENTIAL**
CONFIDENTIAL . Licensee's last e-mail address known to the Board is:
CONFIDENTIAL

2. Licensee is entitled to engage in the practice of medicine and surgery in Kansas, having been issued license number 04-24323 on October 31, 1992. Licensee's current license status is Active, having last renewed such license on or about May 24, 2022.

3. During all times relevant to the facts set forth in this Consent Order Licensee held an Active license to practice medicine and surgery in Kansas.

4. The Board has received information and **CONFIDENTIAL** has reason to believe there are grounds to take action against Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.* Specifically:

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a. Licensee holds a license to practice medicine and surgery in Missouri, having first been issued a license in that jurisdiction on or about February 1, 1996.

b. On or about March 16, 2022, the Board received a notification from the Federation of State Medical Boards (“FSMB”) indicating Licensee had been publicly reprimanded by the Missouri Board of Registration for the Healing Arts (“the Missouri Board”).

c. On or about March 14, 2022, the Missouri Board filed a Settlement Agreement resolving its investigation against Licensee. The Settlement Agreement states Licensee “stipulate[s] and agree[s]” to a number of facts, which include in pertinent part:

“8. On or about March 21, 2019, the Board received a complaint alleging that Licensee mailed personal correspondence to Complainant and, in this personal correspondence, [i]ncluded a copy of Complainant’s **CONFIDENTIAL** electronic medical record (“EMR”) data. This EMR data is alleged to have included a medical record demographic page, which listed Complainant’s name (maiden and married), aliases, medication allergies, date of birth, and social security number.

* * *

10. Licensee began working at the **CONFIDENTIAL** **CONFIDENTIAL** in or about July of 2017. Complainant was Licensee’s co-worker at the **CONFIDENTIAL**

11. Licensee admitted to accessing Complainant’s medical record, making a copy of the medical record, and mailing the copy of the medical record printout Identifying Complainant as an inmate to Complainant.

12. Licensee’s acts of accessing, copying, and mailing the copy of Complainant’s medical records to Complainant without authorization to do so is a violation of the federal Health Insurance Portability and Accountability Act (“HIPAA”).

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* * *

14. The above is cause to discipline Licensee's license"

d. Further investigation determined Licensee was terminated from her employment **CONFIDENTIAL** following the disclosure of the protected health information.

5. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 77-505. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

6. The Board is the sole and exclusive administrative agency in Kansas authorized to regulate the practice of the healing arts, and specifically the practice of medicine and surgery. K.S.A. 65-2801 *et seq.*

7. The Kansas Healing Arts Act is constitutional on its face and as applied in this case. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

8. Licensee voluntarily and knowingly waives her right to a hearing. Licensee voluntarily and knowingly waives her right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

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9. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

10. The Board has received information **CONFIDENTIAL** and has reason to believe there are grounds to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.* Specifically, the Board has evidence to establish the following:

a. Licensee violated K.S.A. 65-2836(j), which holds that a licensee may be subject to discipline where the licensee has had a license to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia, or other country. Specifically, Licensee was publicly disciplined in Missouri as a result of the conduct described above.

b. Licensee violated K.S.A. 65-2836(s), which holds that a licensee may be subject to discipline where sanctions or disciplinary actions have been taken against the licensee by a peer review committee, healthcare facility, a governmental agency or department or a professional association or society for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under the Kansas Healing

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Arts Act. Specifically, Licensee's employment was terminated from employment as a result of the conduct described above.

c. Licensee violated K.S.A. 65-2836(b) as further defined by K.S.A. 65-2837(b)(6), which holds that a licensee may be subject to discipline where the licensee has committed an act of unprofessional conduct. Unprofessional conduct is defined in pertinent part as the willful betray of confidential information. Licensee committed an act of unprofessional conduct by the willful betrayal of confidential medical information, as described above.

11. Licensee acknowledges that if formal proceedings were conducted and Licensee presented no exhibits, witnesses, or other evidence, and did not in any way otherwise contest the allegations and averments made by the Board, the Board has sufficient evidence to prove that Licensee has violated the Kansas Healing Arts Act with respect to the above allegations. Licensee further waives her right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

12. Pursuant to K.S.A. 65-2836, the Board may revoke, suspend, limit, censure, or place under probationary conditions Licensee's license.

13. Pursuant to K.S.A. 77-505 and K.S.A. 65-2838(b) the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

14. **CONFIDENTIAL**
regarding Licensee were fully reviewed and considered by the Board members who serve on the

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Board's Disciplinary Panel. Disciplinary Panel No. 38 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

15. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Licensee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Licensee's license to engage in the practice of medicine and surgery in Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee has failed to comply with any of the terms or conditions set forth in this Consent Order. The Board acknowledges that at any such hearing, Licensee retains the right to confront and examine all witnesses, present evidence, testify on her own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*

16. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Healing Arts Act or to investigate complaints received under the Risk Management Law, K.S.A. 65-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Kansas Healing Arts Act.

17. Licensee hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees, and agents (hereinafter collectively referred to as "Releasees") from any and all claims, including but not limited to those for alleged damages,

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actions, liabilities, both administrative and civil, including the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.* arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

18. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.

19. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

20. Licensee agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.

21. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board

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member or General Counsel in any future proceedings on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

22. Licensee acknowledges she has read this Consent Order and fully understands the contents.

23. Licensee acknowledges this Consent Order has been entered into freely and voluntarily.

24. Licensee shall obey all federal, state, and local laws and rules governing the practice of medicine and surgery in Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

25. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 77-505 and K.S.A. 65-2838. This Consent Order shall constitute the Board's Order when filed with the office of the Executive Director for the Board and no further Order is required.

26. Licensee shall immediately notify the Board or its designees of any citation, arrest or charge filed against her or any conviction for any traffic or criminal offense excluding speeding and/or parking violations.

27. Licensee shall immediately notify the Board or its designee of any complaint filed, or investigation opened, by the proper licensing authority of another state, territory, District of Columbia, or other county, or by a peer review body, a health care facility, a professional association or society, or by a governmental agency.

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28. Licensee shall at all times keep Board staff informed of her current practice locations addresses and telephone numbers. Licensee shall provide the above information in writing to the Board within ten days of any such change.

29. This Consent Order constitutes **public disciplinary action**.

30. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

31. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against her license to engage in the practice of medicine and surgery in Kansas.

PUBLIC CENSURE

32. Licensee is hereby **publicly censured** for violating the Kansas Healing Arts Act.

IT IS HEREBY ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

IT IS SO ORDERED on this 12th day of June, 2023.

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FOR THE KANSAS STATE
BOARD OF HEALING ARTS:

Susan Hill

6/12/2023

Date

K Epperson M.D.

Karen L. Epperson, M.D.
Licensee

3/24/23

Date

PREPARED AND APPROVED BY:

/s Mathew Gaus

Matthew P. Gaus, #22609
Deputy Litigation Counsel
Kansas Board of Healing Arts
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the **Consent Order** by United States mail, postage prepaid, and via e-mail on this 12th day of June, 2023, to the following:

Karen L. Epperson, M.D.

CONFIDENTIAL

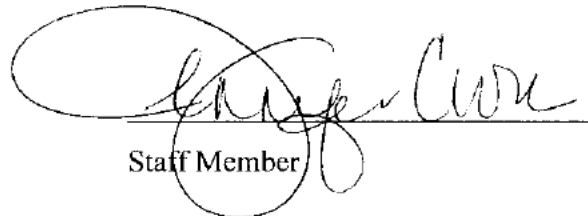
Licensee

And the original was hand-filed with:

Office of the Executive Director
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And a copy was hand-delivered to:

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


Staff Member

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