

FILED

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

JUL 9 2001

**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter of)

RICHARD M. GLOVER II, M.D.)

Kansas License No. 4-~~19462~~)

Docket No. 00-HA-39

_____)

22805
2/19/07 *UB*

FINAL ORDER

NOW ON THIS Twenty-third Day of June, 2001, this matter comes before the Board for review of the Initial Order issued May 23, 2001. Stacy L. Cook and Shelly R. Wakeman appear for Petitioner. Respondent Richard M. Glover II, M.D. appears in person and through counsel, David W. Steed.

Board Members Participating in Review of Initial Order

Board members present for review of the Initial Order include President Robert L. Frayser, D.O., Vice-President Lance E. Malmstrom, D.C., Donald B. Bletz, M.D., Frank K. Galbraith, D.P.M., Betty McBride, Public Member, Carolina M. Soria, D.O., Ronald J. Zoeller, D.C., Sue Ice, Public Member, Roger D. Warren, M.D., John P. Gravino, D.O., Howard D. Ellis, M.D., and Emily Taylor, Public Member. Of those members present, Dr. Warren and Ms. Ice recuse themselves.

Respondent objects to the participation of Dr. Gravino, Dr. Ellis and Ms. Taylor. Those members served on the disciplinary panel that authorized the petition which initiated this matter. The Board notes that the disciplinary panel does not actively investigate complaints, but does review the record to determine whether a disciplinary petition should be filed, and does

recommend settlement terms. With recusal of Dr. Warren and Ms. Ice, disqualification of Dr. Gravino, Dr. Ellis and Ms. Taylor would reduce the number of Board members participating below the statutory quorum for transacting business, as provided by K.S.A. 65-2822, and would deprive the Board of authority to perform its official duty. The Board finds that these three members are not biased or prejudiced against either party, and disqualification is not required. Out of necessity, Respondent's objection is overruled.

Findings of Fact

The Board adopts the Findings of Fact as stated in the Initial Order, except that the Board modifies the numbered paragraphs of the Initial Order appearing below. The substance of the modification appears in italics. The modification is based upon the portion of the record indicated in parenthesis. Those modified findings are as follows:

1. Licensee has been engaged in the practice of medicine in Newton, Kansas since *1991*. He practices as a family physician. (Tr. p. 888; Ex. 30 and 534.)

6. Licensee practices medicine at the *Axtell* clinic in Newton, Kansas. He has hospital privileges at Newton Medical Center (NMC). (**Confidential**)
(Confidential)

13. The Board contends Licensee deviated from the accepted standard of care in his treatment of six patients. The Board further contends the deviations from the accepted standard of care occurred on or about the following dates:

4/11/92 Pt. D.K. (Count V; cardiac)

9/10/98 Pt. S.T. (Count I; obstetrics)

2/15/98 Pt. F.G. (Count VI; cardiac)

3/24/99 Pt. D.A. (Count III; obstetrics)
6/11/99 Pt. A.Y. (Count II; obstetrics)
11/10/99 Pt. G.H. (Count IV; cardiac)

(Ex. 503.)

17. **(Confidential)**

(Confidential)

76. The *Board* finds that Licensee *did deviate* from the applicable standard of care in his treatment of A.Y. *as follows*:

A. *The monitoring of fetal heart tones during the 86 minutes between 2140 hours and 2306 hours was not sufficient. Even though hospital nursing staff were primarily responsible for performing the monitoring and reporting the fetal heart tones to the physician, Licensee was responsible for insufficient monitoring.* (Tr. p. 772-774.)

B. *Licensee failed to evaluate the patient until 1725 hours, more than eight hours after labor was induced but failed to progress. Licensee should have evaluated to determine whether a C-section or some other course of action was appropriate.* (Tr. p. 774-775.)

Conclusions of Law

The Board adopts the Conclusions of Law as stated in the Initial Order, except that the Board modifies paragraph 5 of the Initial Order as follows:

5. Licensee *failed* to adhere to the applicable standard of care in his treatment of patient A.Y. (Count II).

Order

The Board does not adopt the order for discipline stated in the Initial Order. Based upon

the foregoing findings of fact and conclusions of law, the license of Richard M. Glover II, M.D. is hereby limited as follows:

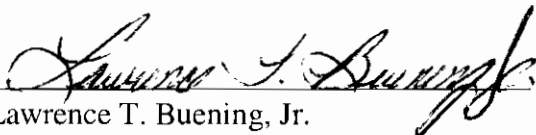
1. Licensee shall not practice obstetrics for a period of at least one year from the effective date of this order.
2. For a period of at least one year from the effective date of this order, Licensee shall not treat any patient who is in the hospital for the care of acute cardiac disease without first consulting a cardiologist or internal medicine specialist within one hour of making the diagnosis of acute cardiac disease. A documented telephone consultation satisfies the requirements of this limitation.
3. Licensee shall submit to an assessment by the Colorado Physician Evaluation Program (CPEP). At the conclusion of the one-year period following the effective date of this order, Licensee may move the Board to modify or remove the limitations imposed by this order. Such motion shall include a copy of the CPEP assessment and evidence of any actions Licensee has taken as a result of that assessment.
4. Costs of the proceeding are assessed against Licensee in the amount of \$19,810.83, payable within one year following the effective date of this order. This amount is computed by adding: (a) the costs of the hearing transcripts, but not including the deposition transcripts, in the amount of \$11,670; (b) the costs of staff travel in the amount of \$1478.01; (c) witness fees in the amount of \$762,40; (d) Presiding Officer fees, calculated at the rate of \$90 per hour plus costs, in the amount of \$10,262.81; and by multiplying the sum of those by 5/6, as is appropriate in light of the finding of no violation as alleged in count V.

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon

service. A party may seek judicial review of a Final Order by filing a petition under the Kansas act for judicial review and civil enforcement of agency actions, K.S.A. 77-601, *et seq.* A petition for judicial review is not timely unless filed within 30 days of the Final Order. A copy of any such petition must be served upon the Board addressed to the Executive Director, 235 S. Topeka Blvd., Topeka, Kansas 66603. Reconsideration is not a prerequisite to judicial review.

Dated this 9th day of July, 2001.

Kansas State Board of Healing Arts


Lawrence T. Buening, Jr.
Executive Director

Certificate of Service


I certify that a true copy of the foregoing Final Order was served this 9th day of July, 2001 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Richard M. Glover II, M.D.
203 E. Broadway
Newton, KS 67114
Respondent

David W. Steed
1600 Epic Center
301 Main
Wichita, KS 67202
Attorneys for Respondent

and a copy was hand-delivered to the office of:

Stacy L. Cook
Shelly R. Wakeman
235 S. Topeka Blvd.
Topeka, KS 66603
Attorneys for Petitioner

A handwritten signature in cursive script, appearing to read "Cheryl Snyder", is written over a horizontal line.