

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of)
ANN K. NEUHAUS, M.D.)
)
Kansas License No.: 04-21596)
)
)

KSBHA Docket No.: 10-HA00129

**FINAL ORDER REVOKING LICENSURE TO PRACTICE MEDICINE
AND SURGERY AND ASSESSING COSTS**

NOW, on this 22nd day of June 2012, comes before the Kansas State Board of Healing Arts (“Board”), a hearing to review an Initial Order issued in the above-captioned matter against Ann K. Neuhaus, M.D. (“Respondent/Licensee”) by a Presiding Officer at the Office of Administrative Hearings (“OAH”). This hearing is held pursuant to, and in accordance with, the provisions of the *Kansas Administrative Procedure Act*, K.S.A. 77-501 *et seq.* The Initial Order was filed following a hearing on the Board’s Petition seeking action against Respondent for alleged violations of the *Kansas Healing Arts Act*, K.S.A. 65-2801 *et seq.* The Board’s petition requested the revocation of Respondent’s license to practice medicine and surgery in the State of Kansas. Respondent appears in person and by and through counsel, Robert V. Eye and Kelly J. Kauffman of Kauffman & Eye Law firm. Reese H. Hays, Litigation Counsel, appears on behalf of the Petitioner Board.

Pursuant to the authority granted to the Board by the Kansas Healing Arts Act, and in accordance with the provisions of the Kansas Administrative Procedure Act, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the agency record, having heard the statements and arguments of the parties, having reviewed the finding of fact and conclusions in the initial order, having given due regard to the presiding officer’s opportunity to

observe and determine the credibility of each witness, and having been otherwise duly advised in the premises, the Board makes the following findings of fact, conclusions, and order:

Findings of Fact

1. Respondent was licensed to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-21596 on approximately December 5, 1986.

2. Respondent has remained a general practitioner license and has never been board-certified in a specialty.

3. In 1999, limitations were placed on Respondent's license to practice medicine and surgery in the State of Kansas when Respondent was found to have violated federal regulations concerning controlled substances and her U.S. Drug Enforcement Agency registration was limited.

4. In 2001, further limitations were placed on Respondent's license to practice medicine and surgery in the State of Kansas when Respondent was found to have repeatedly deviated from the standard of care in the treatment of patients.

5. On or about April 16, 2010, a Petition was filed against Respondent by the Board of Healing Arts seeking disciplinary action against Respondent's license to practice and medicine and surgery in the State of Kansas for allegations of multiple acts of failing to adhere to the appropriate standard of care in the treatment of patients, and failing to make and maintain adequate patient medical records.

6. Effective July 1, 2010, Respondent changed her license from "Active" to "Exempt" for the 2010-2011 renewal period, stating that her professional activities in Kansas would constitute "Charitable Health Care, Treatment of Family and Friends with no compensation."

7. On or about June 29, 2011, Licensee submitted an application with the Board of Healing Arts to change the status of her license to practice medicine and surgery in the State of Kansas from “Exempt” to “Active.” Licensee’s request was stayed by Presiding Officer Gaschler pending the outcome of the above-captioned matter, as it may render the request moot.

8. On September 12, 2011, through September 16, 2011, a formal hearing was held on the above-captioned matter before Presiding Officer Edward Gaschler with the Kansas Office of Administrative Hearings.

9. On or about February 17, 2012, Presiding Officer Gaschler issued an Initial Order in the above-captioned matter setting forth findings of facts, and conclusions of law; and, the Initial Order ordered the revocation of Respondent’s license to practice medicine and surgery in Kansas, and ordered the costs of the hearing to be assessed against Respondent, as set forth in a statement of costs to be filed by the Board.

10. Pursuant to K.S.A. 65-2846, the Petitioner Board filed a Statement of Costs setting forth the costs of litigating this matter, in the amount of \$92,672.44, and requested that such costs be assessed against Respondent.

Conclusions

11. The Board finds that Petitioner’s expert witness was a qualified expert in this matter, and concurs with the Presiding Officer in allowing the expert witness’ testimony.

12. The Board accepts, adopts, and incorporates by reference herein, each Finding of Fact set forth in the Initial Order.

13. The Board accepts, adopts, and incorporates by reference herein, each Conclusion set forth in the Initial Order, to include each violation of the Healing Arts Act set forth in the Initial Order.

14. The Board finds that, upon full consideration of all relevant facts, arguments, and circumstances in this proceeding, for Respondent's violations of the Healing Arts Act, Respondent's license to practice medicine and surgery in Kansas should be immediately revoked.

15. The Board finds that, upon full consideration of all relevant facts, arguments, and circumstances in this proceeding, the full costs of this proceeding, as set forth in Petitioner's Statement of Costs, should be assessed against Respondent.

16. The Board further finds that, upon full consideration of all relevant facts, arguments, and circumstances in this proceeding, Respondent's obligation to remit payment of the costs of this proceeding shall be stayed until such time as Respondent's final right of judicial review of this matter has expired.

Order

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS, that Respondent's license to practice medicine and surgery in Kansas, no. 04-21596, is hereby IMMEDIATELY REVOKED.

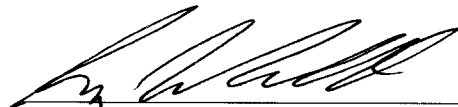
IT IS FURTHER ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS, that Respondent's request to stay the revocation of her license to practice medicine and surgery in Kansas until exhaustion of Respondent's final judicial appeal is hereby DENIED.

IT IS FURTHER ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS, that the costs of this proceeding, in the amount of **\$92,672.44**, are hereby assessed against Licensee, and that Licensee is ordered to remit the same, in full, to the Kansas State Board of Healing Arts.

IT IS FURTHER ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS, that the order to remit payment of the costs of this proceeding, in the amount of \$92,672.44, is hereby STAYED until such time as Respondent's final right of review of this matter, pursuant to the Kansas Judicial Review Act, K.S.A. 77-601 et seq., has expired.


IT IS FURTHER ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS, that immediately upon expiration of Respondent's final right of judicial review of this matter, pursuant to the Kansas Judicial Review Act, the full cost of this proceeding, in the amount of \$92,672.44, shall become due and owing by Licensee to the Kansas State Board of Healing Arts.

IT IS SO ORDERED THIS 5 DAY OF JULY, 2012, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



Gary L. Counselman, DC
President
Kansas State Board of Healing Arts

Prepared and Approved by:



Randy E. Stookey - #21885
Special General Counsel
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 Kathleen Selzler Lippert, the Board's Executive Director, at 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing **FINAL ORDER REVOKING LICENSURE TO PRACTICE MEDICINE AND SURGERY AND ASSESSING COSTS** was served on this 6th day of July 2012 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Ann K. Neuhaus, M.D.
CONFIDENTIAL
Nortonville, KS 66060

Robert V. Eye
Kelly J. Kauffman
KAUFFMAN & EYE
The Dibble Building
123 SE 6th Ave., Suite 200
Topeka, Kansas 66603

And a copy was hand-delivered to the following:

Reese H. Hays, Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

The original was filed with the office of:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612



Cathy Brown, Executive Assistant