

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

In the Matter of)
)
MARK L. ALLEN, M.D.)
License No. 04-20229)
_____)

Docket Number: 11-HA00053

FINAL ORDER

NOW ON THIS 28 day of February, 2011, the above-entitled matter comes before Kathleen Selzler Lippert, Executive Director of the Kansas State Board of Healing Arts ("Board"). After reviewing the file and being duly advised in the premises, the Executive Director makes the following determinations.

Findings of Fact

The Board has been shown the following facts:

1. Mark L. Allen, M.D. ("Licensee"), (confidential) Parma Heights, Ohio, is licensed to practice as a doctor of medicine and surgery in the State of Kansas, License No. 04-20229, and has been so licensed since December 9, 1983. Licensee's current license designation is inactive, and such license was last renewed on or about May 28, 2010.
2. On December 30, 2010, the Executive Director issued a Summary Order regarding Licensee's inactive license to practice as a doctor of medicine and surgery in the State of Kansas.
3. The Summary Order contained a notice that a written request for hearing could be filed within 15 days following service, but if no hearing was requested, the Summary Order

would become effective as a Final Order of the Board upon expiration of the time for requesting a hearing.

4. No hearing has been requested by any party.
5. The Summary Order contained a provision indefinitely suspending Licensee's license and a provision which publicly censured his license for violations of the Healing Arts Act, including:

- a.

(confidential)

- b. Licensee violated K.S.A. 65-2836(b) as further defined by K.S.A. 65-2837(b)(12) and K.S.A. 65-2837(b)(16), when he had sexual intercourse with a patient.
 - c. Licensee violated K.S.A. 65-2836(j) when his Ohio license was indefinitely suspended
6. The sanctions of indefinite suspension and public censure are within the scope of the Board of Healing Arts of the State of Kansas Guidelines for the Imposition of Disciplinary Sanctions for the violations set forth above.

Policy Statement

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

Conclusions of Law

Based upon the Findings of Fact enumerated in Paragraphs #1 through #6, the Applicable Law and the Public Policy Statement set forth above:

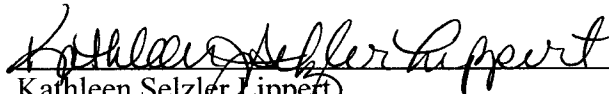
THE BOARD HEREBY CONCLUDES AS FOLLOWS:

7. On December 30, 2010, the Executive Director issued a Summary Order regarding Licensee's inactive license to practice as a doctor of medicine and surgery in the State of Kansas.
8. The Summary Order contained a notice that a written request for hearing could be filed within 15 days following service, but if no hearing was requested, the Summary Order would become effective as a Final Order of the Board upon expiration of the time for requesting a hearing.
9. No hearing has been requested by any party.
10. The Summary Order contained a provision indefinitely suspending his license and a provision which publicly censured his license for violations of the Healing Arts Act.

IT IS, HEREBY ORDERED BY THE KANSAS STATE BOARD OF HEALING ARTS THAT:

11. The Summary Order became effective as a Final Order on January 17, 2011.
12. Licensee's license is hereby SUSPENDED and publicly censured.
13. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 28 DAY OF February, Year, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
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. 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 S.W. Jackson, Lower Level – Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, do hereby certify that on the 28th day of February, 2011, a true and correct copy of the above and foregoing was deposited in the United States mail, first class postage prepaid to the following:

Mark L. Allen, M.D.
(confidential)
Parma Heights, Ohio 44130

And a copy was hand delivered to the office of:

Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson

Mark L. Allen, M.D.
License No. 04-20229
Final Order 11-HA00053

Lower Level – Suite A
Topeka, Kansas 66612

Joshana L. Offenbach
Associate Disciplinary Counsel
Kansas State Board of Healing Arts
800 SW Jackson
Lower Level – Suite A
Topeka, Kansas 66612

The original filed with:

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

**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. 11-HA 00053

SUMMARY ORDER

NOW ON THIS 30th day of December 2010, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A 77-537.

Pursuant to K.S.A 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for hearing is made within fifteen (15) days of service.

Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law, and order are made for and on behalf of the Board:

1. Mark L. Allen, M.D. ("Licensee") was originally issued license number 04-20229 to practice medicine and surgery in the state of Kansas on December 9, 1983. Licensee's current license designation is inactive, and such license was last renewed on or about May 28, 2010.
2. Licensee's last known mailing address is (confidential) Parma Heights, Ohio 44130.

3. On or about May 12, 2010, Licensee's Ohio certificate to practice medicine was indefinitely suspended.
4. On or about May 12, 2010, Licensee entered into a Consent Agreement with the State Medical Board of Ohio ("Ohio Board") for disciplinary action (indefinite suspension) against Licensee's certificate to practice medicine in that state.
5. The 2010 Consent Agreement was based on multiple violations, including violation of a previous Ohio Board Order entered in April of 2005. The 2005 Ohio Board Order provided for five (5) years of monitoring (confidential)

(confidential)

6.

7.

(confidential)

8.

9. The 2010 Consent Agreement states that the Ohio Board took action against Licensee's certificate to practice medicine for violations of Ohio Revised Code Section 4731.22(B)(26) which states, in part, that the Ohio Board has the authority to take action based on

(confidential)

10. The 2010 Consent Agreement further stated that the Ohio Board took action against Licensee's certificate to practice medicine for violations of Ohio Revised Code Section 4731.22(B)(15), for "[v]iolation of the conditions of limitation placed by the board upon a certificate to practice."
11. The 2010 Consent Agreement additionally stated that the Ohio Board took action against Licensee's certificate to practice medicine for violations of Ohio Revised Code Section 4731.22(B)(18) for

[v]iolation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule.
12. The 2010 Consent Agreement was also based on Licensee's admission that he began a sexual relationship with a current patient in 2002.
13. The 2010 Consent Agreement included Licensee's admission that he continued to treat the patient even though they were involved in a sexual relationship.
14. The 2010 Consent Agreement included Licensee's admission that sexual contact with a patient violated the American Medical Association's Principles of Medical Ethics, specifically Principles I, IV, and VIII. By violating the Principles of Medical Ethics, Licensee violated Ohio Revised Code Section 4731.22(B)(18).

15. Under the terms of the 2010 Consent Order, Licensee's certificate to practice medicine in Ohio was indefinitely suspended, for a period not less than eighteen (18) months.

16. K.S.A. 65-2836 of the Healing Arts Act states in pertinent part:

A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately censured or placed under probationary conditions, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

(b) The licensee has committed an act of unprofessional or dishonorable conduct or professional incompetence; and

(confidential)

(j) 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, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

17. K.S.A. 65-2837 of the Healing Arts Act states in pertinent part:

As used in K.S.A. 65-2836, and amendments thereto, and in this section:

(b) "Unprofessional conduct" means:

(12) Conduct likely to deceive, defraud or harm the public.

(16) Commission of any act of sexual abuse, misconduct or other improper sexual contact, which exploits the licensee-patient relationship, with a patient or a person responsible for health care decisions concerning such patient.

18.

(confidential)

19. Licensee violated K.S.A. 65-2836(b) as further defined by K.S.A. 65-2837 (b)(12) and K.S.A 65-2837(b)(16), when he had sexual intercourse with a patient.

20. Licensee violated K.S.A. 65-2836(j), when his Ohio license was indefinitely suspended.

21. The sanctions of indefinite suspension and public censure are within the scope of The Board of Healing Arts of the State of Kansas Guidelines for the Imposition of Disciplinary Sanctions for the violations set forth above.

IT IS, THEREFORE, ORDERED that Licensee's license is hereby INDEFINITELY SUSPENDED for violations of the Healing Arts Act.

IT IS FURTHER ORDERED that Licensee's license is hereby PUBLICLY CENSURED for violations of the Healing Arts Act.

PLEASE TAKE NOTICE that this is a Summary Order. A party to whom a Summary Order is issued may file a written request for a hearing pursuant to K.S.A. 77-542 within 15 days following service of the Summary Order. Such written request shall also state the legal and/or factual basis upon which the party opposes this Order. If a hearing is not requested, the Summary Order shall become effective as a Final Order of the Board upon expiration of the time for requesting a hearing. A written request for hearing must be addressed and mailed to Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, KS 66603. **If the request is made after January 17, 2011, please address your written request to**

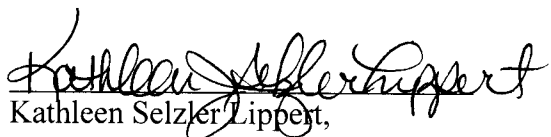
Mark L. Allen, M.D.
License No. 04-20229
Summary Order

**Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts,
800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612, as our office will be
moving to that location effective January 17, 2011.**

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 30th day of December, 2010.

KANSAS STATE BOARD OF HEALING ARTS


Kathleen Selzler Lippert,
Executive Director

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the foregoing Summary Order was served this 30th day of December, 2010, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Mark L. Allen, M.D.
(confidential)
Parma Heights, Ohio 44130

and copies were hand-delivered to:

Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

Joshana L. Offenbach
Associate Disciplinary Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

and the original was filed with:

Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

