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BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

DEC 21 2009

K.S. State Board of Healing Arts

In the Matter of )  
 )  
R. Larry Beamer, M.D. )  
Kansas License No. 04-18698 )

Docket No. 10-HA 00089

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Kelli J. Stevens, Litigation Counsel ("Petitioner"), and R. Larry Beamer, M.D. ("Licensee"), by and through his counsel, James Z. Hernandez, and move the Board for approval of a Consent Order affecting Licensee's license to practice medicine and surgery in the State of Kansas. The Parties stipulate and agree to the following:

1. Licensee's last known mailing address to the Board is: 818 N. Emporia #200, Wichita, Kansas 67214.
2. Licensee is or has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-18698 on approximately July 1, 1980. Licensee's license is active.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of medicine and surgery. K.S.A. 65-2801 et seq. and K.S.A. 65-2869.
4. 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 and 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

5. The Kansas Healing Arts Act is constitutional on its face and as applied in the case.  
Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
6. Licensee voluntarily and knowingly waives his right to a hearing. Licensee voluntarily and knowingly waives his 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.
7. 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.
8. The Board has received information and investigated the same, and has reason to believe there are grounds pursuant to K.S.A. 65-2836, to take action with respect to Licensee's license under the Healing Arts Act, K.S.A. 65-2801, *et seq.*
9. Licensee is privileged and credentialed at Via Christi Regional Medical Center (VCRMC). He has held such privileges since at least 2005.
10. Licensee has a history or pattern of practice of failing to create and/or maintain medical records in a timely fashion:

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18. Licensee acknowledges that if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses or other evidence, the Board has sufficient evidence to prove that Licensee has violated the Healing Arts Act with respect to the above allegations. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

19. A protective order is hereby entered to protect all confidential information (confidential)

(confidential)

20. Licensee's acts constitute unprofessional conduct as set forth in K.S.A. 65-2836; specifically:

- a. K.S.A. 65-2836(b) by committing an act of unprofessional conduct as defined in K.S.A. 65-2837, and amendments thereto.
  - b. K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(12), for conduct likely to harm the public.
  - c. K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(25), for failure to keep written medical records which accurately describe the services, rendered to the patient, including patient histories, pertinent findings, examination results and test results in a timely manner.
  - d. K.S.A. 65-2836(s), in that sanctions or disciplinary actions have been taken against the licensee by a peer review committee or health care facility for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section.
21. Pursuant to K.S.A. 65-2836, as amended by HB 2620 on July 1, 2008, the Board may revoke, suspend, limit, censure or place under probationary conditions Licensee's license and pursuant to K.S.A. 65-2863a the Board has the authority to impose administrative fines for violations of the Healing Arts Act.
22. According to 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.
23. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board member(s) who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 24 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

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

**PROBATION: EDUCATION**

- a. Licensee shall provide proof of successful completion by December 31, 2010.
- b. Unless otherwise approved by the Board, said continuing education course(s) shall consist of a formal live lecture format.
- c. Licensee shall be responsible for all costs associated with all education requirements.

(confidential)

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- h. Licensee will furnish a copy of this Consent Order to each and every state in which he holds licensure or applies for licensure and to an appropriate work site supervisor or personnel as provided by the Board's designee's monitoring contract.
- i. Licensee shall at all times keep Board staff informed of all his current practice locations, addresses and telephone numbers. Licensee shall provide the above information in writing to the Board within ten (10) days of any such change.

**PROBATION: PRACTICE MONITOR**

- j. Licensee will identify a practice monitor that will work with Licensee to ensure he has implemented improved time management parameters; including but not limited to building in time to complete medical records, think about patients' concerns and others' perceptions of him. The monitor will meet with Licensee as needed, but no less than quarterly for the next two (2) years.
- k. Licensee will review his clinical obligations and reduce his work load to allow time within his work schedule for medical record documentation.
- l. Licensee shall bear all expenses associated with the practice monitor.
- m. Within twenty (20) days of the approval of the Consent Order, Licensee shall propose a physician to serve as his practice monitor. The Board, or the Board's designee, shall approve or disapprove of the monitoring physician. Upon such approval, the parties shall determine a schedule under which the monitor shall periodically review Licensee's office procedures for medical record documentation. The practice monitor shall submit quarterly reports to the Board describing the implementation of practice parameters (confidential) (confidential) and time management parameters or any recommendations for Licensee's practice. Licensee agrees to follow all recommendations of the practice monitor and is responsible for ensuring timely submission of the practice monitor's reports.
- n. All reports required pursuant to this Consent Order shall be submitted to the Board of Healing Arts, Attention: Compliance Coordinator, 235 S.W. Topeka Blvd., Topeka, Kansas 66603-3068.
- o. The Board designates Board Member Nancy Welsh, M.D. to review and approve/disapprove of the proposed practice monitor and plan of practice, any

proposed educational courses required under this Consent Order; and any other issue that may arise in the implementation of this Consent Order.

#### **PROBATION TIMEFRAME**

- p. The above probationary and monitoring provisions are not self-terminating. After a period of one (1) year, Licensee may request modification of the provisions. After a period of two (2) years, Licensee may request termination of the provisions. For any period of time that Licensee is not actively practicing medicine and surgery in Kansas, the monitoring provisions will remain in effect but will be tolled and not counted towards reducing the two (2) year timeframe.
25. Licensee's failure to comply with the provisions of the Consent Order may result in the Board taking further disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act and Kansas Healing Arts Act.
26. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Healing Arts Act, or to investigate complaints received under the Risk Management Law, K.S.A. 64-4921 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 Healing Arts Act.
27. 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 alleged damages, actions, liabilities, both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, 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.

28. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any reporting entities authorized to receive disclosure of the Consent Order.
29. 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.
30. 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.
31. Licensee, by signature to this document, waives any objection to the participation of the Board members and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board 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.
32. Licensee acknowledges that he has read this Consent Order and fully understands the contents.

33. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
34. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Compliance Coordinator, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.
35. Licensee shall obey all federal, state and local laws and rules governing the practice of medicine and surgery in the State of 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.
36. 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. 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.
37. This Consent Order constitutes disciplinary action.
38. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

**IT IS THEREFORE ORDERED** that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

**IT IS FURTHER ORDERED** that:

**PROBATION: EDUCATION**

- a. Licensee shall attend and successfully complete a continuing education course by Case Western Reserve University School of Medicine for record-keeping, by June

30, 2010, at his own expense. Licensee shall provide proof of successful completion by July 15, 2010.

- b. Licensee shall attend and successfully complete a continuing education course by Case Western Reserve University School of Medicine for Physician Communication which addresses physician-patient, physician-staff and physician-colleague communication issues by November 30, 2010, at his own expense.
- c. Unless otherwise approved by the Board, said continuing education course(s) shall consist of a formal live lecture format.
- d. Licensee shall be responsible for all costs associated with all education requirements.

(confidential)

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(confidential)

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h.

- i. Licensee will furnish a copy of this Consent Order to each and every state in which he holds licensure or applies for licensure and to an appropriate work site supervisor or personnel as provided by the Board's designee's monitoring contract.
- j. Licensee shall at all times keep Board staff informed of all his current practice locations, addresses and telephone numbers. Licensee shall provide the above information in writing to the Board within ten (10) days of any such change.

## PROBATION: PRACTICE MONITOR

- k. Licensee will identify a practice monitor that will work with Licensee to ensure he has implemented improved time management parameters; including but not limited to building in time to complete medical records, think about patients' concerns and others' perceptions of him. The monitor will meet with Licensee as needed, but no less than quarterly for the next two (2) years.
- l. Licensee will review his clinical obligations and reduce his work load to allow time within his work schedule for medical record documentation.
- m. Licensee shall bear all expenses associated with the practice monitor.
- n. Within twenty (20) days of the approval of the Consent Order, Licensee shall propose a physician to serve as his practice monitor. The Board, or the Board's designee, shall approve or disapprove of the monitoring physician. Upon such approval, the parties shall determine a schedule under which the monitor shall periodically review Licensee's office procedures for medical record documentation. The practice monitor shall submit quarterly reports to the Board describing the implementation of practice parameters to achieve recommendations (confidential) and time management parameters or any recommendations for Licensee's practice. Licensee agrees to follow all recommendations of the practice monitor and is responsible for ensuring timely submission of the practice monitor's reports.
- o. All reports required pursuant to this Consent Order shall be submitted to the Board of Healing Arts, Attention: Compliance Coordinator, 235 S.W. Topeka Blvd., Topeka, Kansas 66603-3068.

- p. The Board designates Board Member Nancy Welsh, MD to review and approve/disapprove of the proposed practice monitor and plan of practice, any proposed educational courses required under this Consent Order; and any other issue that may arise in the implementation of this Consent Order.

**PROBATION TIMEFRAME**

- q. The above probationary and monitoring provisions are not self-terminating. After a period of one (1) year, Licensee may request modification of the provisions. After a period of two (2) years, Licensee may request termination of the provisions. For any period of time that Licensee is not actively practicing medicine and surgery in Kansas, the monitoring provisions will remain in effect but will be tolled and not counted towards reducing the two (2) year timeframe.

**IT IS SO ORDERED** on this 21 day of December, 2009.

**FOR THE KANSAS STATE BOARD OF HEALING ARTS:**

*Michael J. Beezley*

Michael Beezley, M.D.  
Board President

12/21/09

Date

*R. Larry Beamer*

R. Larry Beamer, M.D.  
Licensee

Date

IT IS SO ORDERED on this 21<sup>st</sup> day of December, 2009.

FOR THE KANSAS STATE  
BOARD OF HEALING ARTS:

*Michael J Beezley*

Michael Beezley, M.D.  
Board President

12/21/09

Date

*R. Larry Beamer*

R. Larry Beamer,

November 15, 2009

Date

PREPARED AND APPROVED BY:

*Kelli J. Stevens*

Kelli J. Stevens, #16032

Counsel

Kansas Board of Healing Arts

235 S. Topeka Boulevard

Topeka, Kansas 66603-3068

785-296-0961

AGREED TO BY:

*James Z. Hernandez*  
James Z. Hernandez  
Woodard, Hernandez, Roth & Day, L.L.C.  
Emprise Bank Center, Suite 300  
257 North Broadway, P.O. Box 127

Consent Order

R. Larry Beamer, M.D.

**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, on this 21<sup>st</sup> day of December, 2009, to the following:

R. Larry Beamer, M.D.  
818 N. Emporia #200  
Wichita, Kansas 67214

James Z. Hernandez  
Woodard, Hernandez, Roth & Day, L.L.C.  
Emprise Bank Center, Suite 300  
257 North Broadway, P.O. Box 127  
Wichita, Kansas 67201-0125

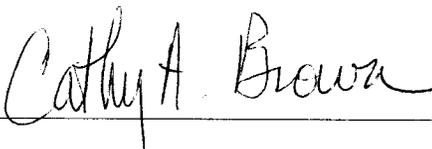
And a copy was hand-delivered to:

Kelli J. Stevens  
Litigation Counsel  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

Melissa Massey  
Compliance Coordinator  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

And the original was filed with the office of:

Kathleen Selzler Lippert  
Interim Executive Director  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

  
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