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

**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter of)
)
JEROME E. BLOCK, M.D.)
Kansas License No.4-20630)
_____)

Docket No. 03-HA-42

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts (“Board”) by and through Stacy L. Cook, Litigation Counsel (“Petitioner”), and Jerome E. Block, M.D.. (“Licensee”), 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 1501 W. 4th, P.O. Box 464, Coffeyville, Kansas 67337.
2. Licensee is or has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued Licensee No. 4-20630 June 15, 1984. At all times relevant to the allegations set forth in the petition, Licensee has held a current license to engage in the practice of medicine and surgery in the State of Kansas, having last renewed his license on June 27, 2002.
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*; 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. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order. The Licensee does not admit to any violation of the Kansas Healing Arts Act but for purposes of entering this Consent Order shall not contest the entering of the stipulations contained within this Consent Order. The parties acknowledge that there are no other stipulations, findings of fact or conclusions of law other than those specifically set forth in this Consent Order.

5. The Kansas Healing Arts Act is constitutional on its face and as applied in this case.

6. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

7. 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.

8. 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.

9. Petitioner has alleged that Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence in his treatment of two patients. Petitioner has alleged that

Licensee failed to timely examine Patient #1 who presented to the emergency room in 1995 complaining of chest pain and abdominal pain. Petitioner alleged that Licensee failed to timely diagnose and treat a myocardial infarction in Patient #1 and failed to document any discussion with Patient #1 about treatment options. Petitioner has alleged that Licensee failed to timely diagnose and treat a myocardial infarction in Patient #2 in 1999. Further, Petitioner alleges that in 1999 Coffeyville Regional Medical Center suspended Licensee's hospital privileges related to **(Confidential)**

(Confidential)

and accordingly the Board

make take action against Licensee's licensee for action taken against the license by a health care facility for acts or conduct to acts or conduct which would constitute grounds for disciplinary action under the Kansas Healing Arts Act.

10. Pursuant to K.S.A. 65-22836(b) the Board has authority to revoke, suspend, censure or otherwise limit Licensee's license.

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

12. In lieu of the conclusion of formal proceedings, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following:

- a. Licensee shall complete 70 contact hours with a proctor approved by the Board or a Board designee. The proctor shall be licensed to practice medicine and surgery by the Kansas Board of Healing Arts with a specialty or emphasis on cardiology. Licensee shall submit names of the proposed proctor for the Board's approval within 21 calendar days of the date of this Consent Order. Such 70

contact hours must be completed within 6 months of the date of approval of the proctor. The proctor shall use the 70 hours to instruct Licensee with respect to cardiology and to evaluate Licensee's knowledge and judgment regarding cardiology. The 70 hours shall include at a minimum, six (6) hours of education and training for interpreting EKGs. The proctor shall not serve in a supervisory capacity of Licensee and Licensee is entitled to diagnose and treat all patients without approval or consult with the proctor. The proctor shall not be required to co-sign any record. Licensee shall ensure that the proctor provides a report to the Board detailing (1) the education or training provided; (2) an evaluation of Licensee's knowledge of cardiology; and (3) any recommendations for further training. The report is due 30 days following the completion of the 70 hours. All costs associated with the proctor shall be paid by Licensee.

- b. Licensee shall successfully complete a Board approved medical record course with a focus on the content of the medical record. Licensee shall submit identification of a medical record course to the Board's designee within 14 calendar days of the date of this Consent Order. Such course must be completed within 6 months of the date of the approval of the course.
- c. Licensee shall have a practice monitor review 30 cardiac patient medical records each month for the first three months after approval of the monitor. The practice monitor shall be approved by the board or its designee. The practice monitor shall choose the patients for review. If possible, the 30 patients should be those

- patients who are primarily being treated for cardiac issues. The practice monitor shall not serve in a supervisory capacity of Licensee and Licensee is entitled to diagnose and treat all patients without approval or consult with the practice monitor. The practice monitor shall not be required to co-sign any record. The monitoring physician shall submit monthly reports to the Board summarizing the number and type of patients Licensee has seen based on the charts reviewed. The monitor must describe the treatment provided by Licensee and state whether the treatment was within the standard of care. Board staff may prepare form reports for the monitor to complete. The monitor's reports shall be due 30 days after the end of the month. All costs associated with a practice monitor shall be paid by Licensee. For the following three months Licensee agrees to have a practice monitor review 20 cardiac patient medical records each month with the procedure described above. Licensee shall ensure that the monitor timely submits all reports.
- d. Licensee shall pay the costs associated with this matter which include the Board's deposition costs for original and copies of transcripts for all depositions and hearings taken in the matter, the Board's expert fees for his deposition time, and travel costs. Travel costs equal \$115. Such costs are due and payable to the Board of Healing Arts on or before August 29, 2003.
- e. In the event that Licensee is granted hospital privileges anywhere in Kansas, Licensee agrees that if he is notified by the Emergency Department of the hospital, either as the on-call physician or as the physician of the presenting patient, that the

patient has presented with chest pain and/or rule out myocardial infarction, that he will physically examine the patient or arrange for the patient to be seen by another health care provider within one (1) hour after Licensee has been so notified. Licensee agrees to record this information on the chart so that Board staff can ensure compliance with this provision.

- f. In the event that Licensee is granted hospital privileges anywhere in Kansas, Licensee agrees to have 100% of all acute cardiac patient medical records reviewed by a practice monitor for three (3) months. The monitor must be approved by the Board or its designee. The monitoring physician shall submit monthly reports to the Board summarizing the number and type of patients Licensee has seen. The Monitor must describe the treatment provided by Licensee and state whether the treatment was within the standard of care. Board staff may prepare form reports for the monitor to complete. The monitor's reports shall be due 30 days after the end of the month. All costs associated with a practice monitor shall be paid by Licensee. Licensee may petition the Board at any time to be released from this provision should Licensee determine not to seek hospital privileges. If Licensee is released from this provision by order of the Board and subsequently applies for and is granted hospital privileges then Licensee shall notify the Board and this paragraph shall apply.
- g. The provisions in this Consent Order remain in effect until the Board formally terminates the provision by further order.

13. 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.

14. Licensee hereby releases the Board, its individual members (in their official and personal capacities), 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.

15. Licensee further understands and agrees that upon signature by Licensee and an authorized Board signature, this document shall be deemed a public record, and shall be reported to any reporting entities requiring disclosure of this Consent Order.

16. 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.

17. 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. This paragraph shall not authorize any *ex parte* communication with the Board if Licensee is present. If information is presented to the Board such information shall also be provided to Licensee and/or Licensee's counsel.

18. Licensee, by signature to this document, waives any objection to the participation of the Board members in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member in any future proceeding on the basis that the Board member has received investigative information in the course of consideration of the Consent Order which otherwise may not be admissible or admitted as evidence. Further, the parties agree that the Presiding Officer assigned for the hearing shall not participate in the consideration of the settlement offer.

19. Licensee acknowledges that he has read this Consent Order and fully understands the contents.

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

21. All correspondence or communication between Licensee and the Board relating to this Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Litigation Counsel, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

22. Licensee shall obey all federal, state and local laws and rules governing the practice

of the healing arts 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.

23. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order. 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.

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

25. If the Board adopts this Consent Order then the January 6, 2003 Petition filed with the Board by Petitioner shall be dismissed.

26. Licensee's failure to comply with any provisions of this Order may result in the Board taking disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act.

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:

1. Licensee shall complete 70 contact hours with a proctor approved by the Board or a Board designee. The proctor shall be licensed to practice medicine and surgery by the Kansas Board of Healing Arts with a specialty or emphasis on cardiology. Licensee shall submit names of the proposed proctor for the Board's approval within 21 calendar days of the date of this Consent Order. Such 70 contact hours must be completed within 6 months of the date of approval of the

proctor. The proctor shall use the 70 hours to instruct Licensee with respect to cardiology and to evaluate Licensee's knowledge and judgment regarding cardiology. The 70 hours shall include at a minimum, six (6) hours of education and training for interpreting EKGs. The proctor shall not serve in a supervisory capacity of Licensee and Licensee is entitled to diagnose and treat all patients without approval or consult with the proctor. The proctor shall not be required to co-sign any record. Licensee shall ensure that the proctor provides a report to the Board detailing (1) the education or training provided; (2) an evaluation of Licensee's knowledge of cardiology; and (3) any recommendations for further training. The report is due 30 days following the completion of the 70 hours. All costs associated with the proctor shall be paid by Licensee.

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3. Licensee shall have a practice monitor review 30 cardiac patient medical records each month for the first three months after approval of the monitor. The practice monitor shall be approved by the board or its designee. The practice monitor shall choose the patients for review. If possible, the 30 patients should be those patients who are primarily being treated for cardiac issues. The practice monitor

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4. Licensee shall pay the costs associated with this matter which include the Board's deposition costs for original and copies of transcripts for all depositions and hearings taken in the matter, the Board's expert fees for his deposition time, and travel costs. Travel costs equal \$115. Such costs are due and payable to the Board of Healing Arts on or before August 29, 2003.
5. In the event that Licensee is granted hospital privileges anywhere in Kansas, Licensee agrees that if he is notified by the Emergency Department of the hospital, either as the on-call physician or as the physician of the presenting patient, that the patient has presented with chest pain and/or rule out myocardial infarction, that he

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7. The provisions in this Consent Order remain in effect until the Board formally terminates the provision by further order.

CERTIFICATE OF SERVICE

I, Stacy L. Cook, do hereby certify that I served a true and correct copy of the **CONSENT ORDER** by United States mail, postage prepaid, on this 10th day of June, 2003 to the following:

Jerome E. Block, M.D.
1501 West 4th
P.O. Box 464
Coffeyville, Kansas 67337

Steve A. Schwarm
Polsinelli Shalton Welte, P.C.
555 S. Kansas Avenue, Suite 301
Topeka, Kansas 66603-3443

and the original was hand-delivered to:

Lawrence T. Buening, Jr.
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068



Stacy L. Cook