



FILED

CHD

JAN 02 2014

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

KS State Board of Healing Arts

In the Matter of)	
)	Docket No. 14-HA00001
William J. Ciskey, M.D.)	OAH Docket No. 14-HA0001
Kansas License No. 04-15549)	

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, (“Board”), by and through Reese H. Hays, Litigation Counsel and Joshana L. Offenbach, Associate Disciplinary Counsel (“Petitioner”), and Licensee-Respondent William J. Ciskey, M.D. (“Licensee”), *pro se* 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: **Confidential**
Hutchinson, Kansas 67502.
2. Licensee has been entitled to engage in the practice of medicine and surgery in the State of Kansas pursuant to K.S.A. 65-2809 and K.S.A. 65-2869, having been issued License No. 04-15549 on or about December 7, 1973. Licensee’s license is inactive and was last renewed on or about July 22, 2013.
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 this 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 a Petition was filed with the Board in this matter on or about July 1, 2013 alleging grounds for disciplinary action under the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.*
9. All investigative information, specifically information related to Board Investigation Nos. 13-00218 and 13-00334 and the status of the pending

administrative action in KSBHA Docket No. 14-HA00001/OAH Docket No. 14-HA0001, was fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel or their appointed Disciplinary Panel member for this matter. Disciplinary Panel No. 27, through their appointed member, authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

10. Licensee does not admit nor deny all of the allegations in the Petition. 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 Kansas Healing Arts Act with respect to the allegations contained in the Petition. Licensee further waives his right to dispute or otherwise contest these allegations in any future proceeding before this Board.

11. This Consent Order incorporates herein by reference the facts as stated in the Petition that was filed on July 1, 2013.

12. In addition, Licensee does not admit nor deny the following facts; however, 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 the following facts occurred:

a. Confidential

b.

Confidential

c.

d.

e.

f.

g.

13. Licensee stipulates that the following occurred:

- a. On or about September 11, 2012, the Medical Executive Committee (MEC) of Hutchinson Regional Medical Center immediately suspended Licensee's medical staff membership and clinical privileges Confidential
Confidential

Confidential

- b. After presentation of information by Licensee, the Medical Executive Committee of Hutchinson Regional Medical Center upheld the suspension of Licensee's medical staff membership and clinical privileges on October 1, 2012.
- c. While still on suspension, on or about October 2, 2012, Licensee resigned from the active medical staff of Hutchinson Regional Medical Center.

d. Confidential

e.

f.

g.

Confidential

h.

i.

j.

k.

l.

m.

n.

o.

p.

Confidential

q.

r.

s. In a letter to the Board that was received by the Board on or about January 16, 2013, Licensee stated, in part: “On December 14th I was called into the Prairie Star’s administrator’s office and was told by their attorney that I was FIRED and I was NOT to return to work on Monday.” (Emphasis in original.)

t. Confidential

14. Further, Licensee does not admit nor deny the following facts; however, 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 the following facts occurred:

Confidential

Confidential

15. Licensee acknowledges that the Board has sufficient evidence to prove that Licensee has violated the following provisions of the Kansas Healing Arts Act with respect to the above facts:

a. Licensee's acts and conduct constitute a violation of K.S.A. 65-2836(b) including but not limited to:

i. K.S.A. 65-2836(b), Licensee committed an act of unprofessional and/or dishonorable conduct **Confidential**
Confidential

ii. K.S.A. 65-2836(s), disciplinary actions in the form of suspending Licensee's medical staff membership and clinical privileges have been taken against Licensee by Hutchinson Regional Medical Center for acts or conduct which would constitute grounds for disciplinary action under K.S.A. 65-2836.

iii. K.S.A. 65-2836(b), Licensee committed an act of unprofessional and/or dishonorable conduct **Confidential**
Confidential

Confidential

- iv. K.S.A. 65-2836(b), Licensee committed an act of unprofessional and/or dishonorable conduct when Licensee

Confidential

Confidential

- v. K.S.A. 65-2836(b), Licensee committed an act of unprofessional conduct as further defined by K.S.A. 65-2837(b)(12), conduct likely to harm the public when

Confidential

Confidential

- vi. K.S.A. 65-2836(s), disciplinary actions

Confidential

Confidential

Confidential

have been taken against Licensee by

Prairie Star Health Center for acts or conduct which would constitute grounds for disciplinary action under K.S.A. 65-2836.

- vii. K.S.A. 65-2836(b), Licensee committed an act of unprofessional and/or dishonorable conduct when

Confidential

Confidential

and another act of unprofessional and/or

dishonorable conduct when

Confidential

Confidential

viii. K.S.A. 65-2836(b), Licensee committed an act of unprofessional conduct as further defined by K.S.A. 65-2837(b)(12), conduct likely to harm the public when **Confidential** **Confidential** and another act of unprofessional conduct when **Confidential**

ix. K.S.A. 65-2836(b), Licensee committed an act of unprofessional conduct as further defined by K.S.A. 65-2837(b)(16), commission of any act of sexual abuse, misconduct or other improper sexual contact, which exploits the licensee-patient relationship when **Confidential**

16. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

17. Pursuant to K.S.A. 65-2836 the Board has grounds to deny, revoke, suspend, limit, and/or censure Licensee's license. Pursuant to K.S.A. 65-2863a the Board has the authority to impose administrative fines for violations of the Kansas Healing Arts Act.

18. 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.

19. 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. 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 Kansas Healing Arts Act.

20. 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 Judicial Review Act, 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.

21. 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.

22. 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.

23. Licensee, by signature to this document, waives any objection to the participation of the Board members, including members of the Disciplinary Panel, and the 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.
24. Licensee acknowledges that he has read this Consent Order and fully understands the contents.
25. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
26. Licensee acknowledges and agrees that Licensee's failure to comply with any of the provisions of this Consent Order is a violation of a Board order and grounds for disciplinary action against Licensee's license pursuant to K.S.A. 65-2836(k).
27. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to the National Practitioner Data Bank, Federation of State Medical Boards, and any other entities authorized to receive disclosure of the Consent Order.
28. 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.

29. 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.

30. This Consent Order constitutes disciplinary action.

31. The Board may consider all aspects of this Consent Order in any future disciplinary matter regarding Licensee to include any request for termination of the suspension of his license to practice medicine and surgery in the State of Kansas.

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

INDEFINITE SUSPENSION

33. Licensee's license shall be **INDEFINITELY SUSPENDED**.

34. Licensee agrees that a request to terminate the suspension of his license will be considered in accordance with the provisions of K.S.A. 65-2844. Further, Licensee's request will be governed by *Vakas v. The Kansas Board of Healing Arts*, 248 Kan. 589 (Kan. 1991), and all applicable statutes, law, rules and regulations regarding qualifications for licensure and reinstatement.

35. Licensee agrees that in the event he requests termination of the suspension of his license, the allegations contained in the Petition and this Consent Order will be considered as findings of fact and conclusions of law.
36. All proceedings conducted on a request for termination of the suspension shall be in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et. seq.* and shall be reviewable in accordance with the Kansas Judicial Review Act, K.S.A. 77-601, *et. seq.*
37. Prior to Licensee's request to terminate the suspension of his license, he agrees to
Confidential

Confidential

38. Licensee shall complete any necessary waiver/release so that the Board may receive a copy of Confidential
Confidential

39. Prior to Licensee's request to terminate the suspension of his license, Confidential
Confidential

40. Licensee shall complete any necessary waiver/release so that the Board may receive Confidential
Confidential

41. If, at the time of Licensee's request to terminate the suspension of his license, he has not been actively, clinically practicing medicine and surgery in another jurisdiction of the United States of America for at least the preceding two (2) years, he agrees to submit to a clinical skills assessment at his own expense at the Center for Personalized Education of Physicians (CPEP), 7351 Lowry Boulevard, Suite 100, Denver, Colorado 80230 80014, (303) 577-3232, fax: (303) 577-3241. The results of the clinical skills assessment shall be made available to the Board to review and consider at any and all hearings pertaining to the termination of the suspension of his license. The parties stipulate and agree that the Assessment Report will be admitted into evidence to be considered fully by the Board. Both parties may provide relevant information to CPEP for consideration as part of the

clinical skills assessment. In order to permit the Board to provide such relevant information, Licensee shall immediately notify Board Counsel of the assessment dates once the assessment is scheduled. Licensee shall travel to CPEP and complete the assessment as scheduled, at his own expense. Licensee also agrees that any and all of CPEP's recommendations will be followed and become a part of the Board Order that terminates the suspension of his license.

42. Both parties will be provided a copy of the draft Assessment Report for their review. Licensee shall complete any necessary waiver/release so that the Board may receive a copy of the draft Assessment Report for review. However, CPEP will issue its formal Assessment Report, in accordance with its internal policies.

PATIENT RECORDS

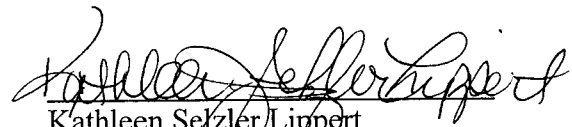
43. If Licensee has any patient records in his possession, he shall keep those records in accordance with applicable statutes and regulation or place his patients' records in the custody of another licensed physician or records maintenance facility in compliance with K.A.R. 100-24-2 and 100-24-3. Licensee shall notify the Board on or before December 10, 2013, of the specific measures taken and the appropriate contact information so that the Board can respond to questions from patients about the location of their medical records and how they can obtain them.
44. Licensee shall ensure that all patients and any other person or entity authorized by law to obtain patient records have access to medical records. Specifically, Licensee will comply with K.S.A. 65-4970, 65-4971, 65-4972, 65-4973 and K.A.R. 100-22-1, 100-24-2 and 100-24-3 and all other applicable statutes, rules, or regulations.

45. 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, 800 SW Jackson, Lower Level Suite A, Topeka, Kansas 66612.

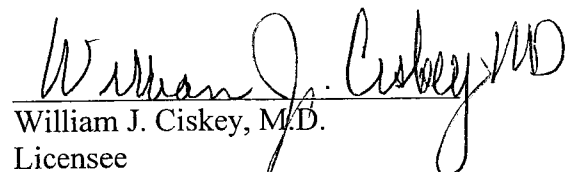
IT IS THEREFORE ORDERED that the Consent Order containing the agreement of the parties contained herein is hereby adopted by the Board as findings of fact and conclusions of law.

IT IS SO ORDERED on this 30 day of Dec, 2013.

FOR THE KANSAS STATE BOARD OF HEALING ARTS:

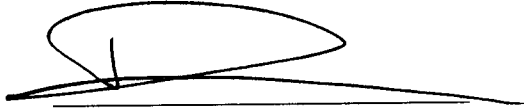

Kathleen Selzler Lippert
Executive Director

12/30/13
Date


William J. Ciskey, M.D.
Licensee

11-29-2013
Date

PREPARED AND APPROVED BY:



Reese H. Hays, #22700

Litigation Counsel

Joshana L. Offenbach, #23438

Associate Disciplinary Counsel

800 SW Jackson St.

Lower Level Suite A

Topeka, KS 66606

(785) 296-0961

(785) 368-7103 - facsimile

rhays@ksbha.ks.gov

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 2nd day of January, 2014, to the following:

Willaim J. Ciskey, M.D.

Licensee
Confidential


Hutchinson, Kansas 67502

And the original was filed with:

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

And copies were hand-delivered to:

Reese H. Hays, Litigation Counsel
Joshana L. Offenbach, Associate Disciplinary Counsel
Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson
Lower Level- Suite A
Topeka, KS 66612



Staff Member