

SEP 13 2019

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

KS State Board of Healing Arts

In the Matter of
ADAM W. CONDRA, M.D.

Kansas License No. 04-42510

Docket No. 18-HA00040


JOURNAL ENTRY OF SATISFACTION

The Kansas State Board of Healing Arts ("Board"), by and through its Executive Director, Kathleen Selzler Lippert, a duly authorized representative of the Board, in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, as amended, and upon due consideration of the agency record, the applicable statutes and regulations, and being otherwise duly advised in the premises, makes the following determinations:

1. On January 09, 2019 the Board issued a Consent Order and Journal Entry on Approval of Consent Order with Additional Terms, imposing the requirements therein.
2. The Board has received evidence of completion and compliance with all requirements of the Consent Order.
3. Having completed all requirements of the Consent Order, Licensee has no further obligation for compliance with the Consent Order.

IT IS SO ORDERED this 13 day of Sept 2019.

KANSAS STATE BOARD OF HEALING ARTS


Kathleen Selzler Lippert
Executive Director

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above foregoing was served this 13th day of September by depositing the same in the United States Mail, first-class, postage prepaid, and emailed, and addressed to:

Adam W. Condra, MD

CONFIDENTIAL

Mark Stafford
Kelli Stevens
Forbes Law Group
6900 College Boulevard, Ste. 840
Overland Park, KS 66211
mstafford@forbeslawgroup.com
kstevens@forbeslawgroup.com

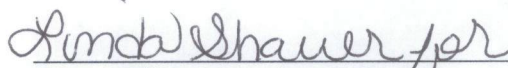
and a copy was hand-delivered to the office of:

Nancy Dodik, Associate Disciplinary Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level – Suite A
Topeka, KS 66612

Compliance Coordinator
Kansas Board of Healing Arts
800 SW Jackson, Lower Level – Suite A
Topeka, KS 66612

Licensing Administrator
Kansas Board of Healing Arts
800 SW Jackson, Lower Level – Suite A
Topeka, KS 66612

and the original filed with the office of the Executive Director


Susan Gile, Operations Manager

Journal Entry of Satisfaction
In the Matter of Adam Condra, M.D.
KSBHA Docket No. 18-HA00040

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

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KS State Board of Healing Arts

In the Matter of

ADAM W. CONDRA, M.D.

Postgraduate Permit No. 94-09071

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KSBHA Docket No. 18-HA00040

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Reese Hays, Litigation Counsel, and Courtney Manly, Associate Litigation Counsel, and Adam Condra, M.D. ("Permittee"), by and through counsel, Mark W. Stafford and Kelli Stevens of Forbes Law Group, LLC, and move the Board for approval of a Consent Order affecting Permittee's postgraduate permit in Kansas. The Parties stipulate and agree to the following:

1. Permittee's last known mailing address to the Board is: [REDACTED] Olathe, Kansas 66061.
2. Permittee is or has been entitled to engage in the practice of medicine and surgery within his postgraduate training program in Kansas, having been issued Postgraduate Permit No. 94-09071 on approximately June 16, 2016, with an expiration date of June 30, 2019. Permittee is presently engaged in a postgraduate training program at the University of Kansas Medical Center.
3. The Board is the sole and exclusive administrative agency of the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of medicine and surgery within a postgraduate training program.
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

Consent Order

Adam Condra, M.D.

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K.S.A. 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. Permittee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

6. Permittee voluntarily and knowingly waives his right to a hearing. Permittee 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. Permittee 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. Permittee 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 may be grounds under K.S.A. 65-2811(d)(2), K.S.A. 65-2836(b), and K.S.A. 65-2836(f), to take action with respect to Permittee's postgraduate permit under the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.*

9. The facts supporting the allegation in this Consent Order are as follows:

10. On or about January 26, 2017, Permittee self-reported, with the assistance of his attorney, that Permittee had practiced outside the scope of his postgraduate program when he wrote Patient

1. [REDACTED] prescriptions for Tylenol with codeine, and that the prescribing had been ongoing for several months in the fall of 2016.

11. Following Permittee's self-report, Board investigators contacted Permittee's attorney for additional information.

12. The Board's Special Investigator ("SI") Randy Webster's inquiry led to Permittee providing a second response containing additional information. In that second response, Permittee indicated he wrote prescriptions for not only Patient 1, but also to other [REDACTED]

13. Permittee wrote the following prescriptions outside the scope of his postgraduate program:

a. From July 31, 2016, to November 13, 2016, Permittee wrote [REDACTED] Patient 1, seven (7) prescriptions for Tylenol with Codeine;

b. From July 28, 2016, to December 21, 2016, Permittee wrote a [REDACTED] Patient 2, five (5) prescriptions for ACP with Codeine #4, and two (2) prescriptions for ACP with Codeine #3;

c. From September 6, 2016, to December 6, 2016, Permittee wrote another [REDACTED] Patient 3, three (3) prescriptions for ACP with Codeine #4, and one (1) prescription for ACP with Codeine #3; and

d. On October 3, 2016, Permittee prescribed another [REDACTED] Patient 4, Testosterone Cyp 200 mg/ml.

14. In addition, Permittee's patient records for Patient 1, Patient 2, Patient 3, and Patient 4 were obtained by SI Randy Webster, for the care and treatment he provided the patients that occurred outside of the scope of his post graduate training program.

15. The mitigating factors for Permittee include Permittee's remorse for and acknowledgement of the wrongfulness of his conduct; Permittee's relative inexperience as a physician at the time the conduct occurred the unlikelihood of reoccurrence; and Permittee's reputation as a professional and ethical physician, as noted by the faculty in his postgraduate training program.

16. Permittee's acts, if proven, constitute a violation under K.S.A. 65-2836(b).

17. Permittee violated K.S.A. 65-2811(d)(2), in that Permittee, as a holder of a postgraduate permit, engaged in the practice of the healing arts outside of his authorized postgraduate training program when he prescribed controlled substances to Patient 1, Patient 2, Patient 3, and Patient 4.

18. Permittee violated K.S.A. 65-2836(f), in that Permittee, willfully or repeatedly violated the Healing Arts Act when he repeatedly practiced outside the scope of his authorized postgraduate training program.

19. Under K.S.A. 65-2811(d)(2), a postgraduate permit issued under K.S.A. 65-2811(b) **shall** be cancelled if the holder thereof has engaged in the practice of the healing arts outside of the postgraduate training program. (emphasis added).

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

21. All pending investigation materials in KSBHA Investigation No. 17-00271 regarding Permittee, were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 33 authorized and directed Board counsel to file a petition. The Petition against Permittee was filed on February 27, 2018, KSBHA Docket No. 18-HA00040. Disciplinary Panel has now authorized Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

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

23. Permittee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Permittee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Permittee's postgraduate permit in Kansas. Permittee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether Permittee has failed to comply with any of the terms or conditions set forth in this Consent Order. The Board acknowledges that at any such hearing, Permittee retains the right to confront and examine all witnesses, present evidence, testify on his own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*

24. 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.

25. Permittee 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 Permittee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Permittee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

26. Permittee further understands and agrees that upon signature by Permittee, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.

27. 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.

28. Permittee 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 Permittee is not present. Permittee 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.

29. Permittee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel 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.

30. Permittee acknowledges he has read this Consent Order and fully understands the contents.

31. Permittee acknowledges this Consent Order has been entered into freely and voluntarily.

32. All correspondence or communication between Permittee 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.

33. Permittee 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.

34. 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.

35. This Consent Order constitutes **public disciplinary action**.

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

37. In lieu of conducting a formal proceeding, Permittee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action regarding his postgraduate permit to engage in the practice of medicine and surgery within his postgraduate training program:

Consent Order
Adam Condra, M.D.
Docket No. 18-HA00040

CANCELLATION & STAY OF POSTGRADUATE TRAINING PERMIT

38. Under K.S.A. 65-2811(d)(2), Permittee's postgraduate training permit is hereby **CANCELLED**.

39. Such cancellation shall be immediately and simultaneously **STAYED**.

40. Such **STAY** shall remain in effect as long as Permittee does not engage in further practice outside the scope of his postgraduate permit, and until:

- a. Permittee successfully completes his postgraduate training program; or
- b. Permittee is granted a license to practice in medicine and surgery in Kansas,
whichever occurs first.

41. Upon the occurrence of Permittee's successful completion of his postgraduate training program, or Permittee being granted a license to practice medicine and surgery in Kansas, the **STAY** of **CANCELLATION** shall be lifted and Permittee's postgraduate permit shall be administratively cancelled in the same manner set forth in K.S.A. 65-2811a for other permittees once such individuals cease to be engaged in postgraduate training programs, or receive full Kansas licenses.

42. Permittee shall immediately notify the Board of any citation, arrest, or charge filed against him or of any conviction for any traffic or criminal offenses, excluding minor traffic infractions.

43. Permittee shall immediately notify the Board of any complaint filed, or investigation opened, by the proper licensing authority of another state, territory, District of Columbia, or other country, professional association or society, or by governmental agency.

44. Permittee shall at all times keep Board staff apprised of his current practice locations, addresses, and telephone numbers. Permittee shall provide the above information in writing to the Board within ten (10) days of any such change.

EDUCATION: PRESCRIBING CONTROLLED SUBSTANCES

45. On or before June 30, 2019, Permittee shall successfully complete all of the following courses:

- (a) The American Medical Association's e-learning course titled, "A Primer on Opioid Morbidity and Morality Crisis: What Every Prescriber Should Know;"
- (b) The American Society of Addiction Medicine's e-learning course titled, "Opioid Prescribing: Safe Practice, Changing Lives;" and
- (c) The Stanford Center for Continuing Medical Education's online CME course titled, "Prescription Drug Misuse and Addiction: Compassionate Care for a Complex Problem."

46. Permittee shall provide proof of successfully completing each course within thirty (30) days of completion to:

Kansas Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level Suite A
Topeka, Kansas 66612
KSBHA_ComplianceCoordinator@ks.gov

47. All costs, foreseen and unforeseen, associated with the prescribing controlled substances courses shall be at Permittee's expense.

EDUCATION: MEDICAL RECORD DOCUMENTATION

48. On or before June 30, 2019, Permittee shall select and successfully complete one (1) of the following courses:

- (a) Professional Boundaries, Inc.'s Medical Record Keeping Course;
- (b) Case Western Reserve's Documentation Course; or
- (c) The Center for Personalized Education for Physicians' "Medical Record Keeping Seminar."

49. Permittee shall provide proof of successful completion of the selected course within thirty (30) days of completion to:

Kansas Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level Suite A
Topeka, Kansas 66612
KSBHA_ComplianceCoordinator@ks.gov

50. All costs, foreseen and unforeseen, associated with the medical record keeping course shall be at Permittee's expense.

EDUCATION: ETHICS

51. On or before June 30, 2019, Permittee shall successfully complete the Professional Boundaries, Inc.'s "PBI Complete Professional: Navigating Professional Boundaries" course.

52. Permittee shall provide proof of successfully completing "PBI Complete Professional: Navigating Professional Boundaries" within thirty (30) days of completion to:

Kansas Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level Suite A
Topeka, Kansas 66612
KSBHA_ComplianceCoordinator@ks.gov

53. All costs, foreseen and unforeseen, associated with the ethics course, shall be at Permittee's expense.

PRESENTATIONS

54. On or before June 30, 2019, Permittee shall make a live presentation during one of the University of Kansas Graduate Medical Education's "Tuesday Core Competency" lectures for University of Kansas Graduate Medical Education residents in Kansas City. The topic of such presentation shall be "A Resident's Perspective on Practicing Within the Scope of a Postgraduate Permit."

55. On or before June 30, 2019, Permittee shall give a live presentation to the University of Kansas Emergency Medicine Residency Program residents. The topic of this presentation shall be "A Resident's Perspective on Practicing Within the Scope of a Postgraduate Permit."

56. On or before June 30, 2019, Permittee shall give a live presentation during the University of Kansas Graduate Medical Education's new resident orientation for Wichita and Salina residents in Wichita, Kansas. The topic of this presentation shall be "A Resident's Perspective on Practicing Within the Scope of a Postgraduate Permit."

57. Permittee shall provide proof of each presentations to the Board by submitting a copy of the presentation materials, and a copy of an official agenda, or other similar documentation, within ten (10) days of completing each of the presentations to:

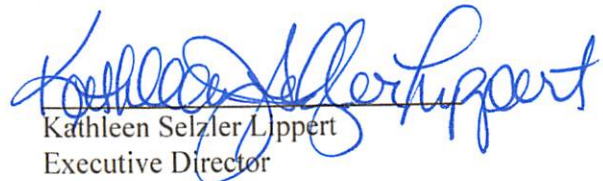
Kansas Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level Suite A
Topeka, Kansas 66612
KSBHA_ComplianceCoordinator@ks.gov

58. All costs, foreseen and unforeseen, associated with giving the presentations to the Emergency Residency Program shall be at Permittee's expense.

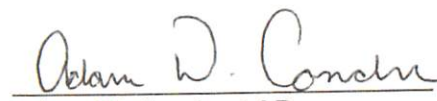
IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

IT IS SO ORDERED on this 9 day of Jan, 2019.

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


Kathleen Selzler Lippert
Executive Director

1/9/19
Date

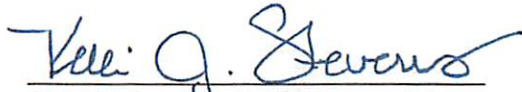

Adam W. Condra, M.D.
Permittee

12/30/2018
Date

PREPARED AND APPROVED BY:



Reese Hays, #22700
Courtney E. Manly, #27787
Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612
785-368-8210



Kelli J. Stevens, #16032
Forbes Law Group, LLC
6900 College Boulevard, Suite 840
Overland Park, Kansas 66211
913-341-8600

2

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the foregoing **Consent Order** by United States mail, postage prepaid, on this 9th day of January, 2019, to the following:

Adam W. Condra, M.D.

[REDACTED]
Olathe, Kansas 66061

Permittee

Kelli J. Stevens

Forbes Law Group, LLC

6900 College Boulevard, Suite 840

Overland Park, Kansas 66211

Attorney for Permittee

And the original was filed with the office of the Executive Director:

Kathleen Selzler Lippert

Executive Director

Kansas Board of Healing Arts

800 SW Jackson, Lower Level-Suite A

Topeka, Kansas 66612

And a copy was hand-delivered to:

Reese Hays

Litigation Counsel

Courtney E. Manly

Associate Litigation Counsel

Kansas Board of Healing Arts

800 SW Jackson, Lower Level-Suite A

Topeka, Kansas 66612

Compliance Coordinator

Kansas Board of Healing Arts

800 SW Jackson, Lower Level-Suite A

Topeka, Kansas 66612


Amber Cox

Consent Order

Adam Condra, M.D.

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