

EFFECTIVE AS A FINAL ORDER

DATE: 04/10/18

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FILED

MAR 19 2018

KS State Board of Healing Arts

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

In the Matter of)

Kent J. Cooper, M.D.)

Kansas License No. 04-15873)

Docket No. 18-HA 00045

SUMMARY ORDER

NOW ON THIS 19th day of March, 2018, 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 77-537 and K.S.A. 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for a 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:

Findings of Fact

1. Kent J. Cooper M.D.'s ("Licensee") last known mailing address to the Board is: [REDACTED] Pittsburg, Kansas 66762.
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. 04-15873 on approximately August 8, 1974, and having last renewed such license on approximately July 10, 2017.
3. Licensee's license to practice medicine and surgery in the State of Kansas is currently active.

4. During all times relevant to the facts set forth in this order, Licensee has held an Active license to practice medicine and surgery in the state of Kansas.

5. [REDACTED]

6. [REDACTED]

7. [REDACTED]

8. During the investigation and review of this matter, Licensee retired from his practice located in Pittsburg, Kansas after forty (40) years of practice. *See Cooper retires after 40 years*, MORNING SUN (July 5, 2016, 2:20 PM), <http://www.morningsun.net/news/20160705/coopcr-retires-after-40-years>.

9. On or about June 4, 2016, Licensee renewed his Kansas license as active and indicated his professional liability coverage that was provided by Medical Protective would be expiring on July 1, 2016. Licensee answered in the negative to the question whether he was planning to retire within 5 years.

10. On or about July 10, 2017, Licensee renewed his Kansas license as active and indicated he had professional liability coverage with Medical Protective that was to be expiring on

July 1, 2018. Licensee answered in the negative once again to the question whether he was planning to retire within 5 years.

11. On or about October 3, 2017, Licensee canceled his professional liability coverage with Medical Protective.

12. On or about October 16, 2017, the Board received a letter informing it that Licensee had canceled his professional liability policy effective October 3, 2017.

13. Licensee currently does not have professional liability coverage in the State of Kansas and maintains an active license.

Applicable Law

14. Under the Kansas Healing Arts Act, “The board, prior to renewal of a license, shall require an active licensee to submit to the board evidence satisfactory to the board that licensee is maintaining a policy of professional liability insurance as required by K.S.A. 40-3402, and amendments there to, and has paid the premium surcharges as required by K.S.A. 40-3404, and amendments thereto.” K.S.A. 65-2809.

15. K.S.A. 40-3402(a) states:

A policy of professional liability insurance approved by the commissioner and issued by an insurer duly authorized to transact business in this state in which the limit of the insurer's liability is not less than \$200,000 per claim, subject to not less than a \$600,000 annual aggregate for all claims made during the policy period, **shall be maintained in effect by each resident health care provider as a condition of active licensure** or other statutory authorization to render professional service as a health care provider in this state, unless such health care provider is a self-insurer. . .

(emphasis added).

16. Pursuant to K.S.A. 65-2836 “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 . . . as defined in K.S.A. 65-2837, and amendments thereto.

(y) The licensee has failed to maintain a policy of professional liability insurance as required by K.S.A. 40-3402 or 40-3403a, and amendments thereto.

17. Pursuant to K.S.A. 65-2837(b) unprofessional conduct means:

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

Conclusions of Law

18. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

19. The Board finds that Licensee violated K.S.A. 65-2836(y) in that Licensee failed to maintain a policy of professional liability insurance as required by K.S.A. 40-3402 or 40-3403a, and amendments thereto when he terminated his professional liability insurance on October 3, 2017, and retained his active license to practice medicine and surgery in the state of Kansas.

20. The Board finds that Licensee violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(12), in that Licensee currently holds an active license in the state of Kansas, but does not maintain professional liability insurance as required pursuant to K.S.A. 40-3402.

21. Based on the facts and circumstances set forth herein, the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than Licensee.

IT IS, THEREFORE, ORDERED that Licensee shall hereby be **INDEFINITELY SUSPENDED** for Licensee's violations of the Kansas Healing Arts Act, **effective April 13, 2018**, unless:

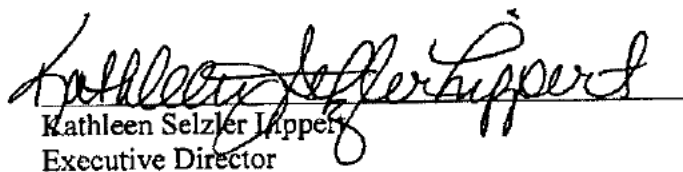
1. licensee changes his status from active to inactive or exempt by April 13, 2018; OR
2. licensee obtains and maintains a policy of professional liability insurance as required by K.S.A. 40-3402 or 40-3403a, and amendments thereto.

IT IS FURTHER ORDERED that KSBHA Investigation 15-00651 shall be closed and no further action pursued at this time against Licensee's license unless he attempts to return to the active practice of medicine in violation of this order.

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 19th day of March, 2018.

KANSAS STATE BOARD OF HEALING ARTS


Kathleen Selzler Lippert
Executive Director

FINAL ORDER 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, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **FINAL ORDER** was served this 10th day of April, 2018 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Kent J. Cooper, MD
[REDACTED]
Pittsburg, KS 66762

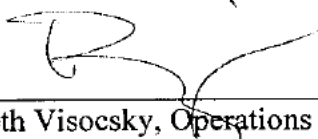
And a copy was hand-delivered to:

Susan Gering, Deputy Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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

Office of the General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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



Beth Visocsky, Operations Manager