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KS State Board of Healing Arts

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

In the Matter of

GREGG A. COUP, M.D.

Kansas License No. 04-30430

Docket No. 09-HA00121

**JOURNAL ENTRY OF SATISFACTION
OF REQUIREMENTS OF FINAL ORDER**

NOW on this 01st day of March, 2009, this matter comes before John (Jack) Confer, Executive Director, Kansas Board of Healing Arts ("Board"), concerning Licensee's satisfaction of all requirements contained in the Final Order which was filed on March 2, 2009. Wherefore, the Board finds as follows:

1. On or about March 2, 2009, the Board issued a Final Order regarding the license of Gregg A. Coup, M.D. ("Licensee") to practice as a medical doctor in the state of Kansas. The Final Order contained a provision for Licensee to pay a fine in the amount of \$500 on or before March 6, 2009. The Final Order became effective on February 24, 2009.
2. Licensee paid the \$500 fine on March 2, 2009.
3. Licensee has satisfied all requirements of the Final Order and has no further obligation for compliance.

IT IS THEREFORE ORDERED that Licensee is hereby discharged from the requirements of the Final Order filed on March 2, 2009.

IT IS SO ORDERED.

KANSAS BOARD OF HEALING ARTS

John (Jack) Confer
Executive Director

3/6/2009
Date

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing **Journal Entry of Satisfaction** was served on the 9th day of ~~January~~ ^{March}, 2009 by United States mail, first-class postage pre-paid and addressed to:

Gregg A. Coup, M.D.
1012 Overhill Road
Manhattan, KS 66503

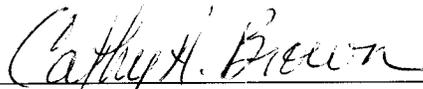
and a copy was hand-delivered to:

Stacy R. Bond
Associate Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

Melissa Massey
Compliance Coordinator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3065

and the original was hand-delivered for filing with the office of the Executive Director:

Jack Confer
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068


Cathy Brown
Executive Assistant

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

In the Matter of)	
GREGG A. COUP, M.D.)	
)	
Kansas License No. 04-30430)	Docket No. 09-HA00121
_____)	

FINAL ORDER

NOW ON THIS 2nd day of March, 2009, the above-entitled matter comes on before John (Jack) Confer, Executive Director of the Kansas State Board of Healing Arts. After reviewing the file and being duly advised in the premises, the Executive Director makes the following determinations.

1. On February 5, 2009, the Executive Director issued a Summary Order regarding the license of Gregg A. Coup, M.D. ("Licensee") to practice as a medical doctor in the state of Kansas. The Summary Order contained a provision assessing a \$500 civil fine against Licensee, due and payable on or before March 6, 2009.

2. The Summary Order contained a notice that a written request for hearing could be filed within 15 days following service, but if no hearing is requested, the Summary Order would be come effective as a final order of the Board upon expiration of the time for requesting a hearing.

3. No hearing has been requested by any party; therefore the Summary Order became effective as a final order on February 24, 2009.

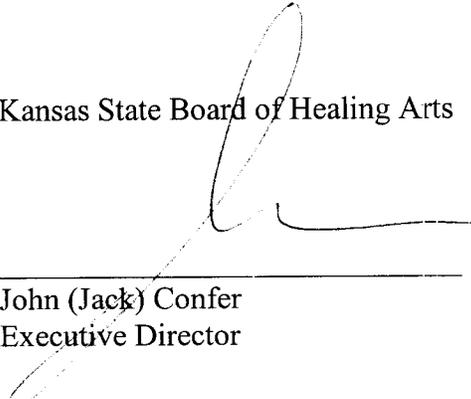
IT IS SO ORDERED.

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. Pursuant to K.S.A. 77-601 *et. seq.* a party to whom a Final Order is issued may petition for judicial review of this Final Order. The petition for judicial review must be filed within thirty (30) days of service of this Final Order. In the event a petition for judicial review is filed pursuant to K.S.A 77-613(e), the Agency Officer to be served on behalf of the Kansas State Board of Healing Arts is Jack Confer, Executive Direction, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, Kansas 66603.

Dated this 3rd **day of March 2009.**

Kansas State Board of Healing Arts



John (Jack) Confer
Executive Director

Certificate of Service

I certify that the foregoing Final Order was served this 3rd day of March 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Gregg A. Coup, M.D.
1012 Overhill
Manhattan, KS 66503

and a copy was hand-delivered to:

Stacy R. Bond
Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

Melissa Massey

Compliance Coordinator
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

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

John (Jack) Confer
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603



Cathy Brown
Executive Assistant

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts]

In the Matter of)
Gregg A. Coup, M.D.)
)
)
Kansas License No. 04-30430)
_____)

Docket No. 09-HA 00121
Investigation No. 09-00136

SUMMARY ORDER

NOW ON THIS 5TH day of February, 2009, this matter comes before John (Jack) Confer, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A. 77-537. This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

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. Gregg A. Coup, M.D. ("Licensee") was originally issued license number 04-30430 to practice medicine and surgery in the state of Kansas on December 6, 2003. Licensee's license is federally active, having last been renewed on or about July 1, 2008.
2. Licensee's last known mailing address as provided to the Board at the time of his renewal is 1012 Overhill, Manhattan, Kansas 66503.
3. On or about September 5, 2008, the Board received a complaint from Patient #1 regarding Licensee's failure to provide medical records to his disability attorney.
4. Patient #1 stated that he requested his medical records from Licensee on August 11,

2007, and was advised that he needed to sign a release form to receive them. Patient #1 stated he signed the form, but the records were never sent.

5. On September 22, 2008, Board investigator sent a copy of the complaint letter to Licensee for a response. Licensee stated that he sent a copy of Patient #1's medical records to SRS on October 27, 2007. However, Licensee did not address the failure to provide medical records to Kansas Legal Services ("KLS").

6. Board investigator then contacted Patient #1's disability attorney and determined that requests were made by KLS for Patient #1's medical records on March 18, 2008, April 11, 2008 and May 16, 2008, but that these requests were not honored.

7. Patient #1's medical records provided to the Board by Licensee show that the records requested on March 18, 2008 were faxed to KLS on September 24, 2008.

8. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. The Disciplinary Panel authorized and directed the issuance of this Summary Order and the specific disciplinary sanctions pursuant to Board Guidelines.

Applicable Law

9. K.S.A. 65-4971 states, in pertinent part:
 - (a) Subject to applicable law, copies of health care records shall be furnished to a patient, a patient's authorized representative or any other person or entity authorized by law to obtain or reproduce such records, within 30 days of the receipt of the authorization, or the health care provider shall notify the patient or the patient's authorized representative of the reasons why copies are not available.
10. K.S.A. 65-2836 states, in pertinent part: A licensee's license may be revoked, suspended, or limited or the licensee may be publicly or privately

censured, or an application for license or for reinstatement of a license may be denied upon finding of the existence of any of the following grounds:

- (b) The licensee has committed an act of unprofessional or dishonorable conduct or professional incompetency.
- (k) The licensee has violated any lawful rule and regulation promulgated by the board or violated any lawful order or directive of the board previously entered by the board.

11. K.A.R. 100-22-1 states, in pertinent part:

- (a) Unless otherwise prohibited by law, each licensee shall, upon receipt of a signed release from a patient, furnish a copy of the patient record to the patient, to another licensee designated by the patient, or to a patient's legally designated representative. . . .
- (b) A licensee may charge a person or entity for reasonable costs to retrieve or reproduce a patient record. A licensee shall not condition the furnishing of a patient record to another licensee upon prepayment of these costs.
- (c) Any departure from this regulation shall constitute prima facie evidence of dishonorable conduct pursuant to K.S.A. 65-2836(b), and any amendments thereto.

Conclusions of Law

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

13. The Board finds that Licensee violated K.S.A. 65-2836; K.S.A. 65-4971; and K.A.R. 100-22-1, by failing to provide Patient #1's medical records to Patient #1's legally designated representative within 30 days.

14. Based on the facts and circumstances set forth herein, it appears that 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 the

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, Gregg A. Coup, M.D.

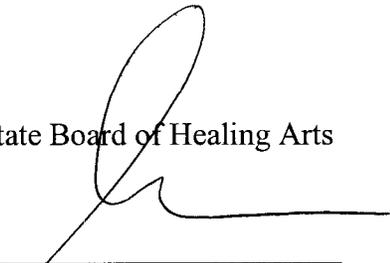
IT IS, THEREFORE, ORDERED that Licensee is hereby fined \$500.00. Such fine is payable in full to the "Kansas Board of Healing Arts" on or before March 6, 2009.

NOTICE AND OPPORTUNITY FOR HEARING

PLEASE TAKE NOTICE that this is a Summary Order. A party to whom a Summary Order is issued may file a written request for a hearing pursuant to K.S.A. 77-542 within 15 days following service of the Summary Order. Such written request shall also state the legal and/or factual basis upon which the party opposes this Order. If a hearing is not requested, the Summary Order shall become effective as a Final Order of the Board upon expiration of the time for requesting a hearing. A written request for hearing must be addressed and mailed to Jack Confer, Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, KS 66603.

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 5th day of February, 2009.

Kansas State Board of Healing Arts


Jack Confer
Executive Director

Certificate of Service

I certify that the foregoing Summary Order was served this 5th day of February,

2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Gregg A. Coup, M.D.
1012 Overhill
Manhattan, KS 66503

and a copy was hand-delivered to:

Melissa Massey
Compliance Coordinator
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
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Stacy R. Bond
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Cathy Brown
Executive Assistant