

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED CAB
JUN 28 2012

KS State Board of Healing Arts

In the Matter of)
) Docket No. 12-HA ~~00088~~ 00102
Charles L. Craig, P.A.)
Kansas License No. 15-00976)

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, (“Board”), by and through Brandy O. Snead, Associate Litigation Counsel and Reese H. Hays, Litigation Counsel, (“Petitioner”), and Charles L. Craig, P.A. (“Licensee”), *pro se*, and move the Board for approval of a Consent Order affecting Licensee’s license to practice as a physician’s assistant 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 ,
Wichita, KS 67212.
2. Licensee is entitled to engage in the practice as a physician’s assistant in the State of Kansas, having been issued License No. 15-00976 on approximately October 16, 2004. Licensee’s license is currently active.
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 as a physician’s assistant. K.S.A. 65-28a01 *et seq.*
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.

5. The Kansas Physician Assistant Licensure Act is constitutional on its face and as applied in the 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 has reason to believe that there may be grounds pursuant to K.S.A. 65-28a05(c) and K.A.R. 100-28a-7, to take action with respect to Licensee's license under the Kansas Physician Assistant Licensure Act, K.S.A. 65-28a01, *et seq.*

9. On or about March 29, 2006, Licensee failed to adhere to the standard of care when treating a 66-year-old patient. Licensee failed to adhere to the standard of care when:

- a. The patient presented with dizziness, nausea, vomiting, and lower back pain.
- b. The patient had been experiencing dark stools for one week and had not been taking his blood pressure medicine.
- c. Licensee removed noticeable cerumen impaction of patient's left ear and gave him Metoprolol and Phenergan prior to releasing him.
- d. Licensee should have admitted the patient, stopped daypro, and notified the attending physician.
- e. Licensee's performance of an ear lavage was an inappropriate treatment for this patient.

10. On or about May 24, 2006, Licensee failed to adhere to the standard of care when treating a 47-year-old patient. Licensee failed to adhere to the standard of care when:

- a. The patient presented to the Emergency Room with complaint of chest pain and history of two acute myocardial infarctions. Licensee gave him one electrocardiogram and a set of cardiac labs prior to dismissing him.
- b. The standard of care for chest pain is serial electrocardiograms and three sets of cardiac enzymes.

11. On or about April 16, 2006, Licensee failed to adhere to the standard of care when treating a 71-year-old patient. Licensee failed to adhere to the standard of care when:

- a. The patient presented to the Emergency Room with complaints of hypoglycemia, confusion, and dehydration. The patient was subsequently discharged from the hospital at 16:09 before her lab reports were back at 16:10.
- b. The patient was then not called back after critical lab results were received.
- c. The patient returned to the Emergency Room approximately five hours later and was in acute renal failure and hyperkalemia.
- d. She was transferred to Wichita hospital in serious condition.
- e. Proper communication between the physician assistant and the physician did not occur which could have resulted in causing injury to the patient without further follow up.

12. Licensee's acts, if proven, constitute professional incompetency as set forth in K.S.A. 65-28a05(c) and further defined in K.A.R. 100-28a-7.

13. 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 Physician Assistant Licensure Act with respect to the above allegations. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

14. A protective order is hereby entered to protect all confidential information under

CONFIDENTIAL

15. Pursuant to K.S.A. 65-28a05, the Board may revoke, suspend, limit, or censure Licensee's license.

16. According to K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

17. All pending investigation materials in KSBHA Investigation numbers 05-00381, 07-00058, and 07-00082 regarding Licensee, were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 26 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

18. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Licensee 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 Licensee's license to practice as a physician assistant in the State of Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee 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, Licensee 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 Physician Assistant Licensure Act, K.S.A. 65-28a01, *et seq.*

19. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Physician Assistant Licensure Act, to investigate complaints received 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 Physician Assistant Licensure 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. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.

22. 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.
23. 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.
24. Licensee, 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.
25. Licensee acknowledges that he has read this Consent Order and fully understands the contents.
26. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
27. 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.

28. Licensee shall obey all federal, state and local laws and rules governing the practice of as a physician's assistant 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. 77-505 and K.S.A. 77-526. 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. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.
31. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following regarding his license to engage in the practice of as a physician's assistant:

EDUCATION

- a. Licensee shall attend and successfully complete a continuing education course for record-keeping; a continuing education course for pain management; and a continuing education course for prescribing at his own expense.
- b. The courses must be pre-approved by the Board's designee, Dr. Templeton.

- c. Licensee shall provide proof of successful completion by **September 28, 2012.**
- d. Unless otherwise approved by the Board, said continuing education course(s) shall consist of a formal live lecture format.
- e. These hours shall be in addition to those hours required for renewal of licensure.
- f. All documentation required pursuant to this Consent Order shall be submitted to the Board of Healing Arts, Attention: Complaint Coordinator, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.

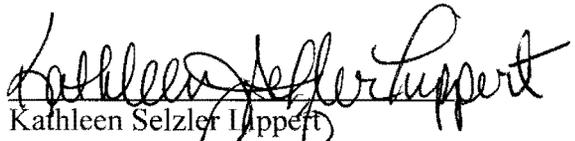
ESSAY

- a. Licensee shall complete an essay on the requirements for proper communication between a physician's assistant and a physician. Such essay will be researched and written solely by Licensee, typed in 12 point Times New Roman font, and will be a minimum of at least two double-spaced pages in length. The essay must be completed by **September 28, 2012.**
- b. The completed essay will be reviewed by Board Member Dr. Kimberly J. Templeton, M.D. If Dr. Templeton determines that the essay inadequately addresses the key issues, or is any other way deficient, Licensee agrees to follow Dr. Templeton's recommendations for revisal and shall do so **within thirty (30) days** of notification of such deficiencies.

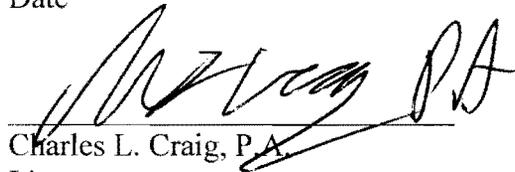
IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

IT IS SO ORDERED on this 21 day of June, 2012.

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

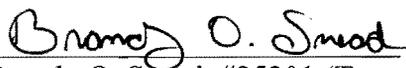

Kathleen Selzler Lippert
Executive Director

6/21/12
Date


Charles L. Craig, P.A.
Licensee

6/16/12
Date

PREPARED AND APPROVED BY:


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CERTIFICATE OF SERVICE

I, Cathy A. Brown, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 28th day of June, 2012, to the following:

Charles L. Craig, P.A.
Licensee
CONFIDENTIAL
Wichita, KS 67212

And the original was hand-filed with:

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:

Brandy O. Snead
Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Melissa Massey
Compliance Coordinator
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Katy Lenahan
Licensing Administrator
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
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Cathy A. Brown
Staff Member