FILED
JAN 02 2020
KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
	)	
Kelly Demuynck, P.A.	)	**KSBHA Docket No. 20-HA00022**
Kansas License No. 15-01788	)	
	)	

JOURNAL ENTRY OF SATISFACTION

The Kansas State Board of Healing Arts ("Board"), by its Interim Executive Director, Tucker L. Poling, 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 October 7, 2019, a Summary Order became effective as a Final Order against Kelly Demuynck, P.A. ("Licensee"), imposing requirements therein.
2. Licensee has satisfactorily met all requirements of the Final Order and has no further obligations for compliance with the Final Order.

IT IS SO ORDERED. Dated this 2nd day of January 2020.

KANSAS STATE BOARD OF HEALING ARTS

Tucker L. Poling
Interim Executive Director

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the above and foregoing **Journal Entry of Satisfaction**, by depositing the same in the United States mail, first class postage prepaid, on this 2nd day of January 2020, addressed and emailed to:

Kelly Demuynck, P.A.
CONFIDENTIAL

Licensee

And a copy hand delivered to:

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

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

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

and the original was filed with:

Tucker Poling, Interim Executive Director
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level - Suite A
Topeka, Kansas 66612

Jennifer Cook
Paralegal

EFFECTIVE AS A FINAL ORDER

DATE: 10/7/2019

FILED
SEP 16 2019
KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
	)	**KSBHA Docket No. 20-HA00022**
KELLY DEMUYNCK, P.A.	)	
Kansas License No. 15-01788	)	

SUMMARY ORDER

NOW ON THIS 16 day of Sept., 2019, 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. On or about March 11, 2015, Kelly Demuynck, P.A. ("Licensee") was originally issued license number 15-01788 to practice as a physician assistant in Kansas. Licensee last renewed her license to practice as a physician assistant on or about January 4, 2019. Licensee's current license designation is Active.

2. Licensee's last known mailing address to the Board is: CONFIDENTIAL, CONFIDENTIAL Her last known email address as provided to the Board is: CONFIDENTIAL.

3. During all times relevant to the facts set forth in this Summary Order, Licensee held an Active license to practice as a physician assistant in Kansas.

4. On or about January 4, 2019, Licensee renewed her license online as Active. On her renewal, Licensee listed Eric Keyser, License Number A73867, as her supervising physician. A search of the Board's website indicated Eric Keyser is not licensed in Kansas. Licensee did not name another supervising physician and did not submit an Active Practice Request Form.

5. In May 2019, Licensee was randomly selected for an audit of her Kansas Health Care Stabilization Fund ("KHCSF") compliance, compliance with professional liability insurance requirements, and compliance with her continuing education credits.

6. On or about May 15, 2019, Licensee was sent a first notice letter indicating she was required to submit proof of the above-listed requirements. Licensee did not respond.

7. On or about June 14, 2019, Licensee was sent a second notice letter. This letter was returned to the Board's office and indicated Licensee's mailing address was different than that provided to the Board on her 2019 Online Renewal.

8. On or about July 15, 2019, Licensee's audit was referred to the Board's Compliance and Regulation Department for further action.

9. As part of the KHCSF audit, it was discovered Licensee did not have a current Physician Assistant Active Practice Request Form on file with the Board.

10. On or about August 1, 2019, Licensee was sent a letter via secure mail and email giving her until August 15, 2019, to submit a copy of the certification showing she had paid her annual premium surcharge and was in compliance with the KHCSF, the required proof of continuing education credits, and a current Physician Assistant Active Practice Request Form.

11. On or about August 15, 2019, the Board received documentation indicating Licensee was in compliance with the required professional liability insurance, continuing education requirements, and the KHCSF. However, Licensee did not submit a current Physician Assistant Active Practice Request Form.

12. On or about August 16, 2019, Associate Litigation Counsel M. Katie Baylie sent a secure e-mail to Licensee with a deadline of August 19, 2019 to submit a current Physician Assistant Active Practice Request Form.

13. To date, Licensee has not responded and has not provided the requested information.

Applicable Law

14. Under K.A.R. 100-28a-9a(a), each physician assistant who requests to engage in active practice on or after January 11, 2016 shall submit to the board an active practice request form that contains the information required by K.A.R. 100-28a-9.

15. Under K.S.A. 65-28a05(a) of the Physician Assistant Licensure Act, a Licensee's license may be suspended upon a finding that the licensee has committed an act of unprofessional conduct as defined by the rules and regulations adopted by the board.

16. K.A.R. 100-28a-8(m) further defines unprofessional conduct to include failing to furnish the board, or its investigators or representatives, with any information legally requested by the board.

Conclusions of Law

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

18. The Board finds that Licensee violated K.A.R. 100-28a-9a(a), in that Licensee has failed and/or refused to respond to the request for a current Physician Assistant Active Practice Request Form.

19. The Board finds that Licensee violated K.S.A. 65-28a05(a), as further defined by K.A.R. 100-28a-8(m), in that Licensee failed to furnish the board the legally requested information when she failed and/or refused to response to the request for a current Physician Assistant Active Practice Request Form.

20. 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 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, Kelly Demuynck, P.A.

IT IS, THEREFORE, ORDERED that Licensee's license to practice as a physician assistant in Kansas is **INDEFINITELY SUSPENDED** for violating the Physician Assistant Licensure Act. Licensee's license shall be indefinitely suspended until such time as she provides the legally requested information pursuant to KSBHA Investigative Case No. 20-00042.

IT IS FURTHER ORDERED Licensee is assessed a **CIVIL FINE** in the amount of **one hundred dollars and zero cents ($100.00)** for violations of the Kansas Healing Arts Act and the Kansas Physician Assistants Licensure Act. Such fine shall be paid to the "Kansas State Board of Healing Arts", in full, on or before **October 15, 2019**. All monetary payments, which shall be in the form of check or money order, relating to this Summary Order shall be mailed to the Board certified and addressed to:

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

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 16 **day of** Sept**, 2019.**

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 7th day of Oct, 2019 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Kelly Demuynck, P.A.
CONFIDENTIAL

Licensee

And a copy was hand-delivered to:

M. Katie Baylie, Associate 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.

Linda Shauer for
Susan Gile, Operations Manager