

EFFECTIVE AS A FINAL ORDER

DATE: 12/13/2017

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

NOV 22 2017
KS State Board of Healing Arts

In the Matter of)
)
MARK H. DEWOLFE, M.D.)
Kansas License No. 04-19790)
_____)

KSBHA Docket No. 18-HA00022

SUMMARY ORDER

NOW ON THIS 21st day of November, 2017, 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, 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. Mark H. Dewolfe, M.D. ("Licensee") was originally issued license number 04-19790 to practice medicine and surgery in the State of Kansas on or about December 10, 1982. Licensee's current license designation is Active, and such license was last renewed on or about June 2, 2017.
2. Licensee's last known mailing address to the Board is: 5400 North Oak Trafficway, Suite 101, Kansas City, Missouri 64118.
3. On or about June 21, 2016, Licensee submitted an application for renewal of his license to practice medicine and surgery in the State of Kansas.

4. Further, on or about June 21, 2016, Licensee certified on his renewal form that he had completed the required one hundred and fifty (150) continuing education credits with a minimum of sixty (60) Category I credits and a maximum of ninety (90) Category II credits between January 1, 2013 through June 30, 2016.
5. As part of the Board's continuing education licensing audit process, Licensee was randomly selected to provide to the Board Licensee's proof of completion of his continuing education credits required for his license renewal.
6. On or about October 4, 2016, Board staff sent a letter to Licensee that requested Licensee provide the continuing education documentation he relied upon when Licensee certified he completed the continuing education credits required by the Board for renewal of his license. This documentation was to be provided to the Board on or before November 4, 2016.
7. On or about October 28, 2016, Licensee submitted to the Board documentation evidencing the continuing education credits he completed between January 1, 2013 and June 30, 2016, which consisted of one hundred ten and a half (110.5) credits of the required one hundred and fifty (150) continuing education credits. Licensee failed to provide the Board documentation for the remaining thirty-nine and a half (39.5) credits, of the required total one hundred and fifty (150) continuing education credits.
8. On or about November 1, 2016, the Board staff sent a second letter to Licensee requesting Licensee provide the continuing education documentation he relied upon when Licensee certified he completed the continuing education credits required by the Board for renewal of his license. This documentation was to be provided to the Board on or before November 4, 2016.

9. To date, Licensee has not provided the Board proof of successful completion of the remaining thirty-nine and a half (39.5) credits of continuing education, of the total one hundred and fifty (150) continuing education credits required by the Board for the renewal of his license.

Applicable Law

10. K.S.A. 65-2809(b) of the Kansas Healing Arts Act states in pertinent part:

the board shall require every active licensee to submit evidence of satisfactory completion of a program of continuing education required by the board. The requirements for continuing education for licensees of each branch of the healing arts shall be established by rules and regulations adopted by the board.

11. K.A.R. 100-15-5(a)(1)(C) of the Kansas Administrative Regulations states in pertinent part:

Each person who is licensed to practice a branch of the healing arts and who is required to submit proof of completion of continuing education as a condition to renewing a license shall certify, on a form provided with the license renewal application...during the 42-month period immediately preceding the license expiration date, the person completed at least 150 credits of continuing education, of which at least 60 credits shall be in category I and the remaining credits in category II.

12. K.A.R. 100-15-6 of the Kansas Administrative Regulations states in pertinent part:

(a) Each Person who certifies completion of continuing education shall, for at least four years following the date of certification, maintain documentation of completion...

(b) Within 30 days following a written request by the Board to a licensee, the licensee shall provide the Board with proof of completion of continuing education as specified in this regulation.

13. K.S.A. 65-2836 of the Kansas Healing Arts Act states in pertinent part:

A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately censured or placed under probationary conditions ... upon a finding of the existence of any of the following grounds:

- (a) The licensee has committed fraud or misrepresentation in applying for or securing [a] ... renewal ... license ...
- (b) The licensee has committed an act of unprofessional or dishonorable conduct...
- (k) The licensee has violated any lawful rule and regulation promulgated by the board ...
- (r) The licensee has failed to furnish the board ... or its representatives, any information legally requested by the board.

14. K.S.A. 65-2863a of the Kansas Healing Arts Act states in pertinent part:

The state board of healing arts .. may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for violation of the Kansas healing arts act in an amount not to exceed \$5,000 for the first violation ...

Conclusions of Law

15. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
16. The Board finds that Licensee violated K.S.A. 65-2836(a), in that Licensee committed fraud and/or misrepresentation in applying for and/or securing a renewal license when he certified he completed at least one hundred and fifty (150) credits of continuing education credits for renewal of his license to practice medicine and surgery, when in fact he did not complete the minimum requirement.
17. The Board finds that Licensee violated K.S.A. 65-2836(b) in that Licensee committed unprofessional and dishonorable conduct when he failed to submit evidence of satisfactory

completion of a program of continuing education to the Board, as required under K.S.A. 65-2809(b) and K.A.R. 100-15-6.

18. In addition, the Board finds that the Licensee violated K.S.A. 65-2836(k), in that Licensee violated a lawful rule and regulation promulgated by the Board. Specifically, Licensee violated K.A.R. 100-15-5(a)(1)(C) by certifying he completed at least one hundred and fifty (150) credits of continuing education credits for renewal of his license to practice medicine and surgery, when in fact he did not complete the minimum requirement, therefore a violation of a lawful rule and regulation promulgated by the Board.
19. Further, the Board finds that Licensee violated K.S.A. 65-2836(r) and K.A.R. 100-15-6, in that Licensee failed to furnish the Board representative the legally requested information, specifically the proof of his completion of at least one hundred and fifty (150) credits of continuing education to the Board.
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, Mark H. Dewolfe, M.D.

IT IS, THEREFORE, ORDERED that Licensee is **INDEFINITELY SUSPENDED** for Licensee's violations of the Kansas Healing Arts Act. Licensee shall be indefinitely suspended until such time as she provides to the Board proof of successful completion of the one hundred and fifty (150) continuing education hours as required pursuant to K.S.A. 65-2809(b) and K.A.R. 100-15-5(a)(1)(C).

IT IS FURTHER ORDERED that Licensee shall complete thirty-nine and a half (39.5) additional Category I credits of continuing education.

21. Licensee shall submit proof of his completion of thirty-nine and a half (39.5) credits to the Board on or before December 15, 2017.
22. Licensee shall submit proof of his completion of thirty-nine and a half (39.5) credits to the attention of:

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

IT IS, THEREFORE, ORDERED that Licensee is hereby assessed a **CIVIL FINE** in the amount of \$500.00 for violation of the Healing Arts Act.

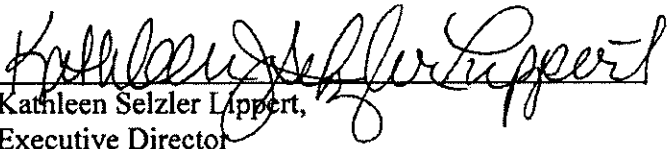
23. The total amount of \$500.00 shall be due on or before December 15, 2017.
24. Licensee shall make all payments payable to the Kansas State Board of Healing Arts. All payments shall be in the form of check or money order and shall be sent in payments to the attention of:

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 21 day of November, 2017.

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 13th day of Dec, 2017 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Mark H. DeWolfe, MD
5400 North Oak Trafficway, Suite 101
Kansas City, MO 64118

And a copy was hand-delivered to:

Reese H. Hays, 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