

BEFORE THE BOARD OF HEALING ARTS OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of Karen Dhanens-Wolverton, M.D. Kansas License No. Pending Docket No. 13-HA00053

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Jessica A. Bryson, Associate Litigation Counsel ("Petitioner"), and Karen Dhanens-Wolverton, M.D. ("Licensee"), pro se, and move the Board for approval of a Consent Order affecting Applicant's license to practice medicine and surgery in the State of Kansas. The Parties stipulate and agree to the following:

- 1. Applicant's last known mailing address to the Board is: Confidential Confidential Wichita, Kansas 67226.
2. On or about September 7, 2010, Applicant submitted to the Board an application for licensure in medicine and surgery. Such application was deemed complete and filed with the Board on March 15, 2013.
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 of medicine and surgery. K.S.A. 65-2801 et seq. and K.S.A. 65-2869.
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 and 65-2838. Upon approval, these stipulations shall

Consent Order Karen Dhanens-Wolverton, M.D.

constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

5. The Kansas Healing Arts Act is constitutional on its face and as applied in the case. Applicant agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
6. Applicant voluntarily and knowingly waives her right to a hearing. Applicant voluntarily and knowingly waives her right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Applicant 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. Applicant 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. 65-2836(b) to take action with respect to Applicant's license under the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.*
9. **Confidential**

Confidential

10.

11. Applicant provided explanations in response to her “yes” answers.

(Application—Bates stamped page 41).

- a. In regard to question 1, Applicant disclosed being terminated from the Psychiatry Residency program at the University of Kansas School of Medicine-Wichita after being found in violation of a probation agreement

Confidential

b. Confidential

12. On October 14, 2011, Applicant submitted another Addendum 2. This time, Applicant answered “yes” to disciplinary questions 1, 9, and 17. (Application—Bates-stamped pages 18-19).

- a. Question 1 asks for the same information that was asked for in September 2010.
- b. Question 9 asks: “Have you ever been notified or requested to appear before a licensing or disciplinary agency?”
- c. Question 17 asks: “Have you ever been denied a Drug Enforcement Administration (DEA) or state bureau of narcotics or controlled substance registration certificate or been called before or warned by any such agency or other lawful authority concerned with controlled substances?”

13. In December 2011, Applicant provided additional explanations for her answers to the questions in Addendums 1 and 2. (Application—Bates-stamped page 68).

a. Confidential

Confidential

b.

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d. Applicant also stated that she believed her ex-husband filed a complaint against her with the DEA.

e. Confidential

14. Between June 2001 and April 2002, Applicant left her Psychiatry Internship at the University of New Mexico School of Medicine **Confidential**
Confidential (Application—Bates-stamped page 26).
15. Applicant did not successfully complete the Psychiatry Internship program at the University of New Mexico School of Medicine. (Application—Bates-stamped page 26).
16. Applicant began a Psychiatry Residency Training Program in July 2005 at the University of Kansas School of Medicine-Wichita. (Application—Bates-stamped page 29).
17. In January 2006, Applicant was placed on probation by her Residency Program because her overall attendance was not satisfactory. (Application—Bates-stamped page 62).
18. Applicant was dismissed from the program, completing only twenty-nine (29) months of the forty-eight (48) month program, on December 6, 2007, **Confidential**
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Confidential (Application—Bates-stamped pages 29, 52, 61).
19. Applicant was referred to The Center for Personalized Education for Physicians (CPEP) because she has not practiced medicine since 2007.
20. CPEP provided an Assessment Report after Applicant attended an evaluation and assessment in September 2012.
- a. **Confidential**

Confidential

b.

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21. Applicant acknowledges that if formal hearing proceedings were conducted and Applicant presented no exhibits, witnesses or other evidence, the Board has sufficient evidence to prove that Applicant has violated the Kansas Healing Arts Act with respect to the above allegations. Applicant further waives her right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.
22. Applicant's acts, if proven, constitute unprofessional conduct and professional incompetency as set forth in K.S.A. 65-2836.

23. Applicant violated K.S.A. 65-2836(b), as set forth in K.S.A. 65-2837(a)(3) by demonstrating a “pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice the healing arts” in that Applicant has not been engaged in the active practice of medicine since November 2007.
24. Applicant violated K.S.A. 65-2836(e) **Confidential**
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25. Applicant violated K.S.A. 65-2836(i) **Confidential**
Confidential
26. Applicant violated K.S.A. 65-2836(j) in that Applicant has had her Kansas post-graduate permit cancelled after she was terminated from the Psychiatry Residency Program at The University of Kansas School of Medicine-Wichita.
27. Applicant violated K.S.A. 65-2836(s) in that disciplinary action was taken against her by the Psychiatry Residency Program at The University of Kansas School of Medicine-Wichita when she was placed on probation and when she was terminated from the program.
28. Pursuant to K.S.A. 65-2836, the Board may revoke, suspend, limit, censure or place under probationary conditions Applicant’s license and pursuant to K.S.A. 65-2863a the Board has the authority to impose administrative fines for violations of the Kansas Healing Arts Act.

29. According to K.S.A.65-2838(b) and K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.
30. All pending investigation materials in KSBHA Investigative Case Number 12-00322 regarding Applicant, 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.
31. Applicant further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Applicant 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 Applicant's license to practice medicine and surgery in the State of Kansas. Applicant hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Applicant 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, Applicant 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 Healing Arts Act, K.S.A. 65-2801 *et seq.*
32. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Healing Arts Act, or to investigate

complaints received under the Risk Management Law, K.S.A. 65-4921 *et seq.*, 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 Healing Arts Act.

33. Applicant 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 Applicant has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Applicant shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.
34. Applicant further understands and agrees that upon signature by Applicant, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.
35. 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.
36. Applicant 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 Applicant is not present. Applicant 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.

37. Applicant, 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.
38. Applicant acknowledges that she has read this Consent Order and fully understands the contents.
39. Applicant acknowledges that this Consent Order has been entered into freely and voluntarily.
40. All correspondence or communication between Applicant 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.
41. Applicant shall obey all federal, state and local laws and rules governing the practice of medicine and surgery 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.

42. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become a Final Order under K.S.A. 65-2838. 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.
43. This Consent Order does not constitute disciplinary action.
44. The Board may consider all aspects of this Consent Order in any future matter regarding Applicant.
45. A protective order is hereby entered to protect all confidential information under 42 CFR Part II, K.S.A. 65-2836(i), and K.S.A. 65-4925.
46. Applicant understands that a Temporary License shall be issued based upon Applicant's signing this Consent Order, paying the temporary license fee, and abiding by the terms of this Consent Order. Applicant further understands that the Temporary License is only effective until a conference hearing is held by the Board on ratification of this Consent Order and that if the Board fails to ratify this Consent Order, the Temporary License shall immediately expire at the conclusion such hearing. If the Board ratifies this Consent Order, Applicant shall be issued a permanent license under the terms of this Consent Order.
47. In lieu of conducting a formal proceeding, Applicant, by signature affixed to this Consent Order, hereby voluntarily agrees to the following non-disciplinary limitations as a condition to being granted licensure on her license to engage in the practice of medicine and surgery:

MONITORING

48. Confidential

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55. Confidential

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LIMITATIONS

58. Licensee shall enter into an ACGME-accredited Residency Training Program at the University of Kansas School of Medicine and only practice medicine and surgery within that program.

LIMITATIONS TIMEFRAME


59 The above monitoring provisions and limitations are not self-terminating. After Applicant's successful completion of a Residency Training Program, Applicant may request modification or termination of the provisions.

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.

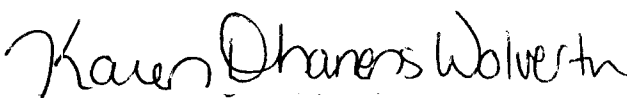
IT IS FURTHER ORDERED that upon meeting all technical requirements for licensure, Applicant shall be granted a license, pursuant to the conditions above.

IT IS SO ORDERED on this 15 day of April, 2013.

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


Kathleen Selzler Lippert
Executive Director

4/15/13
Date


Karen Dhanens-Wolverton, M.D.
Applicant

Date, 3/15/2013

PREPARED AND APPROVED BY:



Jessica A. Bryson, #22669

Associate Litigation Counsel

Kansas Board of Healing Arts

800 SW Jackson Ave, Lower Level Ste A

Topeka, Kansas 66612

785-296-8022

Consent Order

Karen Dhanens-Wolverton, M.D.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 15th day of April, 2013, to the following:

Karen Dhanens-Wolverton, M.D.
Applicant
Confidential
Wichita, Kansas 67226

And the original was hand-filed with:

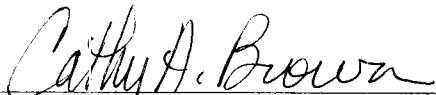
Kathleen Selzler Lippert
Executive Director
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And a copy was hand-delivered to:

Jessica A. Bryson
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Staff Member