

EFFECTIVE AS A FINAL ORDER

DATE: 4/26/16

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APR 14 2016

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

KS State Board of Healing Arts

In the Matter of)
MICHAEL ALLEN DORSCH, P.A.)
) Docket No. 16-HA00052
)
Kansas License No. 15-01596)
)
_____)

PROPOSED DEFAULT ORDER REVOKING LICENSURE

NOW on this 8th day of April, 2016, comes on for conference hearing before the Kansas State Board of Healing Arts (“Board”) the Petition for discipline filed against the license of Michael Allen Dorsch, P.A.(“Licensee”) by the Board. Petitioner appears by and through Joshana L. Offenbach, Associate Disciplinary Counsel. Applicant fails to appear.

Pursuant to the authority granted to the Board by K.S.A. 65-28a01, *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 *et seq.*, the Board hereby enters this Proposed Default Order Revoking Licensure in the above-captioned matter.

Having the agency record before it, the Board finds, concludes and orders as follows:

1. Licensee is or has been entitled to practice as a Physician Assistant the State of Kansas, having been issued a temporary License Permit number T-03125 on August 24, 2011. Licensee’s Temporary License expired on February 11, 2013. Licensee was originally issued License No. 15-01596 to practice as a Physician Assistant on or about January 30, 2013. Licensee’s license expired on December 31, 2014. Licensee’s current license has been cancelled for a failure to renew by operation of law.

2. A Petition requesting revocation of Licensee’s physician assistant’s license was

filed with the Board on January 6, 2016. Generally, the Petition alleges that Licensee committed violations of the Physician Assistant Act for his unprofessional conduct, committing professional incompetency, being unable to practice with reasonable skill and safety to patients, practicing outside his scope of practice and violating any lawful order or rule and regulation of the board by using his position to inappropriately prescribe controlled substances and by having inappropriate sexual relationships with patients for varying periods of time between the years 2012 to 2014.

3. The alleged violations set forth in the Petition occurred while Licensee held an active license in Kansas and, as such, the Board retains jurisdiction to act on the Petition despite the expiration and cancellation of Licensee's license.

4. A conference hearing on the Board's petition for discipline was noticed for April 8, 2016 at the offices of the Kansas State Board of Healing Arts.

5. Pursuant to K.S.A. 2013 Supp. 77-531, Licensee was served with a Notice of Conference Hearing to Licensee's mailing address via United States Mail, first-class postage prepared on or about March 15, 2016.

6. The Notice of Conference Hearing provided Licensee notice that any party who fails to attend or participate in the Conference Hearing or other state of a proceeding may be held in default.

7. Licensee failed to appear at the Conference Hearing held on April 8, 2016.

8. Pursuant to K.S.A. 2013 Supp. 77-520, Licensee is in default for his failure to appear at the conference hearing on April 8, 2016.

9. Upon review of the agency record and after being fully advised in the premises, the Board finds and concludes that the facts and allegations set forth in the Petition are deemed uncontroverted and incorporated herein by reference.

10. The Board concludes that Licensee committed 19 violations of K.S.A. 65-28a05(a) for unprofessional conduct, as further defined in:

- a. K.A.R. 100-28a-8(i) for repeatedly using his position as a Physician Assistant to gain sexual favors;
- b. K.A.R. 100-28a-8(j) for repeatedly prescribing a controlled substance in an excessive, improper, or inappropriate manner or quantity, and/or not in the course of the licensee's professional practice in order to gain sexual favors;
- c. K.A.R. 100-28a-8(r) for committing conduct likely to deceive, defraud, or harm the public by using his position to have a sexual relationship with a patient;
- d. K.A.R. 100-28a-8(t) for committing acts of sexual abuse misconduct and/or exploitation relating to his professional practice to gain sexual favors in return for prescribing controlled substances
- e. K.A.R. 100-28a-8(q) for willfully betraying the confidential protected health information of a patient
- f. K.A.R. 100-28a-8(h) for having his license indefinitely suspended by the state of Indiana.
- g. K.A.R. 100-28a-8(b) for committing fraud or misrepresentation in applying for a license in Ohio.

11. The Board concludes that Licensee committed 5 violations K.S.A. 65-28a05(c) for committing professional incompetency, as further defined in:

- a. K.A.R. 100-28a-7(c) by repeatedly using his position to gain sexual favors in return for prescribing controlled substances

12. The Board concludes that Licensee committed 3 violations of K.S.A. 65-28a05(e)

violating the Physician Assistant Act by his unprofessional conduct and professional incompetency.

13. The Board concludes that Licensee violated K.S.A. 65-28a05(f) by violating any lawful order or rule and regulation of the board by using his position to inappropriately prescribing controlled substances and having a sexual relationship with a patient.

14. The Board concludes that Licensee violated K.S.A. 65-28a05(n) by being unable to practice with reasonable skill and safety to patients **Confidential**
Confidential

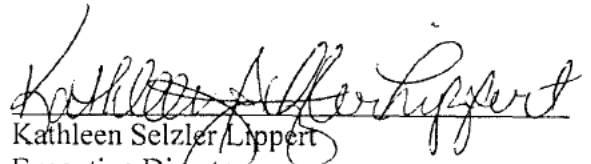
15. The Board concludes that Licensee committed 7 violations of K.S.A. 65-28a05(o) for exceeding or acting outside the scope of authority given him by the responsible physician or by the Physician Assistant Act.

16. Based on the undisputed allegations set forth in the Petition and evidence in the agency record, the Board concludes that revocation of Licensee's license is warranted in the circumstances.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee is hereby held in **DEFAULT** pursuant to K.S.A. 77-520.

IT IS FURTHER ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that upon this Proposed Default Order becoming effective as a Final Order, Licensee's license to practice surgery and medicine in the State of Kansas is hereby **REVOKED**.

IT IS SO ORDERED THIS 14 DAY OF APRIL, 2016, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

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 REVOKING LICENSURE** was served this 26th day of April, 2016 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Michael Allen Dorsch, PA
PO Box 783
Wilmington, OH 45177-0783


And a copy was hand-delivered to:

Joshana L. Offenbach, Associate Disciplinary Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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

Kelli Stevens, 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.



Cathy Brown, Executive Assistant