

SEP 14 2020

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

KS State Board of Healing Arts

In the Matter of)	
Jeffrey Dunn, D.O.)	
Kansas License No. 05-31370)	KSBHA Docket No. 20-HA00090
)	

FINAL ORDER

On August 14, 2020, this matter came before the Kansas State Board of Healing Arts (“Board”) for a Conference Hearing on Jeffrey Dunn, D.O.’s (“Licensee”) Application for Change in Designation/Type. Licensee appeared in person, and through counsel, Kelli Stevens, of Forbes Law Group. Matthew Gaus, Associate Litigation Counsel, appeared to present the position of the Disciplinary Panel of the Board. Dr. DeGrado, Dr. Varner, Dr. Estep, and John Settich, Ph.D. were recused.

Under the authority granted to the Board by the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act, (“KAPA”), K.S.A. 77-501 *et seq.*, the Board enters this Final Order. After reviewing the agency record, hearing the arguments of the parties, and being duly advised in the premises, the Board makes the following findings, conclusions, and orders.

PROCEDURAL HISTORY

On or about March 19, 2020, Licensee submitted an Application for Change of Designation/Type to change his Kansas license status from Exempt to Active. The Application was deemed complete and filed with the Board on June 29, 2020. A Response in Opposition was filed on behalf of the disciplinary panel of the Board on July 15, 2020.¹ Licensee filed a Reply with supporting exhibits on July 23, 2020.

A Notice of hearing was filed and served on July 15, 2020, and August 4, 2020, setting a Conference Hearing regarding Licensee’s Application for Change in Designation type. No objection to the Notice of Hearing was filed.

¹ The Response in Opposition states the Disciplinary Panel does not oppose Licensees’ change in designation outright, nor does it seek any disciplinary action against Applicant’s license. The Disciplinary Panel merely opposes Licensee’s change in designation until such time as Licensee demonstrates his clinical competence by completing CPEP’s Re-entry to Clinical Practice Program.

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The Conference Hearing in this matter was held before the Board on August 14, 2020.² After oral arguments from both parties, review of the entire agency record, and being duly advised on the premise, the Board verbally issued its order requiring Licensee to complete the Center for Personalized Education for Professionals (“CPEP”) Reentry to Clinical Practice Program, with a written Final Order to follow in 30 days.

FINDINGS OF FACT

1. Licensee has held an Exempt license to practice osteopathic medicine and surgery in Kansas since on or about August 19, 2015.
2. Since that time, Licensee has been serving as the CEO of Redivus Health.
3. He has not actively practiced medicine since March 2015.
4. On or about March 19, 2020, he submitted an Application for change of Designation/Type requesting his license status be changed from Exempt to Active.
5. As Licensee had not practiced in nearly 4 ½ years, he was referred to CPEP’s Reentry to Clinical Practice Program.
6. Licensee asked to be excused from this program and asked that the Disciplinary Panel hear the case.
7. After hearing the case, the Disciplinary Panel recommended Licensee attend the CPEP Reentry to Clinical Practice Program, which was communicated to him.
8. As of the Conference Hearing, Licensee had not attended the program.
9. Since on or about March 27, 2020, Licensee has held an emergency temporary license to practice in Kansas.³

² In advance of the oral arguments, the Board was provided the entire agency record to facilitate a comprehensive understanding of the underlying matter, including all exhibits, briefs, and motions filed by the parties in advance of oral arguments. The entire agency record was considered by the Board in rendering its decision.

³ Emergency temporary licenses in Kansas were created solely in response to the COVID-19 pandemic first through Executive Order 20-08 and then in Kansas House Bill 2016. Those that qualify for an emergency temporary license include a healthcare professional who has held an active or exempt license in Kansas within the past 2 years, and such license was not suspended or revoked as a result of Board investigation or discipline. As Licensee met technical qualifications, he was issued an emergency temporary license. Currently, such license is set to expire January 26, 2021.

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10. Since receiving the emergency temporary license, Licensee has provided hospitalist services at Saint Luke's community hospitals and Dr. Fangman has served as an unofficial preceptor.

CONCLUSIONS OF LAW

I. Applicable Law

K.S.A. 65-2809(f): ...Any licensee whose license has been exempt for more than two years and who has not been in the active practice of the healing arts or engaged in a formal educational program since the license has been exempt may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety.

K.A.R. 100-10a-5. Conversion.

(a) A holder of an exempt license desiring to become licensed to regularly practice the healing arts within Kansas shall submit a form provided by the board containing identical information to that required of individuals desiring to reinstate a license.

(b) Each holder of an exempt license desiring to become licensed to regularly practice the healing arts within Kansas shall submit proof of continuing education as follows:

(1) If the individual has held the exempt license for less than one year, no continuing education in addition to that which would have been necessary had the exempt licensee continued to hold an active license shall be required.

(2) if the exempt licensee has held the exempt license more than one year but less than three years, the individual must submit evidence of satisfactory completion of a program of continuing education in accordance with the requirements of K.A.R. 100-15-2; and

(3) if the exempt licensee has held the exempt license for more than three years, the applicant must complete a program recommended by the board.

(emphasis added).

II. Conclusions of Law

A. Licensee must complete the CPEP Reentry to Clinical Practice Program.

The Board finds Licensee is required to complete the CPEP Reentry to Clinical Practice Program. Based on the agency record, the Board finds Licensee has held an exempt license to practice osteopathic medicine and surgery in Kansas for more than three years, and at the time of Application for Change of Designation/Type, he had not actively practiced since March 2015. K.A.R. 100-10a-5 requires licensees who have held an exempt license for more than three years to complete a program recommended by the Board. The CPEP Reentry to Clinical Practice

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Program has been recommended by the disciplinary panel of the Board following a review of this case by the disciplinary panel. The Board finds that the recommended CPEP Reentry to Clinical Practice Program is appropriate “additional testing, training or education . . . necessary to establish the licensee's present ability to practice with reasonable skill and safety” pursuant to K.S.A. 65-2809(f) and appropriate continuing education pursuant to K.A.R. 100-10a-5(b). Upon review of the agency record and consideration of the arguments of all parties, the Board finds no reason to conclude that the recommendation of the disciplinary panel is unlawful or unreasonable under the circumstances of this case. Licensee must complete the CPEP Reentry to Clinical Program.

ORDER

IT IS THEREFORE ORDERED, that Licensee complete the CPEP Reentry to Clinical Practice Program.

IT IS SO ORDERED this 14th day of September 2020.

KANSAS STATE BOARD OF HEALING ARTS



Tucker L. Poling, Acting Executive Director

NOTICE OF APPEAL RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Under K.S.A. 77-529, parties may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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 Tucker L. Poling, Acting Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the above and foregoing **FINAL ORDER**, by depositing the same in the United States mail, postage prepaid, on this 14th of September 2020, addressed and emailed to:

Dr. Jeffrey Dunn, D.O.
CONFIDENTIAL

Licensee

Kelli J. Stevens
Forbes Law Group, LLC
6900 College Boulevard, Suite 840
Overland Park, KS 66211
kstevens@forbeslaw.com
Attorney for Applicant

And a copy was hand delivered to:

Matthew Gaus
Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level – Suite A
Topeka, KS 66612

and the original was filed with:

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



Jennifer Cook, Paralegal

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