

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

**In the Matter of** )  
 )  
**RAYETTA EATON, M.D.** ) **Docket No. 19-HA00019**  
Application for License )  
To Practice Medicine and Surgery )

**FINAL ORDER DENYING APPLICATION FOR LICENSURE**

On the 14th day of December, 2018, the Application for License to Practice Medicine and Surgery of Rayetta Eaton, M.D. (Applicant) came on for hearing before the Kansas State Board of Healing Arts (Board). M. Katie Baylie, Associate Litigation Counsel, appeared on behalf of the Respondent Board. Applicant appeared in person and by counsel, Diane Bellquist.

Pursuant to 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 K.S.A. 77-501 *et seq.*, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the agency record, hearing the statements and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. Applicant was granted a license to practice medicine and surgery in the State of Arkansas on or about December 13, 1996. The license is currently active, with an expiration date of May 31, 2019.
2. On or about March 2, 2018, Applicant submitted an original application for a license to practice medicine and surgery in the State of Kansas. The application was deemed completed and filed with the Board on August 28, 2018.
3. Applicant's answers to questions regarding her disciplinary history on the

licensure application prompted a referral to the Compliance and Regulation division of the Board for review.

4. The application disclosed that the Arkansas State Medical Board (Arkansas Board) issued an Emergency Order of Suspension of Applicant's federal Drug Enforcement Administration (DEA) permit to prescribe, possess, or administer controlled substances. This Emergency Order was issued based on factual findings by the Arkansas State Medical Board that Applicant had prescribed an excessive amount of Schedule medications to four (4) separate patients and failed to maintain adequate records which reflected either justification and/or monitoring for the ongoing prescribing of the medication for each patient. The Arkansas Board specifically held Applicant had "prescribed Scheduled medication for more than six (6) months for pain, without keeping proper records or monitoring the condition of her patients to justify the ongoing prescribing." In August 2011, the Arkansas Board ordered Applicant to refrain from treating patients with chronic pain, and she was limited to prescribing controlled substances when treating patients with acute pain for a maximum period of seven days. Applicant was further ordered to close her clinic practice, maintain and submit daily prescription logs to the Arkansas Board, and to complete a Prescribing Controlled Drugs course. On or about February 14, 2013, the Arkansas Board released Applicant from monitoring.

5. The application further disclosed that Applicant applied for a license to practice medicine and surgery in the State of Texas in June 2016. Based on the disciplinary actions taken against Applicant's license in Arkansas, the Texas Medical Board (Texas Board) issued an order requiring Applicant to surrender any controlled substance permits and to refrain from possessing, administering, dispensing or prescribing any controlled substances or dangerous drugs with addictive potential or potential for abuse as conditions to receive her license. In response,

Applicant requested to withdraw her application, but the Texas Board instead denied her application for licensure.

6. On or about March 16, 2018, the Board received a complaint from a Kansas licensed physician (“Complainant”) against Applicant while Applicant’s licensure application was pending. The resulting Investigation 18-00572 found Applicant battered a physician Complainant’s office, then physically threatened the Complainant. The Hays Police Department arrived after a patient witnessing the event called 911. Applicant was subsequently arrested and transported to a treatment facility.

7. Applicant was involuntarily admitted to Larned State Hospital and placed on “hold” by the Hays Police Department on or about March 16, 2018. On or about March 26, 2018, Applicant was discharged from the “hold.”

8. On or about March 21, 2018, an arrest warrant was issued for Applicant for one count of felony aggravated battery, and one count of misdemeanor battery. On or about March 26, 2018, Applicant was released on a \$10,000 bond. Applicant’s criminal case is currently pending in the District Court of Ellis County.

9. On or about April 11, 2018, Applicant sent a request to the Board to withdraw her application.

10. On September 12, 2018, Associate Litigation Counsel filed a Response in Opposition to Application for License to Practice Medicine and Surgery (Response). The Response alleged Applicant violated the Healing Arts Act by engaging in multiple instances of unprofessional conduct in violation of K.S.A. 65-2836(b), (i), (j), (s), and (u), and K.S.A. 65-2837(b)(12), (23), and (25). The Response requested the Board deny the application.

11. In a Journal Entry of Continuance issued September 26, 2018, the Board

continued the Conference Hearing scheduled for October 12, 2018 at Applicant's request.

12. On October 11, 2018, Applicant filed a formal request to withdraw her application for a medical license in Kansas.

13. Associate Litigation Counsel filed a Response in Opposition to Applicant's Request of Withdrawal of Application on October 17, 2018. The Response requests the Board deny Applicant's request for withdrawal of her application based on the multiple concerns regarding Applicant's competency, safety to practice, and unprofessional conduct, and the Board's mission and duty to protect the public. The Response requested this matter be set for a conference hearing at the next regularly scheduled Board meeting on December 14, 2018.

14. A Conference Hearing on this matter was held before the Board on December 14, 2018.

15. Under K.S.A. 65-2836(b), the Board may deny an application for licensure if the applicant has "committed an act of unprofessional or dishonorable conduct or professional incompetency."

16. K.S.A. 65-2837(b)(12) defines "unprofessional conduct" to mean "conduct likely to ... harm the public."

17. Under K.S.A. 65-2837(b)(23), "unprofessional conduct means ... prescribing, dispensing, administering or distributing a prescription drug or substance, including a controlled substance, in an improper manner..."

18. Under K.S.A. 65-2837(b)(25), "unprofessional conduct means... failure to keep written medical records which accurately describe the services rendered to the patient, including patient histories, pertinent findings, examination results and test results."

19. Under K.S.A. 65-2836(j), the Board may deny an application for licensure if the

applicant “has had a license to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for license denied by the proper licensing authority of another state, territory, District of Columbia, or another country.”

20. Under K.S.A. 65-2836(s), the Board may deny licensure or grant subject to terms and conditions, if the applicant has had “sanctions or other disciplinary actions...taken against the licensee by a peer review committee, health care facility, governmental agency or department...for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section.”

21. Under K.S.A. 65-2836(u), the Board may deny licensure or grant subject to terms and conditions, if the applicant has “surrendered a license or authorization to practice the healing arts in another state or jurisdiction, has surrendered the authority to utilize controlled substances issued by any state or federal agency, has agreed to limitations to or restriction of privileges at any medical care facility.”

22. 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 Board’s Response in Opposition are supported by the record in this matter and are incorporated herein by reference.

23. In summary, the Response provides that the Board has grounds to deny Applicant’s licensure application under K.S.A. 65-2836(b) because she has “committed an act of unprofessional or dishonorable conduct or professional incompetency” under K.S.A. 65-2837(b)(12), (23), and (25). The Board finds that Applicant committed conduct likely to harm the public, including inappropriately prescribing controlled substances, failing to keep adequate medical records, and battery against a staff member at a physician’s office.

24. The Response also provided the Board has grounds to deny Applicant’s licensure

application under K.S.A. 65-2836(j), (s), and (u), as Applicant has been subject to discipline by the Arkansas Board for the inappropriate prescribing of controlled substances and recordkeeping, her license was limited by the Arkansas Medical Board under an Emergency Suspension proceeding which resulted in Applicant surrendering her authority to utilize controlled substances. Additionally, Applicant's application for a license to practice medicine and surgery in the State of Texas was denied by the Texas Board following Applicant's request for withdrawal.

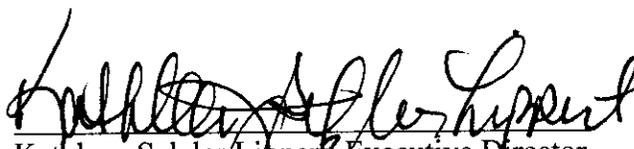
25. The Board finds and concludes that Applicant's disciplinary history and recent criminal charges constitute unprofessional conduct as defined by K.S.A. 65-2837(b)(12), (23), and (25), and are grounds for denial of her application under K.S.A. 65-2836(b), (j), (s), and (u).

26. Based on evidence in the agency record and the factual and legal conclusions described above, the Board concludes that denial of Applicant's application for a license to practice medicine and surgery is warranted under the circumstances.

**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS** that Applicant's application to practice medicine and surgery in the State of Kansas is **DENIED**.

**IT IS SO ORDERED THIS 14 DAY OF JANUARY, 2019, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

**KANSAS STATE BOARD OF HEALING ARTS**

  
Kathleen Selzler Lipper, Executive Director  
Kansas State Board of Healing Arts

### NOTICE OF 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. Pursuant to K.S.A. 77-529, Applicant 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 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 DENYING APPLICATION FOR LICENSURE** was served this 14<sup>th</sup> day of January, 2019 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Rayetta Eaton, M.D.  
*Applicant*  
[REDACTED]  
Sulphur Springs, Arkansas 72768

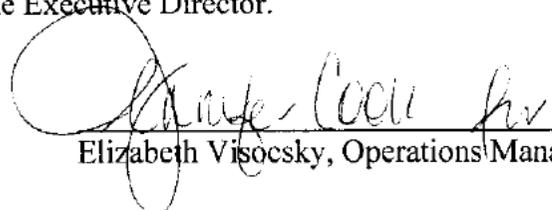
Diane L. Bellquist  
*Applicant's Counsel*  
1508 SW Topeka Boulevard  
Topeka, Kansas 66612

And a copy was hand-delivered to:

M. Katie Baylie, Associate Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson Street, 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

And the original was filed with the office of the Executive Director.

  
Elizabeth Visocsky, Operations Manager