

EFFECTIVE AS A FINAL ORDER

DATE: 7.23.2019

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

FILED

JUL 12 2019



KS State Board of Healing Arts

In the Matter of)
Effeby Fall, P.A.)
)
Applicant for Institutional License)
To Practice Medicine and Surgery)

Docket No. 19-HA00078

PROPOSED DEFAULT ORDER

On June 14, 2019, the Kansas Board of Healing Arts (Board) held a Conference Hearing on the Application of Effeby Fall, P.A. (Applicant) and the Board's Response in Opposition to Application for License to Practice as a Physician Assistant. Licensee did not appear. Matthew Gaus, Associate Litigation Counsel, appeared on behalf of the disciplinary panel of the Board. The members of the disciplinary panel were recused from the Board's consideration of this matter.

Under 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 enters this Proposed Default Order in the above-captioned matter.

Upon review of the Application, the Board's Response in Opposition to Licensure, exhibits submitted, and being otherwise fully advised in the premise, the Board holds Applicant in DEFAULT for his failure to appear at the June 14, 2019, Conference Hearing on this matter, and makes the following determinations:

FACTS

1. A Conference Hearing on the Petition against Licensee's license was noticed for June 14, 2019.

2. Pursuant to K.S.A. 77-531, Licensee was served with a Notice of Conference Hearing to Applicant's mailing address via United States Mail, first-class postage prepaid, on or about May 13, 2019, and May 24, 2019. The Notice of Conference Hearing provided Licensee notice that any party who fails to attend or participate in the Conference Hearing or other stage of a proceeding may be held in default.

3. Licensee failed to appear at the Conference Hearing held on June 14, 2019.

4. The Board finds the facts set forth in the Board's Response in Opposition to Application for License to Practice as a Physician Assistant are incorporated here by reference.

CONCLUSIONS OF LAW

5. Pursuant to K.S.A. 77-520, Applicant is in default for his failure to appear at the Conference Hearing held on June 14, 2019.

6. The Board concludes Applicant violated the Kansas Healing Arts Act, in that Applicant "failed to report to the board any adverse action taken against the licensee by ... a professional association or society, a governmental agency ... for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action . . ." K.S.A. 65-28a05(i).

7. The Board concludes Applicant violated the Kansas Healing Arts Act, in that Applicant attempted to "[obtain] a license by means of fraud, misrepresentations or concealment of material facts," K.S.A. 65-28a05(b), K.A.R 100-28a-8(b), and "failing to furnish the board, or its investigators or representatives, with any information legally requested by the board." K.A.R. 100-28a-8(m).

8. Specifically, Applicant failed to disclose to the Board that his national certification to practice as a physician assistant had been revoked in 2009 because he had pled guilty in 2005 to a felony charge involving a sex crime against a minor.

9. Applicant made several other misrepresentations in his application as follows:

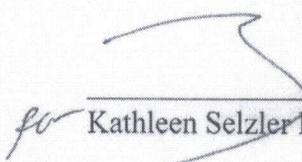
- a. Misrepresented in his application he had practiced as physician assistant from 1998 through the present day, although his loss of credentials (among other factors) led to his service in military intelligence for at least seven years;
- b. refused repeated requests to correct or otherwise provide insight as to his practice history, military history, and employment history after it was discovered by the Board he had misrepresented his history as a physician assistant for the Army;
- c. refused repeated requests to provide specifically requested documentation relating to his military record;
- d. refused to provide contemporaneous documentation regarding administrative action taken by the Army following his conviction;
- e. failed to disclose his suspension by the NCCPA (and actively denied ever having been suspended by a credentialing body;

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

IT IS FURTHER ORDERED that Applicant's application for a license to practice as a physician assistant in Kansas is hereby **DENIED**.

IT IS SO ORDERED this 12th day of July, 2019.

KANSAS STATE BOARD OF HEALING ARTS

 #27266
for 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 DENYING APPLICATION FOR LICENSURE** was served this 23rd day of July, 2019 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Effeby Fall, PA

CONFIDENTIAL

CONFIDENTIAL

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, Kansas 66612

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

Tucker Poling, 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.



Susan Gile, Operations Manager