

EFFECTIVE AS A FINAL ORDER

DATE: 9/3/19

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AUG 14 2019

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of)
Julieann Flynn, N.D.)
Kansas License No. 21-00024)
_____)

KSBHA Docket No 20 -HA 00011

SUMMARY ORDER

NOW ON THIS 14 day of Aug 2019, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A 77-537. Pursuant to K.S.A 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for a hearing is made within fifteen (15) days of service. Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law, and order are made for and on behalf of the Board:

Findings of Fact

1. Julieann Flynn, M.D. ("Licensee") was originally issued license number 21-00024 to practice osteopathic medicine and surgery in the State of Kansas on or about August 25, 2009. Licensee's current license designation is Active, and such license was last renewed on or about December 21, 2018.
2. Licensee's last known mailing address as provided to the Board is: CONFIDENTIAL
- CONFIDENTIAL
3. On or about December 21, 2018 Licensee applied for renewal of her license to practice naturopathic medicine in the State of Kansas.

4. In her December 21, 2018 renewal, Licensee listed her primary business address and mailing address as CONFIDENTIAL.
5. Further, on or about December 21, 2018, Licensee certified on her renewal form that she had completed 50 total hours of continuing education, with a minimum of 20 hours in a supervised setting and a maximum of 30 hours in a non-supervised setting during the period January 1, 2018 through December 31, 2018.
6. As part of the Board's audit process concerning continuing education of naturopathic doctors, Licensee was randomly selected to provide to the Board proof of completion of the continuing education credits required by the Board for renewal of her license.
7. On or about May 15, 2019, Board staff sent a letter via the U.S. Postal Service to Licensee requesting Licensee provide the Board copies of proof of continuing education pursuant to the audit process. Licensee was given a deadline of June 15, 2019 to provide the documentation and was informed that failure to do so might result in fine or other disciplinary action, including suspension.
8. Licensee did not respond to the May 15, 2019 letter, nor did she provide the requested proof of continuing education by the June 15, 2019 deadline.
9. On or about June 14, 2019, Board staff sent a letter labelled "SECOND NOTICE" via registered mail to Licensee again requesting she provide the Board copies of proof of continuing education pursuant to the audit process. Licensee was given a deadline of June 28, 2019 to provide the necessary documentation and was informed that failure to do so might result in fine or other disciplinary action, including suspension.
10. Licensee did not respond to the June 15, 2019 letter, nor did she provide the requested documents by the June 28, 2019 deadline.

11. To date, Licensee has not provided the Board any proof of successful completion of any credits of continuing education, nor has she responded to any of these requests for information.

Applicable Law

12. K.S.A. 65-7209(a) of the Kansas Naturopathic Doctor Licensure Act grants the Board authority to regulate continuing education requirements for naturopathic doctors, reading in pertinent part: "The board may establish additional requirements for license renewal which provide evidence of continued competency. The board shall require as a condition for renewal of a license completion of at least 25 hours annually of continuing education approved by the board."

13. K.A.R. 100-72-7(c)(2) sets forth with specificity the continuing education requirements for naturopathic doctors:

Each registered naturopath who wishes to renew the registration shall meet the following requirements:

* * *

[F]or the second and each subsequent renewal and for each renewal after reinstatement, submit evidence of satisfactory completion of at least 50 hours of continuing education since the registration was last renewed or was reinstated, whichever is more recent. At least 20 of these hours shall be taken in a professionally supervised setting, and not more than 30 of these hours may be taken in a non-supervised setting.

14. K.A.R. 100-72-7(i) states:

Each registered naturopath who wishes to renew the registration shall meet the following requirements:

(1) Submit an application for renewal of registration and the registration renewal fee; and

(2) for the second and each subsequent renewal and for each renewal after reinstatement, submit evidence of satisfactory completion of at least 50 hours of continuing education since the registration was last renewed or was reinstated, whichever is more recent. At least 20 of these hours shall be taken in a professionally supervised setting, and not more than 30 of these hours may be taken in a non-supervised setting.

15. K.S.A. 65-7208(a)(2) states:

The board may deny, refuse to renew, suspend, revoke or limit a license or the licensee may be publicly or privately censured where the licensee or applicant for licensure has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes . . . being guilty of unprofessional conduct as defined by rules and regulations adopted by the board.

K.A.R. 100-72-3(h) defines “unprofessional conduct” in pertinent part as “failing to furnish to the board, or to its investigators or representatives, any information legally requested by the board.”

16. K.S.A. 65-7208(a)(5) states that violating “any provision” of the Kansas Naturopathic Doctors Act is grounds for the board to “deny, refuse to renew, suspend, revoke or limit a license or the licensee may be publicly or privately censured.”

17. K.S.A. 65-7208(a)(1) states that “[o]btaining [a] license by means of fraud, misrepresentation or concealment of material facts” is grounds for the board to “deny, refuse to renew, suspend, revoke or limit a license or the licensee may be publicly or privately censured.”

18. K.S.A. 65-7208 states in pertinent part that the Board, “in addition to any other penalty . . . may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for unprofessional conduct in an amount not to exceed \$5,000 for the first violation”

Conclusions of Law

19. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

20. The Board finds that Licensee violated K.S.A. 65-7208(a)(2) as further defined by K.A.R. 100-72-3(h) by committing unprofessional conduct in failing to furnish to the Board and its representatives legally requested proof of continuing education.

21. The Board finds that Licensee violated K.S.A. 65-7208(a)(5) by violating the continuing education requirements for naturopathic doctors found in K.S.A. 65-7209(a) and K.A.R. 100-72-7(c)(2).

22. The Board finds that Licensee violated K.S.A. 65-7208(a)(1) by obtaining a renewal license by means of fraud, misrepresentation or concealment of material facts; specifically, by falsely attesting that that she had completed 50 total hours of continuing education, with a minimum of 20 hours in a supervised setting and a maximum of 30 hours in a non-supervised setting during the period January 1, 2018 through December 31, 2018.

23. Based on the facts and circumstances set forth herein, it appears that the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than Licensee, Julieann Flynn, N.D.

IT IS THEREFORE ORDERED that Licensee is **INDEFINITELY SUSPENDED** from the practice of naturopathic medicine until such time as she provides to the Board proof of successful completion of the 50 continuing education hours as required pursuant to K.S.A. 65-2806(b), K.A.R. 100-15-5(a)(1)(C) and K.A.R. 100-10-6. Licensee shall submit the requested proof of continuing education to the attention of:

Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level – Suite A
Topeka, Kansas 66612

IT IS FURTHER ORDERED that the licensee is hereby assessed a **CIVIL FINE** in the amount of \$100.00 for violation of the Kansas Naturopathic Doctors Act. Such fine shall be paid to the “Kansas State Board of Healing Arts”, in full, on or before October 1, 2019. All monetary

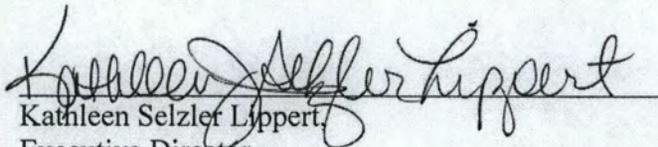
payments, which shall be in the form of check or money order, relating to this Summary Order shall be mailed to the Board certified and addressed to:

Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level – Suite A
Topeka, Kansas 66612

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 14 day of Aug, 2019.

KANSAS STATE BOARD OF HEALING ARTS


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** was served this 24 day of Sept, 2019 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Julieann Flynn, ND

CONFIDENTIAL

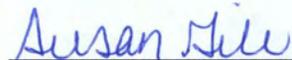
And a copy was hand-delivered to:

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

Office of the 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