

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

KS State Board of Healing Arts

In the Matter of

Daniel K. Frye, M.D.

Kansas License No. 04-30064

KSBHA Docket No. 20-HA00035

CONSENT ORDER FOR SURRENDER OF LICENSE

COMES NOW the Kansas State Board of Healing Arts (“Board”), by and through Matthew Gaus, Associate Litigation Counsel, and Daniel K. Frye, M.D. (“Licensee”), by and through his attorney, Diane L. Bellquist, of Joseph, Hollander & Craft, LLC, and move the Board for approval of this Consent Order affecting Licensee’s license to practice medicine and surgery in Kansas. The Board and Licensee stipulate to the following:

1. Licensee’s last mailing address known to the Board is: CONFIDENTIAL
- CONFIDENTIAL . Licensee’s last e-mail address known to the Board is: CONFIDENTIAL
2. Licensee is or has been entitled to practice medicine and surgery in Kansas, having been issued License No. 04-30064 on April 26, 2003. Licensee’s current license status is Active – Limited by Board Action. Licensee last renewed his license on or around July 30, 2021.
3. At all times relevant to the allegations set forth in this Consent Order Licensee has held a Kansas license to practice medicine and surgery designated as Active and/or Active – Limited by Board Action.
4. This Consent Order is based on the following facts, which the parties agree to and stipulate to be true and relevant to the requested relief:

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a. On November 21, 2018, Licensee pleaded guilty to one count of criminal damage to property with a domestic violence designation, a class B misdemeanor. Licensee was sentenced to a suspended 60-day jail sentence with a twelve (12) month probation period.

b. On or about October 16, 2019, Licensee was found guilty of battery, a class B misdemeanor, as the result of a bench trial in the City of Shawnee Municipal Court Case No. CN1900021. Licensee was sentenced to one year of probation.

c. On or about July 21, 2020, **CONFIDENTIAL** conducted an onsite inspection of Licensee's clinic. This inspection uncovered evidence of potential violations of K.A.R. 100-23-1 and 100-24-1.

d. On December 16, 2021 Licensee pled guilty to driving under the influence in Johnson County District Court.

VIOLATIONS OF THE KANSAS HEALING ARTS ACT

5. Licensee acknowledges that if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses, or other evidence, the Board has sufficient evidence to prove that Licensee has violated the Kansas Healing Arts Act as follows:

a. Licensee has violated K.S.A. 65-2836(b) in that Licensee committed an act or acts of unprofessional and/or dishonorable conduct; and

b. Licensee has violated K.S.A. 65-2836(f) in that Licensee has repeatedly violated the Kansas Healing Arts Act and/or any rules and regulations adopted pursuant thereto.

6. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

MISCELLANEOUS PROVISIONS

7. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts. K.S.A. 65-2801 *et seq.*

8. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 77-505 and 65-2838. Upon approval these stipulations shall constitute the findings of the Board. and this Consent Order shall constitute the Board's Final Order.

9. The Kansas Healing Arts Act is constitutional on its face and as applied in this case. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

10. Licensee voluntarily and knowingly waives his right to a hearing. Licensee voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

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11. According to K.S.A. 65-2838(b) and K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

12. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Healing Arts Act, or to investigate complaints received under the Risk Management Law, K.S.A. 65-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Kansas Healing Arts Act.

13. Licensee hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees, and agents (hereinafter collectively referred to as "Releasees"), from any and all claims, including but not limited to those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Judicial Review Act. (K.S.A. 77-601 *et seq.*) arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause, or permit to be prosecuted, any action or proceeding of any description against the Releasees.

14. Licensee further understands and agrees that, upon signature by Licensee, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.

15. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

16. Licensee agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.

17. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

18. Licensee acknowledges that he has read this Consent Order and fully understands the contents.

19. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

20. Upon execution of this Consent Order by affixing a Board authorized signature below the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. This Consent Order shall constitute the Board's Order when filed with the office of the Executive Director for the Board and no further Order is required.

21. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

22. This Consent Order constitutes **public disciplinary action**.

SURRENDER OF LICENSE TO PRACTICE MEDICINE AND SURGERY

23. In lieu of conducting a formal proceeding on the allegations, **Licensee agrees to surrender his license to practice medicine and surgery in Kansas**. Such surrender will be treated as a revocation for all purposes, including reporting.

24. The surrender of Licensee's License will take effect on March 1, 2022, in order to allow for the orderly wind down of his practice.

25. Licensee agrees that an application for reinstatement of the license will be considered in accordance with the provisions of K.S.A. 65-2844. Further, Licensee's application will be governed by *Vakas v. The Kansas Board of Healing Arts*, 248 Kan. 589 (Kan. 1991), and all applicable statutes, law, rules and regulations regarding qualifications for licensure and reinstatement.

26. Licensee agrees that in the event he applies for reinstatement of his license, the allegations contained in this Consent Order will be considered as findings of fact and conclusions of law.

27. Approving the proposed Consent Order will resolve pending **CONFIDENTIAL**
CONFIDENTIAL, without the need for litigation, thereby

promoting judicial efficacy and making good use of limited resources. Furthermore, approving the proposed Consent Order will further the Board's mission of protecting the public.

28. Licensee will maintain his patient records for the requisite minimum 10 year period. All of Licensee's patient records are stored electronically. Requests for patient records may be mailed to: Daniel K. Frye, 4800 Johnson Drive, Roeland Park, Kansas 66205, or by calling (913) 217-7788. The records from Licensee's former Center for Women's Health & Wellness practice are scheduled to be destroyed November 30, 2029. The records from Licensee's Physician Managed Weight Loss Clinic (aka PMWC Health) are scheduled to be destroyed on March 1, 2032. This serves as the required notice in K.A.R. 100-24-3. If circumstances change as to the location or agent of the records, Licensee agrees to provide advance notice to the Board.

29. Licensee's patient records will be held on a cloud based service hosted by the following company:

Practice Fusion EMR Cloud Based
731 Market Street Suite 400
San Francisco, California 94103

IT IS THEREFORE ORDERED that this Consent Order and agreement of the parties contained herein is hereby adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

IT IS SO ORDERED on this 4th day of March, 2022.

FOR THE KANSAS STATE
BOARD OF HEALING ARTS:

Susan Bell

3/4/22
Date

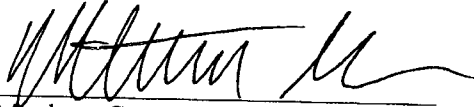
[Signature]

Daniel K. Frye, M.D.
Licensee

25 Feb 2022
Date

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Daniel K. Frye, M.D.
License No. 04-30064

PREPARED AND RESPECTFULLY SUBMITTED BY:



Matthew Gaus, #22609
Associate Litigation Counsel
Kansas Board of Healing Arts
800 S.W. Jackson, Lower Level, Ste. A
Topeka, Kansas 66612
(785) 296-8022
matthew.gaus@ks.gov

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the **CONSENT ORDER FOR SURRENDER OF LICENSE** by (X) placing the same in the U.S. mail, postage prepaid, () facsimile to the phone numbers listed below, and that the transmission was reported as complete and without error and that the facsimile machine complied with Supreme Court Rule 119(b)(3), or () hand delivery, on this the 4th day of March, 2022, to the following:

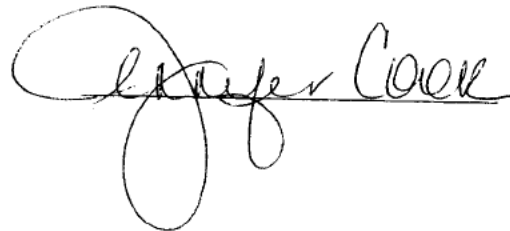
Daniel K. Frye, M.D.
CONFIDENTIAL

Licensee

Diane L. Bellquist
Joseph Hollander & Craft LLC
1508 SW Topeka Blvd.
Topeka, KS 66612
dbellquist@josephhollander.com
Attorney for Licensee

And the original was hand-filed with:

Executive Director
Kansas Board of Healing Arts
800 SW Jackson
Lower Level-Suite A
Topeka, Kansas 66612

A handwritten signature in black ink, appearing to read "Daniel K. Frye", written over a horizontal line.