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

In the Matter of

Iris P. Gonzalez, M.D.  
Kansas License No. 04-27034

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Docket No. 20-HA 00081

**CONSENT ORDER**

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through J. Todd Hiatt, Litigation Counsel and Matthew Gaus, Associate Litigation Counsel ("Petitioner"), and Iris P. Gonzalez, M.D., ("Licensee"), by and through attorney Luanne Leeds of Leeds Law, and move the Board for approval of a Consent Order affecting Licensee's license to practice medicine and surgery in the State of Kansas. The Parties stipulate and agree to the following:

1. Licensee's last known mailing address to the Board is: CONFIDENTIAL  
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2. Licensee is or has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-27034 on approximately August 16, 1997. Licensee's license status is Active.
3. The Board is the sole and exclusive administrative agency in Kansas authorized to regulate the practice of the healing arts, and specifically the practice of medicine and surgery, K.S.A. 65-2801 *et seq.*
4. 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.

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

6. Licensee voluntarily and knowingly waives her right to a hearing. Licensee voluntarily and knowingly waives her 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.

7. 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.

8. The Board has received information and investigated the same, and has reason to believe there may be grounds under K.S.A. 2836(b) as further defined by K.S.A. 65-2837(a)(3), 65-2836(p), K.S.A. 65-2836(r), and K.S.A. 65-2836(s), to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.*

9. The facts supporting the allegations in this Consent Order include, but are not limited to, the following:

a.

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to prescribe Oxycodone and methadone to the patient until **CONFIDENTIAL**

**CONFIDENTIAL**

- ii. Patient 2: Patient 2 had received pain management treatment with Licensee's employer, Sunflower Prompt Care ("Sunflower"), for approximately 1 year before Sunflower terminated her from care

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**CONFIDENTIAL**, approximately 9 months after being terminated from care, Patient 2 returned to Sunflower seeking controlled medication. At this time, Patient 2 saw Licensee who prescribed methadone.

During the initial visit with Licensee, Patient 2 stated that she had not taken any methadone since February **CONFIDENTIAL**

**CONFIDENTIAL**

Further, Licensee recorded in

Patient 2's treatment noted,

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**CONFIDENTIAL** Licensee continued to treat Patient 2 and provide her with prescriptions for controlled medications.

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- c. Termination from Sunflower Prompt Care: On July 26, 2016, Licensee was terminated from Sunflower Prompt Care in part of her failure to follow procedures and protocols when prescribing controlled medication to her patients. This termination followed several interventions meant to assist Licensee in prescribing controlled medication in a safe manner.
  - d. Failure to cooperate with the Board's investigation: On or about August 12, 2016, the Board's investigator began requesting that Licensee complete and return a written response (BOHA Form F) to the complaints received regarding Licensee. On November 8, 2016, Licensee assured the Board's investigator that a written response was forthcoming; however, Licensee did not follow through and failed to provide information legally requested by the Board and/or its investigator in a timely manner.

10. 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 with respect to the above allegations. Licensee further waives her right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

11. Licensee violated K.S.A. 65-2836(b) by committing an act of professional incompetency, as further defined under K.S.A. 65-2837(a)(1), in that Licensee's treatment of pain management patients constitutes a pattern of practice or other behavior demonstrating a manifest incapacity or incompetence to practice the healing arts.

12. Under K.S.A. 65-2836 the Board may limit, suspend, or revoke Licensee's license, may publicly censure Licensee, and may place Licensee under probationary conditions, for violations of the Kansas Healing Arts Act.

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

14. All pending investigation materials in KSBHA Investigation Nos. <sup>CONFIDENTIAL</sup> and <sup>CONFIDENTIAL</sup> regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 33 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

15. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Licensee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Licensee's license to practice medicine and surgery in Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee has failed to comply with any of the terms or conditions set forth in this Consent Order. The Board acknowledges that at any such hearing, Licensee retains the right to confront and examine all witnesses, present evidence, testify on her own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Healing Arts Act K.S.A. 65-2801 *et seq.*

16. 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

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covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Kansas Healing Arts Act.

17. 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 for 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.

18. 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.

19. 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.

20. 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.

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21. 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.

22. Licensee acknowledges she has read this Consent Order and fully understands the contents.

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

24. Licensee shall obey all federal, state and local laws and rules governing the practice of osteopathic medicine and surgery in Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

25. 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. 77-505 and 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.

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

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

28. In lieu of conduction a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action on her license to practice medicine and surgery:



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**PUBLIC CENSURE**

29. Licensee is hereby **publicly censured** for violating the Healing Arts Act.

**LIMITATION: CONTROLLED SUBSTANCES**

30. Licensee agrees to 100% end-of-day review of her prescribing of Class II scheduled drugs in all her practice settings for the term of at least one (1) year.

31. Licensee is prohibited from prescribing any scheduled medications until such time a monitoring physician is approved by the Board and in a position to actively start monitoring Licensee's prescription practices.

32. The Board hereby designates the Disciplinary Panel's Appointed Member to approve or disapprove the proposed prescription monitor(s).

33. Should an approved monitoring physician become unwilling or unable to serve in such capacity, Licensee shall submit each subsequent request for approval of a new or substitute monitor prior to the departure of the previously Board-approved monitor unless otherwise approved by the Board.

34. The prescription monitor(s) shall be a licensed physician who is in the active practice of medicine and surgery and has an unrestricted License and DEA registration.

35. For each prescription written or authorized by Licensee, Licensee shall document the initial prescription in the patient chart and in a separate Monthly Medication Log. Such log shall be on a form provided by Board staff to Licensee. The log shall serve as a reference to determine all patients who were prescribed Class II scheduled drugs each month. This Monthly Medication Log shall be submitted to the Board along with a copy of each prescription for Class II scheduled drugs on a monthly basis.

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36. At the end of each month, the prescription monitor(s) shall submit a monthly report to the Board which is due on the 15<sup>th</sup> day of the following month. The report shall be on a form provided by Board staff and shall include the number of patient charts reviewed, a brief summary of Licensee's prescribing activity during the month and an opinion as to whether Licensee is prescribing medications within the standard of care. The monitor(s) must immediately notify Board staff if he/she believes Licensee is prescribing Class II medications in an inappropriate manner or outside the standard of care.

37. Licensee is responsible for ensuring the monitor(s) timely submission of the report each month.

38. All foreseen and unforeseen costs associated with the aforementioned monitoring shall be at Licensee's own expense.

39. All reports required pursuant to this Consent Order shall be submitted to the Kansas State Board of Healing Arts, Attention: Compliance Coordinator, 800 SW Jackson, Lower Level-Suite A., Topeka, Kansas 66612.

40. The limitation contained within this sub-section of the Consent Order will end only upon written approval of the Board. After the period of at least one (1) year in active practice under the limitations contained herein, Licensee may request modification or termination of the provision limiting her ability to prescribe Class II medications.

#### **EDUCATION**

41. Licensee shall complete, at her own expense, the Prescribing Controlled Drugs: Critical Issues and Common Pitfalls provided by the Center for Personalized Education for Professionals ("CPEP") within three (3) months of the execution of Consent Order.

**TIMEFRAME**

42. This Consent Order will terminate when Licensee completes all the conditions required by this Consent Order and, upon motion by Licensee, that such termination is approved by the Board.

**IT IS ORDERED** that the Consent Order and agreement of the parties contained herein is 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 10<sup>th</sup> day of April, 2020.

**FOR THE KANSAS STATE BOARD OF  
HEALING ARTS:**


\_\_\_\_\_  
Executive Director

4/10/20  
Date

  
\_\_\_\_\_  
Iris P. Gonzalez, M.D.  
Licensee

3/5/20  
Date

PREPARED AND APPROVED BY:



Matthew Gaus, #22609  
J. Todd Hiatt, #22150  
Litigation Counsel  
Kansas Board of Healing Arts  
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1701 SW Fairlawn, Suite B  
Topeka, Kansas  
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(785) 354-0728 fax  
Attorney for Licensee

### CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 10<sup>th</sup> day of April, 2020, to the following:

Iris P. Gonzalez, M.D.  
**CONFIDENTIAL**

Luanne Leeds  
Leeds Law  
1701 SW Fairlawn, Suite B  
Topeka, Kansas  
(785) 354-0727  
(785) 354-0728 fax  
Attorney for Licensee

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And the original was hand-filed with:

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

And a copy was hand-delivered to:

J. Todd Hiatt  
Litigation Counsel  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

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

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

*Handwritten signature: K. Hiatt - COO 12*