

**FILED**

*CAB*

MAY 31 2013

KS State Board of Healing Arts

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

In the Matter of	)	
	)	Docket No. 13-HA00041
Karl W. Grant, D.O.	)	
Kansas License No. 05-25402	)	

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**CONSENT ORDER**

**COMES NOW**, the Kansas State Board of Healing Arts, (“Board”), by and through Jessica A. Bryson, Associate Litigation Counsel (“Petitioner”), and Karl W. Grant, D.O. (“Applicant”), by and through his counsel, Patricia Dengler, Brown, Dengler, & O’Brien, LLC, and move the Board for approval of a Consent Order affecting Licensee’s license to practice osteopathic medicine and surgery in the State of Kansas.

The Parties stipulate and agree to the following:

1. Applicant’s last known mailing address to the Board is: **Confidential**  
Rantoul, Kansas 66079.
2. Applicant was entitled to engage in the practice of osteopathic medicine and surgery in the State of Kansas, having been issued License No. 05-25402 on or about October 15, 1994. Applicant’s license was cancelled as a matter of law on or about October 1, 2002, when he failed to renew it.
3. On or about July 9, 2012, Applicant submitted an application to reinstate his license to practice osteopathic medicine and surgery in the State of Kansas. Such application was deemed complete and filed with the Board on January 15, 2013.

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Consent Order  
Karl W. Grant, D.O.

4. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of osteopathic medicine and surgery. K.S.A. 65-2801 *et seq.* and K.S.A. 65-2870.
5. 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.
6. The Kansas Healing Arts Act is constitutional on its face and as applied in the case. Applicant agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
7. Applicant voluntarily and knowingly waives his right to a hearing. Applicant 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. Applicant voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.
8. 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. Applicant specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

9. The Board has received information and investigated the same, and has reason to believe that there may be grounds pursuant to K.S.A. 65-2836 to take action with respect to Applicant's license under the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.*
10. In his application for reinstatement, Applicant answered "yes" to Disciplinary Questions 10(g), 10(h), 10(i), 10(l), 10(m), 10(r), 10(s), 10(t), and 10(u).
  - a. Disciplinary question 10(g) asks: "Have you ever voluntarily surrendered any professional license?"
  - b. Question 10(h) asks: "Has any licensing authority ever limited, restricted, suspended, revoked, censured or placed on probation or had any other disciplinary action taken against any professional license you have held?"
  - c. Question 10(i) asks: "Have you ever been notified or requested to appear before a licensing of disciplinary agency?"
  - d. Confidential
  - e. Confidential

- f. Question 10(r) asks: “Have you ever surrendered your state or federal controlled substances registration or had it revoked, suspended, or restricted in any way?”
- g. Question 10(s) asks: “Have you ever been notified of any charges or complaints filed against you by any licensing or disciplinary agency?”
- h. Question 10(t) asks: “Have you ever been arrested? Do not include minor traffic or parking violations or citations except those related to a DUI, DWI, or a similar charge. You must include all arrests including those that have been set aside, dismissed or expunged or where a stay of execution has been issued.”
- i. Question 10(u) asks: “Have you ever been charged with a crime, indicted, convicted of a crime, imprisoned, or placed on probation (a crime includes both Class A misdemeanors and felonies)? You must include all convictions including those that have been set aside, dismissed or expunged or where a stay of execution has been issued.”

11. Applicant provided the following explanations in regard to his “yes” answers.

- a. “10g. DO license KS, MS; RN license KS, MO, NM. Reasons: Didn’t care and was under investigation by KBOHA.”
- b. “10h. KBOHA-investigation for Rx fraud 2001;”
- c. “10i. KBOHA-subpoena for investigation 2001”
- d. Confidential
- e. Confidential
- f. “10r. Did not renew DEA license in 2001”

g. "10s. KBOHA 2001 investigation for Rx fraud"

h. "10t. See attached forms, court papers;"

i. "10u. See attached forms, court papers[.]"

12. Applicant provided further explanation in regard to question 10(m), in which he stated the following:

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13. In regard to questions 10(t) and 10(u), Applicant referred to attached forms and court papers, which provide, in part, the following information:

- a. Applicant entered into a DUI/Drug Diversion agreement in September 1994 based on charges involving a DUI for alcohol and Possession of a Controlled Substance (THC) in July 1994.
- b. In April 2006, Applicant pleaded guilty to Unlawful Use of Drug Paraphernalia in Missouri, which, according to Applicant is a Class A misdemeanor, that occurred in February 2005.
- c. Based on events that occurred on or about July 3, 2005, Applicant was charged with (1) fleeing, or attempting to elude, a police officer; (2) no proof of insurance; (3) expired registration; (4) failure to report a motor vehicle accident (MVA); and (5) leaving the scene of an accident-property

damage. Applicant stated that he pled Nolo Contendere to (1) failure to report MVA; and (2) leaving the scene of a property damage accident.

- d. Applicant disclosed he was charged with, and convicted of, Domestic Battery and DUI that occurred on or about August 19, 2005. The DUI conviction was treated as a Class A misdemeanor.
- e. Applicant was charged with two (2) counts of violating a protective order and one (1) count of domestic battery. Applicant was convicted of one (1) count of violating a protective order and one (1) count of domestic battery based on events that occurred on or about October 3, 2005, and October 14, 2005. Violation of a protective order was a Class A misdemeanor.

14. Applicant satisfactorily completed all terms of the sentences of his probation and timely paid all fines. He has not had any further involvement with the legal system since he was discharged from probation in 2008.

15. In his application for reinstatement, Applicant provided a Board form, which asks for information in regard to a question that asks if the applicant knows of “any investigation by, or any allegations, complaints, or charges concerning you made to any licensing agency or state or government agency.” Applicant provided the following information on the Board form:

- a. Applicant disclosed that he was under Board investigation in Investigation Cases 01-00279 and 02-00269.
- b. In response to the question that asked what were the allegations, complaints, or charges that led to the initiation of the investigations, Applicant answered, “Prescription fraud for controlled substances.”

- c. Applicant disclosed that the act or acts that gave rise to the investigations occurred in his home.
- d. In response to the question that asked for his explanation of the facts and circumstances surrounding the investigations, Applicant wrote, “I fraudulently obtained Schedule II medications.”

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19. Applicant underwent an evaluation and assessment of his current medical knowledge and skills at CPEP in April 2012. Based on that evaluation, an individual education plan was developed for him in August 2012

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20. Since submitting his application for reinstatement in July 2012, Applicant has cooperated with the Board throughout the application process.
21. Applicant acknowledges that if formal hearing proceedings were conducted and Applicant presented no exhibits, witnesses or other evidence, the Board has sufficient evidence to prove that Applicant has violated the Kansas Healing Arts Act with respect to the above allegations. Applicant further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.
22. A protective order is hereby entered to protect all confidential information under 42 CFR Part II, K.S.A. 65-2836(i), and K.S.A. 65-4925.
23. Applicant's acts, if proven, constitute unprofessional conduct as set forth in K.S.A. 65-2836.
24. Applicant violated K.S.A. 65-2836(c) in that he has been convicted of three (3) Class A misdemeanors: (1) Applicant was convicted of a second DUI, which he received in August 2005; (2) Applicant was convicted of violating a protection from abuse order that occurred in October 2005; and (3) Applicant was convicted in April 2006 for unlawful use of drug paraphernalia.
25. Applicant violated K.S.A. 65-2836(b), as set forth in K.S.A. 65-2837(b)(12) by admitting to fraudulently obtaining Schedule II medications. This is conduct likely to harm the public in that Schedule II medications are controlled substances, which have rules and regulations in place to protect the public.

Fraudulently obtaining controlled substances puts the public at risk because those rules and regulations are then no longer being followed.

26. Applicant violated K.S.A. 65-2836(e) Confidential

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27. Applicant violated K.S.A. 65-2836(i) Confidential

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28. Pursuant to K.S.A. 65-2836, the Board may revoke, suspend, limit, censure or place under probationary conditions Applicant's license and pursuant to K.S.A. 65-2863a the Board has the authority to impose administrative fines for violations of the Kansas Healing Arts Act.

29. 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.

30. All pending investigation materials in KSBHA Investigative Case Numbers 13-00123 regarding Applicant, were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 27 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

31. Applicant further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Applicant 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 Applicant's license to practice osteopathic medicine and surgery in the State of Kansas. Applicant hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Applicant 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, Applicant retains the right to confront and examine all witnesses, present evidence, testify on his 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.*

32. 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.
33. Applicant 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 Applicant has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Applicant shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

34. Applicant further understands and agrees that upon signature by Applicant, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.
35. 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.
36. Applicant 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 Applicant is not present. Applicant 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.
37. Applicant, 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.

38. Applicant acknowledges that he has read this Consent Order and fully understands the contents.
39. Applicant acknowledges that this Consent Order has been entered into freely and voluntarily.
40. All correspondence or communication between Applicant and the Board relating to the Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Compliance Coordinator, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.
41. Applicant shall obey all federal, state and local laws and rules governing the practice of osteopathic medicine and surgery in the State of 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.
42. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become a Final 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.
43. This Consent Order constitutes disciplinary action.
44. The Board may consider all aspects of this Consent Order in any future matter regarding Applicant.
45. In lieu of conducting a formal proceeding, Applicant, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action and

limitations on his license to engage in the practice of osteopathic medicine and surgery:

**CENSURE**

46. Applicant is publicly censured for violating the Kansas Healing Arts Act; specifically for Applicant's violations of K.S.A. 65-2836(b) and K.S.A. 65-2836(c).

**PROBATION: LIMITATIONS**

47. Applicant shall not practice osteopathic medicine and surgery unless and until he complies with each of the following:
48. Within ten (10) days of the approval of this Consent Order, Applicant agrees to formally enter into the Educational Intervention Program Education Plan developed for Applicant by CPEP in August 2012 and provide proof of the same to the Board.
49. Applicant agrees and understands that he must remain in strict compliance with the CPEP Educational Intervention Program Education Plan. That Applicant is hereby advised that any notification from CPEP that Applicant is not in compliance with the Plan constitutes a violation of the Board's order which may subject Applicant to disciplinary action as set forth in K.S.A. 65-2836.
50. While it is noted that Applicant has already entered into the Educational Intervention Program Education Plan developed for him by CPEP in August 2012, Applicant agrees that the Board needs documentation from CPEP showing that he has officially entered into the Education Plan and that he has successfully completed Module A of the Education Plan.

51. 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.
52. Applicant shall successfully complete the CPEP Education Plan prior to any request to modify or terminate probation.
53. Applicant agrees to the monitoring of 100% of his prescribing practices by a Kansas-licensed physician for a period of at least twelve (12) consecutive months. The monitor must also co-sign each prescription for controlled-substances that Applicant writes. Such monitoring shall be conducted at Applicant's own expense. The preceptor must be pre-approved by the Board or the Board's designee, Myron Leinwetter, D.O.. Applicant will be responsible for providing the Board with the proposed preceptor's Curriculum Vitae (CV).
54. For each prescription written or authorized by Applicant, Applicant shall document the initial prescription in the patient chart and in a separate log to be maintained for each patient. 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 medications each month.
55. At the end of each month, the preceptor shall review all the patient charts for every patient for which Applicant wrote or authorized prescriptions during that month. The preceptor shall then submit a monthly report to the Board which is due on the 30<sup>th</sup> day of the following month. For the month of February, the report shall be due on the 27<sup>th</sup> day. The report shall be on a form provided by Board staff and shall include the number of patient charts reviewed, a brief summary of



Applicant's prescribing activity during the month and an opinion as to whether Applicant is prescribing medications within the standard of care. The preceptor must immediately notify Board staff if he/she believes Applicant is prescribing medications in an inappropriate manner or outside the standard of care.

56. Applicant is responsible for ensuring the preceptor's timely submission of the report each month. For any period(s) of time that Applicant is not actively practicing the healing arts in Kansas, the monitoring provisions of this Consent Order shall be tolled and not be counted in reducing the required timeframe for monitoring.
57. Applicant is prohibited from ordering, prescribing, dispensing, or administering medications to any employee, family members, significant others or any person with whom Applicant has a personal relationship.
58. Applicant shall only prescribe, order, dispense, or administer prescriptions for persons with whom he has a physician-patient relationship and for whom he maintains a medical record.
59. Applicant is prohibited from prescribing, ordering, dispensing, or administering medications to himself, including sample medications. Applicant shall arrange to have a personal physician who oversees his care.

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**MONITORING**

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73. Applicant shall immediately notify the Board or its designee of any citation, arrest or charge filed against him or of any conviction for any traffic or criminal offenses.

74. Applicant shall at all times keep Board staff informed of all his current practice locations, addresses and telephone numbers. Applicant shall provide the above information in writing to the Board within ten (10) days of any such change.

**PROBATION AND LIMITATION TIMEFRAME**

75. The above monitoring provisions and limitations are not self-terminating. After a period of one (1) year, Applicant may request modification or termination of the probation provisions. For any period of time that Applicant is not actively

practicing osteopathic medicine and surgery in Kansas, the probation provisions and limitations will remain in effect but will be tolled and not counted towards reducing the one (1) year timeframe.

76. After a period of five (5) years, Applicant may request modification or termination of the monitoring provisions. For any period of time that Applicant is not actively practicing osteopathic medicine and surgery in Kansas, the monitoring provisions will remain in effective but will be tolled and not counted towards reducing the five (5) year timeframe.

**IT IS THEREFORE 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 FURTHER ORDERED** that upon meeting all technical requirements for licensure, Applicant shall be granted a license, pursuant to the conditions above.

**IT IS SO ORDERED** on this 9<sup>th</sup> day of May, 2013.

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

David Laha, DPM by KGS  
~~Kathleen Selzler Lippert~~ David Laha, DPM  
~~Executive Director~~ Presiding Officer

5/31/13  
Date

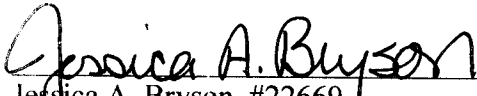
K. Grant  
Karl W. Grant  
Applicant

May 9, 2013  
Date

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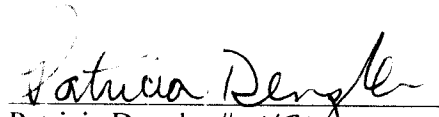
Consent Order  
Karl W. Grant, D.O.

PREPARED AND APPROVED BY:

  
\_\_\_\_\_  
Jessica A. Bryson, #22669

Associate Litigation Counsel  
Kansas Board of Healing Arts  
800 SW Jackson Ave, Lower Level Ste A  
Topeka, Kansas 66612  
785-296-8022

AGREED TO BY:

  
\_\_\_\_\_  
Patricia Dengler # 110303

Attorney for Applicant  
Brown, Dengler, & O'Brien, LLC  
Two Brittany Place  
1938 N. Woodlawn Suite 405  
Wichita, KS 67208  
316-260-9720

## 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 31<sup>st</sup> day of May, 2013, to the following:

Karl W. Grant, D.O. (Applicant)

Confidential

Rantoul, KS 66079

Patricia Dengler  
Attorney for Applicant  
Brown, Dengler, & O'Brien, LLC  
Two Brittany Place  
1938 N. Woodlawn Suite 405  
Wichita, KS 67208  
316-260-9720

And the original was hand-filed with:


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

And a copy was hand-delivered to:

Jessica A. Bryson  
Associate 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

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

  
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Consent Order  
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