

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

In the Matter of)
)
PHYLLIS D. HARDING, M.D.)
Kansas License No. 04-24265)
_____)

Docket No. 05-HA-01

INITIAL ORDER

NOW ON THIS Twenty First Day of September 2004, this matter comes before the Presiding Officer for hearing. Stacy L. Cook, Litigation Counsel, and Diane L. Bellquist, Associate Counsel, appear for Petitioner. Respondent Phyllis D. Harding, M.D. appears *pro se* by telephone.

Having the agency record before him, and having heard the statements of the parties, the Presiding Officer finds, concludes and orders as follows:

1. The Board granted Respondent a license to practice medicine and surgery in the State of Kansas in 1992. At the time this matter was initiated, Respondent held an active license.
2. Having been duly sworn, Respondent states that she does not dispute the allegations of misconduct described in the petition. The Presiding Officer finds that Respondent engaged in the conduct described in the petition, and the allegations contained therein constitute the findings of the Board. In summary, Respondent did not complete the number of hours of continuing education necessary for renewal of her license for the period beginning July 1, 1999 and ending June 30, 2002. Respondent submitted false information in the renewal process, showing that she completed the

required continuing education programs. Additionally, Respondent submitted false information regarding her continuing education to the medical care facility at which she had privileges.

3. The Presiding Officer concludes that by failing to complete continuing education credits necessary for renewal of her license, as provided by K.A.R. 100-15-2(a), Respondent violated a lawful regulation, and engaged in conduct that is a ground for disciplinary action as provided by K.S.A. 65-2836(k). The Presiding Officer further concludes that Respondent committed fraud or misrepresentation in securing a renewal license, and this conduct that is a ground for disciplinary action as provided by K.S.A. 65-2836(a).

4. The Presiding Officer further finds and concludes that in light of her failure to obtain the continuing education credits necessary for renewal of her license, Respondent was not eligible for renewal of her active license in 2002. Based upon her submission of the false information at that time, the Board was led to believe that Respondent would not be required to submit further proof of continuing education until June 2005. The Presiding Officer presumes that Respondent's eligibility for renewal of her active license in the years following 2002 is also in question.

IT IS, THEREFORE, ORDERED that the license of Phyllis D. Harding, M.D. is hereby suspended until such time as the Board finds that Respondent has presented sufficient proof that she has completed 150 hours of continuing education, including at least 60 hours of Category I programs, within a three-year period. Continuing education

hours that have already been earned may be included in the 150 hours if all 150 hours have been earned within a three-year period.

IT IS FURTHER ORDERED that the active license of Phyllis D. Harding may be converted to an inactive license, and may be renewed as an inactive license until such time as she completes the 150 hours of continuing education in a three-year period as required by this order. Notwithstanding the conversion of Respondent's license to inactive, this license will continue to be suspended until Respondent completes the 150 hours of continuing education in a three-year period as required by this order.

IT IS FURTHER ORDERED that Respondent is hereby censured for her misconduct, and is fined in an amount of \$1000. Respondent shall confer with Board counsel to devise a payment plan.

PLEASE TAKE NOTICE that this is an Initial Order. This order does not become effective as a Final Order until review by the Board is complete. A party to an agency proceeding may seek Board review of an Initial Order by filing a petition for review within 15 days following service of the Initial Order. Any such petition must be filed with the Executive Director at 235 S. Topeka Blvd., Topeka, KS 66603.

PLEASE TAKE FURTHER NOTICE that Board will, on its own motion, review this Initial Order at its regularly scheduled meeting in the Board office, 235 S. Topeka Blvd., Topeka, Kansas, on December 11, 2004 at 11:00 a.m. or as soon thereafter as the matter can be heard, and at the conclusion of the review issue a Final Order. Upon conducting review, the Board may exercise all of the decision-making authority as if it had heard the matter itself. Any party may file a brief with the Board's Executive Director on or before November 24, 2004. No further notice of hearing will be given.

ORDERED this _16th day of October 2004.

KANSAS STATE BOARD OF HEALING
ARTS

_____/s/_____
Mark A. McCune, M.D.
Presiding Officer

Certificate of Service

I certify that a true copy of the foregoing Initial Order was served this 18th day of October 2004 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Phyllis D. Harding, M.D.
P.O. Box 134
Minneola, KS 67865

_____/s/ Sheryl Snyder_____