

FILED *CRD*

DEC 16 2010

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

KS State Board of Healing Arts

In the Matter of)
Kimberly L. Hebert, P.A.)
License No. 15-00674)
_____)

Docket No. 11-HA00023

FINAL ORDER
(Pursuant to K.S.A. 77-501 et seq.)

Pursuant to the authority granted to the Kansas State Board of Healing Arts (“Board”) by K.S.A. 65-2801 et seq. and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 et seq., the Board hereby enters this Final Order in the above-captioned matter. Members of the Board serving on the Disciplinary Panel for this matter were recused from participation.

I. Findings of Fact

The Board has been shown the following facts:

1. Kimberly L. Hebert, P.A. (“Licensee”), 7570 W 21st St #1006B, Wichita, KS 67205, is licensed to practice as a physician assistant in the State of Kansas, License No. 15-00674, and has been so licensed since February 12, 2000.
2. On or about August 30, 2010, Licensee entered into a Consent Order with the Board in lieu of formal disciplinary proceedings. The Consent Order was entered into between Licensee and the Board to resolve allegations that Licensee violated the Kansas Physician Assistant Licensure Act by repeatedly failing to meet the standard of care to a degree constituting ordinary negligence, failing to keep written medical records which accurately describe the services rendered to the patient, and inappropriately prescribing controlled substances in an excessive, improper or inappropriate manner or quantity.

3. Pursuant to the terms of the Consent Order, Licensee was publicly censured for violating the Kansas Physician Assistant Licensure Act.
4. Pursuant to the terms of the Consent Order, Licensee's license was placed on probation. Under the terms and conditions of such probation, Licensee was required to complete the continuing education course "New Jersey Mini-Residency Course in Appropriate Prescribing," at her own expense, and provide proof of completion to the Board on or before September 30, 2010.
5. Due to the fact that the continuing education program specified in the Consent Order was no longer being offered, the Disciplinary Panel approved the course "Appropriate Prescribing of Controlled Substances for Physician Assistant" and authorized an extension of the deadline for completion of the course to October 31, 2010.
6. On or about October 18, 2010, Licensee completed the agreed upon course in appropriate prescribing and submitted proof of completion to the Board as specified by the Consent Order.
7. The probation placed on Licensee's license is not self-terminating.
8. On October 29, 2010, Licensee filed a petition requesting termination of the probation.

II. Applicable Law

- a. K.S.A. 77-501 et seq. – Kansas Administrative Procedure Act
- b. K.S.A. 77-505 et seq. – Informal Settlements
- c. K.S.A. 65-2801 et seq. – Kansas Healing Arts Act
- d. K.S.A. 65-28a01 et seq. – Kansas Physician Assistant Licensure Act
- e. K.S.A. 65-28a05 – Revocation, Suspension, Limitation, Censure or Denial of License, Grounds
- f. K.A.R. 100-28a-7 – Professional Incompetency: Defined
- g. K.A.R. 100-28a-8 – Unprofessional Conduct: Defined

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III. Policy Statement

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

IV. Conclusions of Law

Based upon the Findings of Fact enumerated in Paragraphs #1 through #8, the Applicable Law and the Policy Statement set forth above:

THE BOARD HEREBY CONCLUDES AS FOLLOWS:

9. On or about August 30, 2010, Licensee entered into a Consent Order with the Board in lieu of formal disciplinary proceedings. The Consent Order was entered into between Licensee and the Board to resolve allegations that Licensee violated the Kansas Physician Assistant Licensure Act by repeatedly failing to meet the standard of care to a degree constituting ordinary negligence, failing to keep written medical records which accurately describe the services rendered to the patient, and inappropriately prescribing controlled substances in an excessive, improper or inappropriate manner or quantity.
10. Pursuant to the terms of the Consent Order, Licensee was publicly censured for violating the Kansas Physician Assistant Licensure Act.
11. Pursuant to the terms of the Consent Order, Licensee's license was placed on probation. Under the terms and conditions of such probation, Licensee was

required to complete the continuing education course “New Jersey Mini-Residency Course in Appropriate Prescribing,” at her own expense, and provide proof of completion to the Board on or before September 30, 2010.

12. Due to the fact that the continuing education program specified in the Consent Order was no longer being offered, the Disciplinary Panel approved the course “Appropriate Prescribing of Controlled Substances for Physician Assistant” and authorized an extension of the deadline for completion of the course to October 31, 2010.
13. On or about October 18, 2010, Licensee completed the agreed upon course in appropriate prescribing and submitted proof of completion to the Board as specified by the Consent Order.
14. The probation placed on Licensee’s license is not self-terminating.
15. On October 29, 2010, Licensee filed a petition requesting termination of the probation.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS:

16. The probation placed upon Licensee’s license is hereby **TERMINATED**.
17. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 15 DAY OF Dec, 2010, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzer Lippert
Executive Director
Kansas State Board of Healing Arts

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, the Board's Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the foregoing Final Order was served this 16th day of December, 2010 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Kimberly L. Hebert, P.A.
7570 W 21st St #1006B
Wichita, KS 67205

Brian C. Wright
Wright Law Office, Chtd.
4312 10th Street Place
Great Bend, KS 67530-3525
Attorney for Licensee

And a copy was hand delivered to the office of:

Lori D. Dougherty, Associate Litigation Counsel
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, Kansas 66603

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, Kansas 66603

Melissa Massey, Compliance Coordinator
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, Kansas 66603

The original filed with:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, KS 66603



Cathy Brown
Executive Assistant