

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

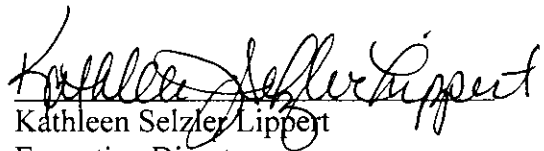
**In the Matter of** )  
**Sarah Hein, P.A.** )  
 )  
 ) **KSBHA Docket No. 13-HA00098**  
**Kansas License No. 15-01614** )

**JOURNAL ENTRY RATIFYING CONSENT ORDER**

NOW on this 14<sup>th</sup> day of June, 2013, pursuant to the authority granted to the Kansas State Board of Healing Arts ("Board") by K.S.A. 65-28(a)01, *et seq.*; and, in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Consent Order filed on May 21, 2013, in the above-captioned matter, is hereby **ACCEPTED** and **RATIFIED** by the Board with the following changes outlined in this Journal Entry. The Board shall maintain jurisdiction over this matter to issue any order(s) deemed necessary and appropriate in the circumstances.

1. Language contained in Paragraph 35 of the Consent Order is stricken.
2. There are no limitations placed on Licensee in this matter.
3. Any reference to the term "Limitations" throughout the Consent Order shall also be stricken.

IT IS SO ORDERED THIS 1 DAY OF ~~JUNE~~<sup>July</sup> 2013, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

  
Kathleen Selzler Lippert  
Executive Director  
Kansas State Board of Healing Arts

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on this 1<sup>st</sup> day of July, 2013, a true and correct copy of the above and foregoing **JOURNAL ENTRY RATIFYING CONSENT ORDER** was deposited in the United States Mail, first-class postage prepaid and addressed to:

Sarah Hein, P.A.  
**Confidential**  
Smolan, KS 67456

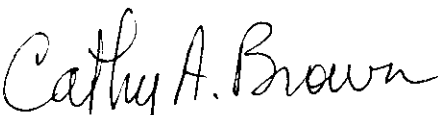
And a copy was hand-delivered to:

Jessica A. Bryson, Associate Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson Street, Lower Level- Suite A  
Topeka, Kansas 66612

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

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

And the original was filed with the office of the Executive Director.

  
\_\_\_\_\_  
Cathy Brown  
Executive Assistant

FILED

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MAY 21 2013

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of )  
 )  
Sarah E. Hein, P.A. )  
Kansas License No. Pending )

Docket No. 13-HA 00098

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Jessica A. Bryson, Associate Litigation Counsel ("Petitioner"), and Sarah E. Hein, P.A. ("Applicant"), *pro se*, and move the Board for approval of a Consent Order affecting Applicant's license to practice as a physician's assistant 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**  
Smolan, Kansas 67456.
2. On or about January 14, 2011, Applicant submitted to the Board an application for licensure as a physician assistant. Such application was deemed complete and filed with the Board on May 14, 2013.
3. 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 physician assistants. K.S.A. 65-28a01 *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. Upon approval, these stipulations shall constitute the

Consent Order  
Sarah E. Hein, P.A.

findings of the Board, and this Consent Order shall constitute the Board's Final Order.

5. The Kansas Physician Assistant Licensure 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.
6. Applicant voluntarily and knowingly waives her right to a hearing. Applicant 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. 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.
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. Applicant 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 that there may be grounds pursuant to K.S.A. 65-28a05 to take action with respect to Applicant's license under the Kansas Physician Assistant Licensure Act, K.S.A. 65-28a01, *et seq.*
9. In her application for licensure, Applicant disclosed that she had not actively practiced as a physician assistant since April 2006.

10. Based on Applicant's disclosure, she was referred to The Center for Personalized Education for Physicians (CPEP) for an evaluation and assessment of her clinical knowledge and skills.

11. **Confidential**

12. 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 Physician Assistant Licensure Act with respect to the above allegations. Applicant further waives her right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.
13. A protective order is hereby entered to protect all confidential information under 42 CFR Part II and K.S.A. 65-4925.
14. Applicant's acts, if proven, constitute professional incompetency as set forth in K.S.A. 65-28a05(c).
15. Applicant violated K.S.A. 65-28a05(c), as set forth in K.A.R. 100-28a-7(c) in that her failure to actively practice as a physician assistant since 2006 is evidence of a pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to perform professional services as a physician assistant.
16. Pursuant to K.S.A. 65-28a05, the Board may revoke, suspend, limit, censure or place under probationary conditions Applicant's license.
17. According to K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.
18. All pending investigation materials in KSBHA Investigative Case Number 13-00121 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.

19. 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 as a physician assistant 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 Physician Assistant Licensure Act, K.S.A. 65-28a01 *et seq.*
20. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Physician Assistant Licensure 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 Physician Assistant Licensure Act.
21. 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.

22. 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.
23. 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.
24. 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.
25. 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.

26. Applicant acknowledges that she has read this Consent Order and fully understands the contents.
27. Applicant acknowledges that this Consent Order has been entered into freely and voluntarily.
28. 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.
29. Applicant shall obey all federal, state and local laws and rules governing the practice as a physician assistant 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.
30. 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. 77-505. 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.
31. This Consent Order constitutes non-disciplinary action.
32. The Board may consider all aspects of this Consent Order in any future matter regarding Applicant.

33. Applicant understands that a Temporary License shall be issued based upon Applicant's signing this Consent Order, paying the temporary license fee, and abiding by the terms of this Consent Order. Applicant further understands that the Temporary License is only effective until a conference hearing is held by the Board on ratification of this Consent Order and that if the Board fails to ratify this Consent Order, the Temporary License shall immediately expire at the conclusion such hearing. If the Board ratifies this Consent Order, Applicant shall be issued a permanent licensure under the terms of this Consent Order.
34. In lieu of conducting a formal proceeding, Applicant, by signature affixed to this Consent Order, hereby voluntarily agrees to the following non-disciplinary action as a condition to being granted licensure to engage in practice as a physician assistant:

#### **LIMITATIONS**

35. Applicant shall not practice medicine and surgery unless and until she complies with each of the following:
- a. Within ten (10) days of the approval of this Consent Order, Applicant agrees to formally enter a Reentry Plan with CPEP as set forth in CPEP's Clinical Practice Reentry Program Report and provide proof of the same to the Board. This shall be at Applicant's expense.
  - b. In the alternative, if Applicant does not wish to enter into the Reentry Plan with CPEP, she may find a preceptor who will follow the Reentry Plan provided by CPEP in the January 2013 Clinical Practice Reentry Program Report. If Applicant chooses this option, the preceptor must be a Kansas

licensee who must be pre-approved by a member of Disciplinary Panel #27.

This option is also at Applicant's own expense.

36. Applicant agrees and understands that she must remain in strict compliance with the CPEP Reentry Plan set forth in CPEP's Clinical Practice Reentry Program.

That Applicant is hereby advised that any notification from CPEP, or in the alternative, her preceptor that Applicant is not in compliance with the Reentry Plan constitutes a violation of the Board's order which may subject Applicant to disciplinary action as set forth in K.S.A. 65-28a05.

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

38. The Board designates a representative of Disciplinary Panel 27 to review and approve/disapprove any issue that may arise in the implementation of this Consent Order

#### **LIMITATION TIMEFRAME**

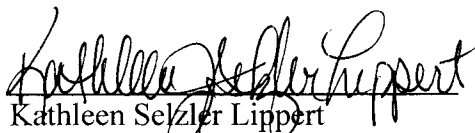
39. The above monitoring provisions and limitations are not self-terminating. After successful completion of the CPEP Reentry Plan; in the alternative, completion of the reentry plan with her preceptor, Applicant may request modification or termination of the provisions.

**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.

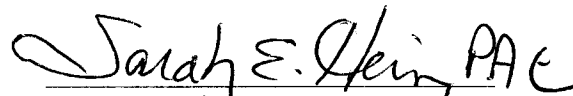
**IT IS FURTHER ORDERED** that upon meeting all technical requirements for licensure, Applicant shall be granted a license, pursuant to the conditions above.

**IT IS SO ORDERED** on this 21<sup>st</sup> day of May, 2013.

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

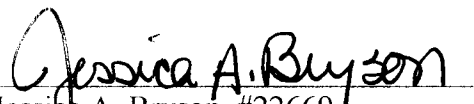
  
Kathleen Selzer Lippert  
Executive Director

5/21/13  
Date

  
Sarah E. Hein, P.A.  
Applicant

5.8.2013  
Date

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

**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 21<sup>st</sup> day of May, 2013, to the following:

Sarah E. Hein P.A. M.D.  
Applicant  
**Confidential**  
Smolan, Kansas 67456

And the original was hand-filed with:

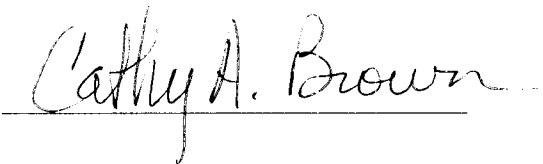
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Consent Order  
Sarah E. Hein, P.A.