

# EFFECTIVE AS A FINAL ORDER

DATE: 5/1/19

FILED

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APR 10 2019

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

KS State Board of Healing Arts

In the Matter of

Steven R. Henson, M.D.  
Kansas License No. 04-23263

Docket No. 19-HA00044

### SUMMARY ORDER

NOW ON THIS 10<sup>th</sup> day of April, 2019, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A 77-537.

Pursuant to K.S.A 77-537 and K.S.A. 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for a hearing is made within fifteen (15) days of service. Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law, and order are made for and on behalf of the Board:

### Findings of Fact

1. Steven R. Henson, M.D.'s ("Licensee") last known mailing address to the Board is: [REDACTED] Wichita, Kansas 67205.

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. 04-23263 on approximately July 1, 1990. Licensee's license to practice medicine and surgery is currently Cancelled-suspended. Licensee's license entered cancelled status after Licensee failed to renew his license on or about August 1, 2016.

3. On or about January 12, 2016, an Indictment with 31 counts levied against Licensee was filed in the United States District Court for the District of Kansas against Licensee. All actions that formed the basis of the indictment occurred while Licensee was active and practicing in the State of Kansas as a medical doctor.

4. On or about October 12, 2018, in case *United States v. Henson*, case number 16-10018-01-JTM, Licensee was subjected to a jury trial in the United States District Court sitting in Wichita, Kansas.

5. On or about October 23, 2018, in the case of *United States v. Henson*, Licensee was convicted of the following felonies:

- a. Two (2) counts of conspiracy to violate federal laws regarding controlled substances as defined in 21 U.S.C. 846 and 21 U.S.C. 841(a)(1);
- b. Thirteen (13) counts of distribution of controlled substances violating 21 U.S.C. 841(a)(1);
- c. One (1) count of illegally distributing or dispensing methadone in contravention of 21 U.S.C. 841(a)(1), which resulted in the death of a human being [REDACTED]  
[REDACTED]
- d. One (1) count of making or using a false writing in contravention of 18 U.S.C. 1001(a)(3);
- e. One (1) count of obstruction, to wit: using threats or force to impede or interfere with the performance of duties under an order entered by a court of the United States in contravention of 18 U.S.C. 1509; and
- f. Six (6) counts of money laundering in contravention of 18 U.S.C. 1957.

6. All of the convictions identified in paragraph five (5) arose from or were related to Licensee's practice of medicine and surgery at a time when Licensee held an Active license to practice medicine and surgery in Kansas.

7. On March 12, 2019, Honorable J. Thomas Marten, U.S. District Judge, issued his Judgment in a Criminal Case sentencing Licensee in part, to life in prison. Additionally, Licensee was ordered to forfeit his Kansas Medical license #04-23263.

8. The parties acknowledge and agree the facts set forth in paragraphs four (4) through seven (7) constitute violations of the Kansas Healing Arts Act. Specifically, Licensee stands convicted of several felonies for conduct that occurred while he held an active license to practice medicine and surgery. The parties acknowledge these convictions allow Licensee's license to practice medicine and surgery in Kansas to be revoked, suspended, or limited, or Licensee may be publicly censored or placed under probationary conditions, as set forth in K.S.A. 65-2836(c).

9. At the time of this filing, the Board had two outstanding Petitions against Licensee's license. Specifically:

- a. KSBHA Docket No. 16-HA00059 involved multiple standard of care allegations and other violations of the Kansas Healing Arts Act and is currently pending for a formal hearing at the Office of Administrative Hearings. *See In the matter of Steven R. Henson*, KSBHA Docket No. 16-HA00059, OAH No. 16HA0007.
- b. KSBHA Docket No. 19-HA00044 has a pending Amended Petition for disciplinary action based on Licensee's felony criminal convictions discussed herein. A pending conference hearing is set for the April 2019 Board meeting. *See In the matter of Steven R. Henson*, KSBHA Docket No. 19-HA00044.



10. By submission of this agreed Summary Order, Licensee specifically agrees and stipulates that his license to practice medicine and surgery in the State of Kansas should be revoked for the conduct set forth above in paragraphs four (4) through seven (7) as required by K.S.A. 65-2836(c).

11. By this agreed to Summary Order, Licensee specifically agrees and stipulates that the pending filed petitions in KSBHA Docket No. 16-HA00059 and OAH No. 16HA0007 are now moot as Licensee's license shall be deemed revoked as of the date of the filing of this Summary Order.

#### Applicable Law

12. Pursuant to K.S.A. 65-2836:

A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately censured or placed under probationary conditions, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds . . .

(c) The licensee has been convicted of a felony..., whether or not related to the practice of the healing arts[,],...unless a  $\frac{2}{3}$  majority of the board members present and voting determine by clear and convincing evidence that such licensee will not pose a threat to the public in such person's capacity as a licensee and that such person has been sufficiently rehabilitated to warrant the public trust.

#### Conclusions of Law

13. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

14. The Board finds Licensee violated K.S.A. 65-2836(c), in that on or about October 12, 2018, Licensee was convicted of thirty-one (31) felonies in *United States v. Henson*, case number 16-10018-01-JTM.

15. The Board finds Licensee has stipulated that revocation of his license to practice medicine and surgery in the State of Kansas is the sole appropriate remedy and accepts that stipulation.

16. The Board finds that in light of the stipulation accepted in paragraph twelve (12), Licensee has waived his right to present evidence as allowed under K.S.A. 65-2836(c) and that Licensee's license to practice medicine and surgery should be revoked.

17. Based on the facts and circumstances set forth herein, the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than Licensee.

**IT IS, THEREFORE, ORDERED** that Licensee's license to practice medicine and surgery in Kansas, license number 04-23263, is hereby **REVOKED** for Licensee's violations of the Kansas Healing Arts Act.

**IT IS FURTHER ORDERED** that:

1. An application for reinstatement of Licensee's license will be considered in accordance with the provisions of K.S.A. 65-2844. Further, Licensee's application will be governed by *Vakas v. The Kansas Board of Healing Arts*, 248 Kan. 589 (1991), and all applicable statutes, law, rules and regulations regarding qualifications for licensure and reinstatement.
2. Licensee shall be required to pay the fee for reinstatement of a revoked license with any application for reinstatement.



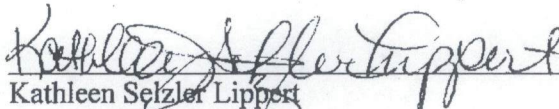
3. Licensee shall not apply for reinstatement or stay of his revocation of his license until a minimum of three (3) years has elapsed from the date of the approval of this Consent Order.
4. Licensee shall place all his patients' record in the custody of another individual licensed to practice medicine and surgery or osteopathic medicine, a records maintenance facility, or other Board approved agent, in compliance with K.A.R. 100-24-2 and 100-24-3, unless otherwise approved. Licensee shall notify the Board in writing on or before June 30, 2019, of the specific measures taken and the appropriate contact information of the designated record custodian so that the Board can respond to questions from patients about the location of their medical records, and how to obtain them. In the alternative, if the records are in the custody of the United States Attorney Office or federal government entity, Licensee shall provide this information to the Board on the June 30, 2019 due date, and work with the entities to determine how best to comply with this order.

**IT IS FURTHER ORDERED** that Licensee's concurrently pending Board actions, KSBHA Docket No. 16-HA00059 and OAH No. 16HA0007, shall be considered moot and that no hearing on the pending petitions shall be required. Should Licensee attempt to reinstate his license to practice medicine and surgery, the Board may consider all such actions prior to reinstate of his license to practice including repayment of Board costs expended in KSBHA Docket No. 16-HA00059 upon the filing of a Statement of Costs by Petitioner.

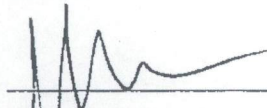
**PLEASE TAKE NOTICE** that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 10<sup>th</sup> day of April, 2019.

KANSAS STATE BOARD OF HEALING ARTS

  
Kathleen Selzler Lippert  
Executive Director

Prepared and approved by:

  
J. Todd Hiatt, #22150  
Associate Litigation Counsel  
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Approved by:

*/s/ John H. Gibson*

John H. Gibson, #07152  
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Wichita, Kansas 67202

### **FINAL ORDER 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, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.



**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true copy of the foregoing **FINAL ORDER** was served this 1st day of May, 2019 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

John H. Gibson  
Justen Phelps  
Gibson Watson Marino, LLC  
301 North Main  
Suite 1300  
Wichita, KS 67202  
*Attorneys of License*

Steven R. Henson  
[REDACTED]  
Wichita, KS 67205  
*Licensee*

And a copy was hand-delivered to:

Susan R. Gering, Deputy Litigation Counsel  
J. Todd Hiatt, Associate Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

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

Office of the General Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

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

  
Beth Visocsky, Operations Manager