

**EFFECTIVE AS A FINAL ORDER**

FILED

SEP 18 2018

BV

DATE: 10/9/18

KS State Board of Healing Arts

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

In the Matter of	)	
	)	Docket No. 19-HA <u>00008</u>
Mark N. Hill, M.D.	)	
Kansas License No. 04-37744	)	

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**AMENDED SUMMARY ORDER**

NOW ON THIS 18 day of September, 2018, 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 Amended 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. Mark N. Hill, M.D.'s ("Licensee") last known mailing address to the Board is: [REDACTED]  
[REDACTED] Highland Park, Illinois, 60035.
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. 04-37744 on approximately December 29, 2014, and having last renewed such license on approximately May 16, 2018.
3. Licensee's license to practice medicine and surgery in the State of Kansas is currently Inactive.

4. During all times relevant to the facts set forth in this order, Licensee has held an Active, or Inactive license to practice medicine and surgery in the state of Kansas.

5. On or about May 31, 2017, the Board received a report from the Federation of State Medical Board ("FSMB") reporting Licensee was disciplined by the Illinois Department of Financial and Professional Regulation ("Illinois Board") on May 12, 2017, in the form of a Consent Order.

6. The Illinois Board's Consent Order resolved a case where Licensee engaged in treatment of a patient in his practice, while also serving as her power of attorney in violation of 225 ILCS 60/22(A)(5).

7. The Illinois Board's Consent Order assessed a fine of \$10,000, required Licensee to take the EBAS essay examination, reprimanded Licensee, and limited Licensee from engaging in solo practice.

8. On or about July 5, 2017, Licensee's Illinois attorney provided a copy of the Consent Order and information to the Board regarding the Illinois matter.

9. On or about January 4, 2018, the Board received another FSMB report stating that Licensee was disciplined for reciprocal action by the Iowa Board of Medicine ("Iowa Board") on or about December 15, 2017.

10. The Iowa Board and Licensee entered into a Statement of Charges and Settlement Agreement for disciplinary action that including: a citation/warning, a \$5,000 civil penalty, and prohibited Licensee from solo practice under his Iowa license to practice medicine and surgery.

11. On or about April 17, 2018, the Board received a report from FSMB that Licensee was disciplined by the Oklahoma State Board of Medical Licensure and Supervision ("Oklahoma Board") for reciprocal action on or about April 12, 2018.

12. In addition to the reciprocal action that was taken in response to the Illinois Board's action, the Oklahoma Board also took action on Licensee for failure to provide accurate information on his 2017 renewal.

13. The Oklahoma Board entered into an Order Accepting Voluntary Submittal to Jurisdiction with Licensee that fined him \$5,000 and required him to take the EBAS essay exam or submit prior proof of passing. Further, the Oklahoma Board's Order required him to appear before the Oklahoma Board if he chose to relocate his practice to Oklahoma, for setting requirements on such practice including no solo practice.

14. On or about May 16, 2018, licensee renewed his license in Kansas, and at that time changed his license from Active to Inactive. His license is Inactive as of the filing date of this Summary Order.

15. In Licensee's 2018 renewal of his Kansas license, he disclosed the action that was taken against him by Illinois and other identified states. He further provided a letter dated May 2, 2018, with his renewal that states in pertinent part, that he sent "proactive letters informing . . . states of [the Illinois] reprimand . . ."

16. Based on the passage of time since Licensee's attorneys had submitted material to the Kansas Board, Licensee unwisely concluded that the Kansas Board had decided not to act. Licensee's May 2, 2018, letter included Kansas in his list of states that he wrote had decided not to act, following that citation with a quote from the letter he had received from the State of West Virginia describing their decision not to act. Licensee did not mean to mislead the Kansas Board as to what action the Board had taken. Licensee's May 2, 2018, letter was inartfully drawn and unwisely transmitted but there was no ill-intent. Licensee submitted the May 2, 2018 letter with the knowledge that the Kansas Board had or would receive notice of all adverse actions taken by

any sister state and he therefore was not trying to mislead the Kansas Board as to the status of any disciplinary matter in Kansas or in any other state.

**Applicable Law**

17. 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:

(j) The licensee has had a license to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken . . . by the proper licensing authority of another state, territory, District of Columbia or other country.

**Conclusions of Law**

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

19. The Board finds Licensee violated K.S.A. 65-2836(j), in that Licensee had disciplinary action taken against him proper licensing authorities, including the Illinois Board, the Iowa Board, and the Oklahoma Board.

20. 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 shall hereby have a **limitation that he not be in solo practice, placed on his license status, should he attempt to change his status to Active**, for Licensee's violations of the Kansas Healing Arts Act.

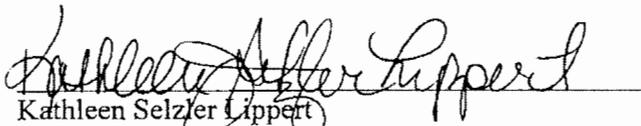
**IT IS FURTHER HEREBY ORDERED** that Licensee is assessed a **CIVIL FINE** in the amount of \$5000.00 for violations of the Kansas Healing Arts Act. **Such fine shall be paid to the "Kansas State Board of Healing Arts", in full, on or before November 7, 2018.** All monetary payments, which shall be in the form of check or money order, relating to this Summary Order shall be mailed to the Board certified and addressed to:

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

**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 18 day of September, 2018.

**KANSAS STATE BOARD OF HEALING ARTS**

  
Kathleen Selzler Lippert  
Executive Director

**NOTICE OF RIGHTS**  
(Pursuant to K.S.A. 77-542)

### **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 9 day of October, 2018 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Mark N. Hill, MD  
[REDACTED]  
Highland Park, IL 60035

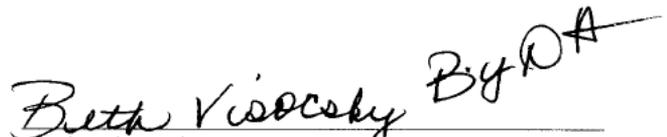
And a copy was hand-delivered to:

Susan R. Gering, Deputy 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