

**FILED** *CRB*

SEP 29 2009

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

KS State Board of Healing Arts

In the Matter of )  
Keith R. Hodge., M.D. )  
 )  
 )  
Kansas License No. 04-30074 )  
\_\_\_\_\_ )

**Docket No. 10-HA00023  
Investigation No. 07-00298**

**FINAL ORDER**

NOW ON THIS 29<sup>th</sup> day of September, 2009, the above-entitled matter comes on

before John (Jack) Confer, Executive Director of the Kansas State Board of Healing Arts. After reviewing the file and being duly advised in the premises, the Executive Director makes the following determinations.

1. On September 1, 2009, the Executive Director issued a Summary Order regarding the license of Keith R. Hodge, M.D. (“Licensee”) to practice as a medical doctor in the state of Kansas. The Summary Order contained a provision assessing a \$500 civil fine against Licensee, due and payable on or before October 15, 2009.

2. The Summary Order contained a notice that a written request for hearing could be filed within 15 days following service, but if no hearing is requested, the Summary Order would be come effective as a final order of the Board upon expiration of the time for requesting a hearing.

3. No hearing has been requested by any party; therefore the Summary Order became effective as a final order on September 23, 2009.

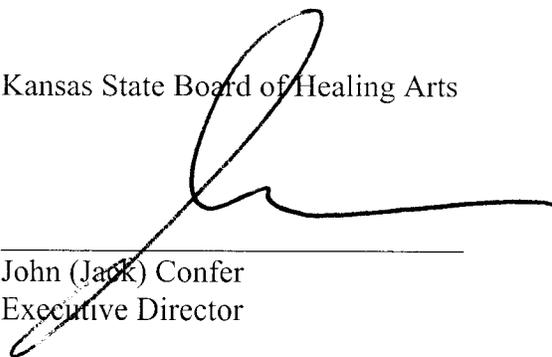
**IT IS SO ORDERED.**

**NOTICE OF RIGHTS**

PLEASE TAKE NOTICE that this is a Final Order. Pursuant to K.S.A. 77-601 *et. seq.* a party to whom a Final Order is issued may petition for judicial review of this Final Order. The petition for judicial review must be filed within thirty (30) days of service of this Final Order. In the event a petition for judicial review is filed pursuant to K.S.A 77-613(e), the Agency Officer to be served on behalf of the Kansas State Board of Healing Arts is Jack Confer, Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, Kansas 66603.

Dated this 29<sup>th</sup> day of September 2009.

Kansas State Board of Healing Arts



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John (Jack) Confer  
Executive Director

**Certificate of Service**

I certify that the foregoing Final Order was served this 29<sup>th</sup> day of September, 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Keith R. Hodge  
4801 W. 135<sup>th</sup> St,  
Leawood, KS 66224  
(*via certified mail 7008 2810 0001 3675 6462*)

and a copy was hand-delivered to:

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

Lori D. Dougherty

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

and the original was filed with the office of the Executive Director:

Jack Confer  
Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

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

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SEP 02 2009

KS State Board of Healing Arts

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

In the Matter of )  
Keith R. Hodge., M.D. )  
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Kansas License No. 04-30074 )  
\_\_\_\_\_ )

Docket No. 10-HA 00023  
Investigation No. 07-00298

**SUMMARY ORDER**

NOW ON THIS 15<sup>th</sup> day of September, 2009, this matter comes before John (Jack) Confer, Executive Director, Kansas State Board of Healing Arts (“Board”), in summary proceedings pursuant to K.S.A. 77-537. This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

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. Keith R. Hodge, M.D. (“Licensee”) was originally issued license number 04-30074 to practice medicine and surgery in the state of Kansas on April 26, 2003. Licensee’s license is active, having last been renewed on or about May 21, 2009.
2. Licensee’s last known mailing address as provided to the Board at the time of his renewal is 4801 W. 135<sup>th</sup> St, Leawood, KS 66224.
3. On or about July 30, 2006, the Board received a complaint alleging Licensee was engaging in prohibited advertising practices. Enclosed with the complaint were copies of advertisements that were placed in the Kansas City Star on June 19, 2005 and in the KC Magazine

December 2005 edition.

4. The advertisements submitted by the complainant stated that “Monarch’s team of board-certified plastic surgeons area the region’s best. . . .” and contained the term “laser hair removal.”

5. On June 3, 2008, Board investigator sent a letter to Licensee requesting Licensee to provide a response to the compliant.

6. Licensee responded that the advertisement was the only one he was aware of that contained claims of superiority and that it was an oversight in proofreading. Licensee states he corrected the hair removal terminology to “laser hair reduction.”

7. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board members who serve on the Board’s Disciplinary Panel. The Disciplinary Panel authorized and directed the issuance of this Summary Order and the specific disciplinary sanctions pursuant to Board Guidelines.

#### **Applicable Law**

8. K.S.A. 65-2836 states, in pertinent part: A licensee’s license may be revoked, suspended, or limited or the licensee may be publicly or privately censured, or an application for license or for reinstatement of a license may be denied upon finding of the existence of any of the following grounds:

(b) The licensee has committed an act of unprofessional or dishonorable conduct or professional incompetency.

9. K.S.A. 65-2837 states, in pertinent part: As used in K.S.A. 65-2836, and amendments thereto, and in this section:

(b) Unprofessional conduct means: (7) advertising professional superiority or the performance of professional services in a superior manner.

#### **Conclusions of Law**

10. The Board has jurisdiction over Licensee as well as the subject matter of this

proceeding, and such proceeding is held in the public interest.

11. The Board finds that Licensee violated K.S.A. 65-2836 and K.S.A. 65-2837(b)(7) by advertising professional superiority by stating “Monarch’s team of board-certified plastic surgeons area the region’s best. . . .”

12. Based on the facts and circumstances set forth herein, it appears that 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 the 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, Keith R. Hodge, M.D.

**IT IS, THEREFORE, ORDERED** that Licensee is hereby fined \$500.00. Such fine is payable in full to the “Kansas Board of Healing Arts” on or before October 15, 2009.

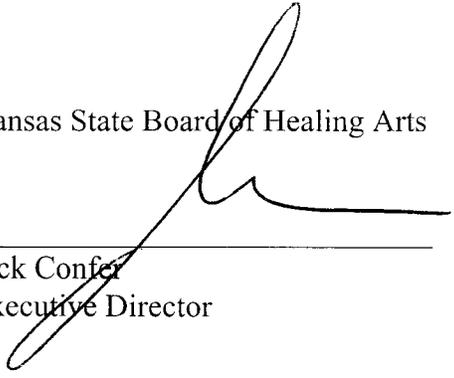
**NOTICE AND OPPORTUNITY FOR HEARING**

**PLEASE TAKE NOTICE** that this is a Summary Order. A party to whom a Summary Order is issued may file a written request for a hearing pursuant to K.S.A. 77-542 within 15 days following service of the Summary Order. Such written request shall also state the legal and/or factual basis upon which the party opposes this Order. If a hearing is not requested, the Summary Order shall become effective as a Final Order of the Board upon expiration of the time for requesting a hearing. A written request for hearing must be addressed and mailed to Jack Confer, Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, KS 66603.

**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 15<sup>th</sup> day of September, 2009.

Kansas State Board of Healing Arts

  
\_\_\_\_\_  
Jack Confer  
Executive Director

**Certificate of Service**

I certify that the foregoing Summary Order was served this 2<sup>nd</sup> day of September, 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Keith R. Hodge  
4801 W. 135<sup>th</sup> St,  
Leawood, KS 66224  
*(via certified mail 7008 2810 0001 3672 9343)*

and a copy was hand-delivered to:

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Executive Director  
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Cathy Brown  
Executive Assistant