

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

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JUL 14 2008

KS State Board of Healing Arts

In the Matter of)
)
Jeffrey D. Huston, M.D.)
Kansas License No. 04-21316)
_____)

Docket No. 09-HA 00051

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts ("Board") by and through Dan Riley, Associate Litigation Counsel ("Petitioner"), and Jeffrey D. Huston, M.D., ("Licensee") move the Board for approval of a Consent Order affecting Licensee's license to practice medicine and surgery in the State of Kansas. The parties stipulate and agree to the following:

1. Licensee's last known mailing address as provided to the Board is 7421 S. Filmore Cir, Littleton CO. 80122.
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. 04-21316 on June 13, 1986. Licensee last renewed his license on July 1, 2008.
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 medicine and surgery. K.S.A. 65-2801 *et seq.*; K.S.A. 65-2869,
4. All pending investigative 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 Board counsel

to seek settlement of this matter with the provisions contained in this Consent Order.

5. 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. 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

6. Licensee agrees that the Kansas Healing Arts Act is constitutional on its face and as applied in this case, and that in considering this matter, the Board is not beyond its jurisdiction as provided by law.

7. Licensee voluntarily and knowingly waives his right to a hearing. Licensee voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

8. 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. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

9. At all relevant times hereto, Licensee has been actively practicing medicine and surgery in Kansas. Licensee currently practices gastroenterology in Denver, Colorado, and Colby, Kansas.

10. On September 21, 2006, the Colorado State Board of Medical Examiners entered into a stipulation agreement with the Licensee resulting from Licensee's failure to respond in a timely manner to a complaint from the Colorado medical board.

11. Licensee previously received Letters of Admonition from the Colorado medical board in 1999 and 2001 for failure to respond in a timely manner to complaints from the Colorado medical board.

12. Per the September 21, 2006, agreement, the Colorado medical board ordered treatment monitoring for five years, including quarterly written reports from the Colorado Physicians Health Program (CPHP) that briefly describe the Licensee's treatment. The agreement also requires the Licensee to complete a continuing medical education course in communication and a 6-month patient care documentation seminar provided by The Center for Personalized Education for Physicians (CPEP), of Denver, Colorado.

13. Pursuant to K.S.A. 65-2836(s), as amended by HB 2620, July 1, 2008, the Board has authority to revoke, suspend, censure, place under probationary conditions, impose a fine or otherwise limit Licensee's license upon a finding that sanctions or disciplinary actions have been taken against the licensee by a peer review committee, health care facility, a governmental agency or department or a professional association or society for acts or conduct similar

to acts or conduct which would constitute grounds for disciplinary action under this section.

14. According to K.S.A. 65-2838(b), the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

15. In lieu of the conclusion of formal proceedings and/or the making of findings by the Board, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against his license to engage in the practice of medicine and surgery in Kansas:

a. LICENSEE'S LICENSE IS HEREBY PLACED UPON PROBATION FOR A PERIOD OF THREE YEARS COMMENCING UPON THE FILING OF THIS ORDER.

The terms of the probation shall be as follows:

- i. The Licensee shall ensure CPHP provide the Board quarterly written reports from CPHP that briefly describe the Licensee's treatment and state whether the Licensee is in compliance with his stipulation agreement with the Colorado medical board. Licensee shall ensure such reports are provided to the Board throughout the duration of his treatment under CPHP.
- ii Licensee shall ensure CPEP provide the Board with a final report following completion of the patient-care documentation program. Licensee shall assure the final

report is received by the Board within one year of the effective date of this order.

- iii. Licensee shall at all times inform the Board of all practice locations and hospitals at which licensee holds privileges and immediately notify the Board of any change.
- iv. The Probationary period set forth herein shall be tolled during any period that this Consent Order is stayed by administrative or judicial order or upon the filing of a complaint alleging the Licensee has violated the terms and conditions of this probation. The Board's jurisdiction to adjudicate a probation violation complaint shall continue for a reasonable period of time after the end of the probation for violations alleged to have occurred during the probationary period.
- v. This probation is not self terminating. Licensee may petition the Board for termination of the probation upon satisfaction of all other conditions and upon a showing that the conditions imposed by the State of Colorado have been terminated.

16. Licensee's failure to comply with the provisions of the Consent Order may result in the Board taking further disciplinary action as the Board deems appropriate in accordance with the Kansas Administrative Procedure Act.

17. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the healing Arts 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 Healing Arts Act.

18. Licensee hereby releases the Board, its employees and agents, from any and all claims, including but not limited to, those damages, actions, liabilities and causes of action, both administrative and civil, including the Kansas Act for judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* This release shall forever discharge the Board of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Board, its employees or agents, arising out of acts leading to the execution of this Stipulation or the content of this Stipulation.

19. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record, and shall be reported to the Federation of State Medical Boards and any reporting entities authorized to receive disclosure of this Consent Order.

20. 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.

21. Licensee 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 Licensee is not present. Licensee 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.

22. Licensee by signature to this document, waives any objection to the participation of the Board members 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 proceeding 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.

23. Licensee acknowledges that he has read this Consent Order and fully understands the contents.

24. All correspondence or communication between Licensee and the Board relating to this Consent Order shall be by certified mail addressed to the Kansas Board of Healing Arts, Attn: Compliance Coordinator, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

25. Licensee shall obey all federal, state, and local laws and rules governing the practice of medicine and surgery 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.

26. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. 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.

27. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board, and is the Order of the Board.

IT IS FURTHER ORDERED that:

LICENSEE'S LICENSE IS HEREBY PLACED UPON PROBATION FOR A PERIOD OF THREE YEARS COMMENCING UPON THE FILING OF THIS ORDER

The terms of the probation shall be as follows:

- i. The Licensee shall ensure CPHP provide the Board quarterly written reports from CPHP that briefly describe the Licensee's treatment and state whether the Licensee is in compliance with his stipulation agreement with the Colorado

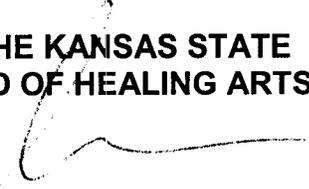
medical board. Licensee shall ensure such reports are provided to the Board throughout the duration of his treatment under CPHP.

- ii. Licensee shall ensure CPEP provide the Board with a final report following completion of the patient-care documentation program. Licensee shall assure the final report is received by the Board within one year of the effective date of this order.
- iii. Licensee shall at all times inform the Board of all practice locations and hospitals at which licensee holds privileges and immediately notify the Board of any change.
- iv. The Probationary period set forth herein shall be tolled during any period that this Consent Order is stayed by administrative or judicial order or upon the filing of a complaint alleging the Licensee has violated the terms and conditions of this probation. The Board's jurisdiction to adjudicate a probation violation complaint shall continue for a reasonable period of time after the end of the probation for violations alleged to have occurred during the probationary period.
- v. This probation is not self terminating. Licensee may petition the Board for termination of the probation upon satisfaction of all other conditions and upon a showing that the

conditions imposed by the State of Colorado have been terminated.

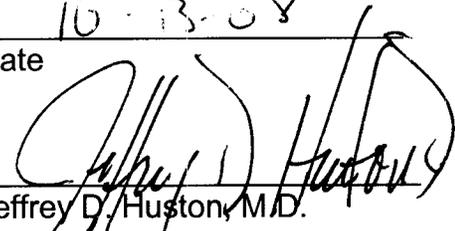
IT IS SO ORDERED.

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



John (Jack) Confer
Acting Executive Director

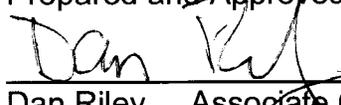
10-13-08
Date



Jeffrey D. Huston, M.D.
Licensee

9/12/08
Date

Prepared and Approved By



Dan Riley Associate Counsel
Kansas State Board of Healing Arts
235 SW Topeka Blvd., Topeka, KS 66603-3068 [785] 296-3268

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing CONSENT ORDER was served this 14th day of October 2008, by depositing the same in the United States mail, postage prepaid, and addressed to the following:

Jeffrey D. Huston, M.D.
7421 S. Filmore Cir,
Littleton CO. 80122

Gary B. Blum J.D.
Silver and DeBoskey
1801 York Street
Denver, Colorado 80206

and a copy was hand-delivered to:

Dan Riley, Associate Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

and to: Compliance Coordinator
Kansas Board of Healing Arts

and the original was hand-delivered for filing to:

John (Jack) Confer
Acting Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

