

EFFECTIVE AS A FINAL ORDER

DATE: 6.30.2020

FILED
JUN 10 2020 *AD*

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

KS State Board of Healing Arts

In the Matter of)
) KSBHA Docket No. 20-HA00086
David D. Jensen, D.O.)
Kansas License No. 05-33657)
_____)

SUMMARY ORDER

NOW ON THIS 10th day of June, 2020, this matter comes before Tucker Poling, Acting Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A 77-537. Pursuant to K.S.A 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for 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. David D. Darwin, D.O. ("Licensee") was issued license number 05-33657 to practice osteopathic medicine and surgery on March 25, 2009. Licensee last renewed his license as Active on or about September 24, 2019.

2. Licensee's last known mailing address to the Board is **CONFIDENTIAL**
CONFIDENTIAL

3. During all times relevant to the facts set forth in this Summary Order Licensee held an Active license to practice osteopathic medicine and surgery in Kansas.

4. The factual basis for this Summary Order is as follows:

a. On or about August 11, 2018 Licensee entered into a Settlement Agreement with the Missouri Board of Registration for the Healing Arts in order to avoid a formal hearing. The relevant terms of the Settlement Agreement are as follows:

8. Licensee prescribed Human Chorionic Gonadotropin (HCG) to a patient or patients ("Patient") seeking weight loss treatment at Slimming Solutions Medical Spa in Lee's Summit, Missouri.

9. Regulation 20 CSR 2150-2.170, a lawful regulation promulgated by the Board states that:

(1) Pursuant to authority granted to the board by section 334.100.2(4)(f), RSMo, the board declares the use of Human Chorionic Gonadotropin (HCG) on a patient is of no medical or osteopathic value in weight loss or the treatment of obesity.

(2) The board shall not seek disciplinary action against a licensee based solely on the use of HCG for weight loss and obesity treatment if the licensee has the patient sign the *Informed Consent for HCG form*, included herein, before beginning the non-approved use of HCG on a patient. (Emphasis added).

10. Before prescribing HCG to Patient, Licensee did not inform Patient that the Board declared the use of HCG is of no medical value in weight loss; nor did Licensee have Patient sign *the Informed Consent for HCG form* included in, and required by Rule 20 CSR 2150-2.170.

11. In the course of prescribing HCG to Patient without proper instruction and without required consent form(s), Licensee prescribed medical services which have been declared by board rule to be of no medical or osteopathic value.

12. Licensee's actions as set forth in paragraphs 8 through 11 constitute unprofessional conduct in the performance of Licensee's functions as a physician and surgeon.

13. The above constitutes cause to discipline Licensee's license pursuant to section 334.100.2(4)(f), RSMo.

b. The Settlement Agreement publicly reprimanded Licensee and required Licensee to complete a course in ethics and professionalism, and to complete a course in weight loss management.

Applicable Law

5. Per K.S.A. 65-2836(j):

[a] licensee's license may be revoked, suspended or limited, or the licensee may be publicly censured or placed under probationary conditions, or an application for a license or for reinstatement of a license may be denied upon a finding . . . 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, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia, or other country.

Conclusions of Law

6. The Board finds Licensee violated K.S.A. 65-2836(j) by having disciplinary action taken against his license by the Missouri Board of Registration for the Healing Arts.

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

8. 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 person other than Licensee.

IT IS, THEREFORE, ORDERED that Licensee is **PUBLICLY CENSURED** for violating K.S.A. 65-2836(j) of the Kansas Healing Arts Act.

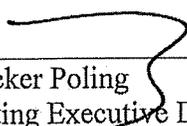
IT IS FURTHER ORDERED that all correspondence or communication between Applicant and the Board relating to the Summary Order shall be by certified mail addressed to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
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 10th day of June, 2020.

KANSAS STATE BOARD OF HEALING ARTS



Tucker Poling
Acting Executive Director

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 Tucker L. Poling, Interim 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 30th day of June 2020 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

David D. Jensen, DO
CONFIDENTIAL

Licensee

And a copy was hand-delivered to:

Matthew Gaus, 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.



Jennifer Cook, Paralegal