

**FILED**  
DEC 23 2014  
KS State Board of Healing Arts

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

In the Matter of )  
 )  
**RICHARD KRAUSE, D.P.M.** )  
 )  
Kansas License No. 12-00159 )

Docket No. 15-HA 00053

**CONSENT ORDER**

**COMES NOW**, the Kansas State Board of Healing Arts (“Board”), by and through Seth K. Brackman, Associate Litigation Counsel (“Petitioner”), and Richard D. Krause, D.P.M. (“Licensee”), *pro se*, and move the Board for approval of a Consent Order affecting Licensee’s license to practice podiatric medicine and surgery in the State of Kansas. The Parties stipulate and agree to the following:

1. Licensee’s last known mailing address to the Board is: 3109 12<sup>th</sup> Street, Great Bend, Kansas 67530.
2. Licensee is or has been entitled to engage in the practice of podiatric medicine and surgery in the State of Kansas, having been issued License No. 12-00159 on or about June 15, 1979. Licensee’s license is currently active.
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 podiatry. K.S.A. 65-2001, *et seq.*
4. 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. 77-505 . Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board’s Final Order.

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5. The Kansas Podiatry Act is constitutional on its face and as applied in the case. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
6. 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 substantive and procedural motions and defenses that could be raised if an administrative hearing were held.
7. 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.
8. The Board has received information and investigated the same, and has reason to believe there are grounds pursuant to K.S.A. 65-2006(a)(2) and K.S.A. 65-2006(c), to take action with respect to Licensee's license under the Kansas Podiatry Act, K.S.A. 65-2001, *et seq.*
9. Patient 1, an eighty-two (82) year old female, presented to Licensee for right foot bunion pain. Patient 1 received 4 cortizone injections in the affected area between March 18, 2009, and July 20, 2009.

10. On or about August 10, 2009, Patient 1 presented to Jean Pringle, M.D. for an infected, ulcerated area about the right bunion. X-rays were taken and no evident of osteomyelitis was noted.
11. On or about August 13, 2009, Dr. Pringle noted the area was improving, but ulceration was still present. The ulcer healed on or about August 17, 2009.
12. On or about August 26, 2009, Licensee performed an Austin bunionectomy with K-Wire fixation on Patient 1's right foot.
13. On or about August 27, 2009, Patient 1 presented to Licensee for her follow-up appointment. During the appointment, Licensee examined Patient 1's foot and removed the K-wire fixation. Patient 1 was re-bandaged and allowed to walk without a cast or crutches. No x-rays were taken at this appointment.
14. On or about August 31, 2009, Licensee noted signs of infection. He placed Patient 1 on oral Ciprofloxacin.
15. Licensee performed a culture on or about September 2, 2009.
16. On or about September 11, 2009, an x-ray taken by Licensee showed displacement of the first metatarsal head on Patient 1's right foot where the pin was removed.
17. On or about September 17, 2009, Licensee surgically removed the "bone fragment" (first metatarsal head) in Patient 1's right foot. The pathology report following this surgery indicated osteomyelitis.
18. Patient 1 was continued on Ciprofloxacin even though the culture showed resistance to this drug.

19. On or about September 26, 2009, Patient 1 presented to the emergency room at Central Kansas Medical Center with complaints of fever, chills, and wound drainage. Patient 1 was placed on IV Clindamycin and the Ciprofloxacin was continued by the emergency room physician.
20. A culture report dated September 28, 2009, showed a small amount of staphylococcus aureus. The report also indicated that the bacteria was resistant to Ciprofloxacin.
21. On September 29, 2009, Patient 1 presented to her primary care physician with complaints of pain in her right foot. Patient 1's lower extremity had increased swelling and increased dehiscence of the wound.
22. On or about October 2, 2009, Patient 1 had an MRI taken that showed osteomyelitis.
23. On October 6, 2009, Patient 1 underwent a partial right foot amputation at Central Kansas Medical Center.
24. Licensee acknowledges that if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses or other evidence, the Board has sufficient evidence to prove that Licensee has violated the Kansas Podiatry Act with respect to the above allegations. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.
  - a. Licensee violated K.S.A. 65-2006(a)(2), for having engaged in unprofessional or dishonorable conduct or professional incompetency;
  - b. Licensee violated K.S.A. 65-2006(c), as further defined by K.S.A. 65-2837(a)(1), for one or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence;

- c. Licensee violated K.S.A. 65-2006(c), as further defined by K.S.A. 65-2837(b)(12), for conduct likely to deceive, defraud, or harm the public.
25. Pursuant to K.S.A. 65-2006, the Board has grounds to deny, revoke, suspend, limit, or censure Licensee's license. Pursuant to K.S.A. 65-2007, the Board has the authority to impose administrative fines for violations of the Kansas Podiatry Act.
26. According to K.S.A.77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.
27. All pending investigation materials in KSBHA Investigative Case Number 10-00247 regarding Licensee were fully reviewed and considered by the Board member(s) who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 25 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.
28. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for hearing, that Licensee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Licensee's license to practice podiatry in the State of Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee has failed to comply with any of the terms or conditions set forth in Paragraphs 27-28 above. The Board acknowledges that, at any such hearing, Licensee retains the right to confront and examine all witnesses, present evidence, testify on his own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas

Administrative Procedures Act, K.S.A. 77-501, *et seq.*, and the Kansas Podiatry Act, K.S.A. 65-2001, *et seq.*

29. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Podiatry Act, or to investigate complaints received under the Risk Management Law, K.S.A. 64-4921 *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 Kansas Podiatry Act.
30. Licensee hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees and agents, hereinafter collectively referred to as “Releasees”, from any and all claims, including but not limited to those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees 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 Releasees.
31. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any reporting entities authorized to receive disclosure of the Consent Order.

32. 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.
33. 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.
34. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel 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 proceedings 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.
35. Licensee acknowledges that he has read this Consent Order and fully understands the contents.
36. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

37. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to:

Kansas State Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson Street, Lower Level-Suite A  
Topeka, Kansas 66612

38. Licensee shall obey all federal, state and local laws and rules governing the practice of podiatry 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.
39. Licensee shall immediately notify the Board or its designee of any citation, arrest or charge filed against him or of any conviction for any traffic or criminal offense.
40. Licensee shall at all times keep Board staff informed of all his current practice locations, addresses and telephone numbers. Licensee shall provide the above information in writing to the Board within ten (10) days of any such change.
41. 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.
42. This Consent Order constitutes non-disciplinary action.
43. The Board may consider all aspects of this Consent Order in any future matter in regard to Licensee.
44. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following non-disciplinary action against his license to engage in the practice of podiatry:

## EDUCATION

45. Licensee shall attend and successfully complete both of the following programs unless otherwise approved by the Board:

a. Midwest Podiatry Conference, The Premier Meeting for Podiatrists & Assistants (“Midwest Conference”)

i. March 3-8, 2015 (Chicago, Illinois)

ii. Proof of attendance will be required by signature of Midwest Conference representative for attendance at each session;

iii. Licensee shall create a type-written document for the signatures using the following format:

1. Licensee shall list his name and contact information in the header on the left side of the page and shall appear on each page;
2. “MIDWEST PODIATRY CONFERENCE” in 24 pt font centered at the top of a page shall be **bolded** and underlined;
3. The date (March 3, 2015; March 4, 2015, March 5, 2015, etc.) shall be **bolded** and underlined in 16 pt. font on the left side of the page two spaces below the aforementioned Midwest Conference heading;
4. Each session’s title/name shall be typed out and numbered (beginning at 1) aligned on the left side of the page and also include a signature block for each numbered session provided on the same line following the title/name; Double space between numbered sessions; 12 pt. font;

5. Each date of the conference shall have a separate page (e.g. March 3, 2015 and March 4, 2015 cannot be on the same page);
  6. All pages shall include a type-written page number in the footer and provided to the Board in numerical order;
  7. Licensee shall provide the Board a draft of this document thirty (30) days prior to the Midwest Conference for approval of the courses chosen.
- iv. Licensee shall provide the Board with the original signature pages to the Board within thirty (30) days of successfully completing the Midwest Conference (Licensee shall maintain a copy of the signature pages for his records);
  - v. Licensee agrees the Board may contact the KPMA representative to confirm his or her signatures;
- b. At least five (5) hours of continuing medical education specifically in the form of bunion treatment and post-care at a Board-approved program;
    - i. Licensee shall research and find an appropriate program;
    - ii. Licensee shall submit his proposal to the compliance coordinator for Board approval on or before November 30, 2014;
    - iii. Licensee shall successfully complete the Board approved program(s) on or before December 31, 2014;
    - iv. Licensee shall provide proof of successful completion of the aforementioned continuing education program(s) to the Compliance

Coordinator within thirty (30) calendar days of successfully completing the program.

46. All costs associated with such programs shall be at Licensee's own expense to include, but not be limited to, the cost of the program, the cost of travel to and from the program, and the cost of accommodations while attending the program.
47. These hours shall be in addition to those continuing education hours required for renewal of licensure.
48. Proof of completion of the education requirements shall be submitted by sending the same to:

Kansas State Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level-Ste. A  
Topeka, Kansas 66612

**IT IS THEREFORE ORDERED** that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

**IT IS SO ORDERED** on this 22 day of Dec, 2014.

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

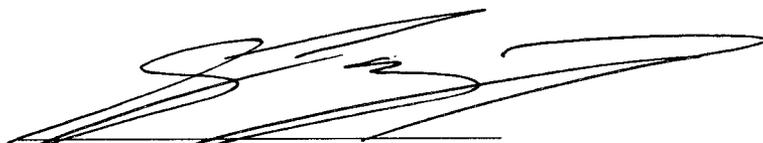
  
Kathleen Selzler Lippert  
Executive Director

12/22/14  
Date

  
Richard D. Krause, D.P.M.  
Licensee

8/4/2014  
Date

**PREPARED AND APPROVED BY:**



Seth K. Brackman, #23726  
Associate Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson Street, Lower Level-Suite A  
Topeka, Kansas 66612  
P: 785-368-7257  
F: 785-368-8210  
sbrackman@ksbha.ks.gov

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Consent Order  
Richard D. Krause, D.P.M.

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I served a true and correct copy of the **CONSENT ORDER** via United States mail, first class, postage prepaid, on the 23<sup>rd</sup> day of December, 2014, to the following:

Richard D. Krause, D.P.M.  
Licensee  
3109 12<sup>th</sup> Street  
Great Bend, Kansas 67530

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

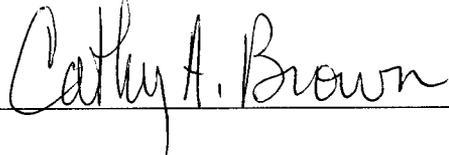
Kathleen Selzler Lippert  
Executive Director  
Kansas State Board of Healing Arts  
800 SW Jackson Street, Lower Level-Suite A  
Topeka, Kansas 66612

And a copy was delivered to:

Seth K. Brackman  
Associate Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson Street, Lower Level-Suite A  
Topeka, Kansas 66612

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

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

  
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