

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

In the Matter of )  
 )  
Rebecca Loomis, P.A. ) Docket No. 14-HA 00017  
Kansas License No. 15-01395 )

---

**CONSENT ORDER**

**COMES NOW**, the Kansas State Board of Healing Arts, (“Board”), by and through Reese Hays, Litigation Counsel (“Petitioner”), and Rebecca Loomis, P.A. (“Licensee”), *pro se*, and move the Board for approval of a Consent Order affecting Licensee’s license to practice as a physician assistant in the State of Kansas. The Parties stipulate and agree to the following:

1. Licensee’s last known mailing address to the Board is: **CONFIDENTIAL**, Olathe, Kansas 66061.
2. Licensee is or has been entitled to engage in the practice as a physician assistant in the State of Kansas, having been issued License No. 15-01395 on approximately August 24, 2010. Licensee’s license is 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 as a physician assistant. K.S.A. 65-28a01 *et seq.* and K.S.A.65-28a02.
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 and 65-28a12. Upon approval, these stipulations shall

constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

5. The Kansas Physician Assistant Licensure 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 her right to a hearing. Licensee voluntarily and knowingly waives her 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.
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 that there may be grounds pursuant to K.S.A. 65-28a05, to take action with respect to Licensee's license under the Kansas Physician Assistant Licensure Act, K.S.A. 65-28a01, *et seq.*
9. On or about December 30, 2010, Patient 1 presented to Licensee to establish care and with multiple complaints to include Attention Deficit Hyperactive Disorder;

however, there is no documentation of this patient visit in Licensee's patient records for Patient 1.

10. Licensee requested Patient 1's patient records from the patient's previous medical doctor; however, she failed to notice the patient was fired by her prior provider for noncompliance with controlled substances and treatment planning.
11. On or about January 3, 2011, Licensee prescribed Patient 1 thirty (30) 15 mg tablets of Amphetamine Salts (generic form of Adderall) with no refills, which was filled by Patient 1 on or about January 4, 2011.
12. On or about January 21, 2011, Patient 1 called into Licensee's office with Adderall dosage questions and was advised that she could increase the Adderall to 1 tablet twice a day. She was also told that she would receive a new prescription at the next patient visit.
13. On or about January 24, 2011, Licensee's patient record for Patient 1 indicates that she saw Patient 1 for a follow-up in which Patient 1 complained of daily headaches and chronic "all over" pain. Licensee diagnosed Patient 1 with anxiety, joint pain, fatigue and peptic ulcer disease (PUD). Licensee documented that she prescribed "Rx Xanax 1mg po sl #30, 0rf. Rx Cymbalta 60mg 1 po BID #60, 0rf. (Pt requested double for financial reasons but will take 1 po opd)." Licensee also documented that Patient 1 requested pain medications to be prescribed; however, she denied that prescription because they need to find the reason for the pain and not just treat for an unknown reason.
14. On or about January 26, 2011, Patient 1 called Licensee to inquire about any information Licensee had received from her other doctor, and Patient 1 was

- willing to come in if necessary. Licensee's call notes indicate she prescribed Patient 1 Clotrimazole 1% cream to be applied to the affected area twice daily.
15. On or about January 31, 2011, Patient 1 called Licensee requesting a prescription for antibiotics and referenced her colonoscopy. Patient 1 told Licensee that she had cancelled her colonoscopy. Licensee's call notes indicate she prescribed Patient 1 Amoxicillin.
  16. On or about February 7, 2011, Patient 1 called Licensee in reference to a prescription for Xanax. Licensee prescribed Patient 1 sixty (60) 1 mg tablets of Alprazolam with two (2) refills that was filled by Patient 1 on or about February 7, 2011, March 3, 2011, and April 30, 2011.
  17. On or about February 22, 2011, Licensee prescribed Patient 1 sixty (60) 15 mg tablets of Amphetamine Salts with no refills, which was filled by Patient 1 on or about February 23, 2011.
  18. On or about February 23, 2011, Licensee prescribed Patient 1 thirty (30) 15 mg tablets of Amphetamine Salts with no refills, which was filled by Patient 1 on or about March 21, 2011. On that same day, Licensee prescribed Patient 1 an additional sixty (60) 15 mg tablets of Amphetamine Salts with no refills, which was filled by Patient 1 on or about May 7, 2011.
  19. On or about March 3, 2011, Licensee saw Patient 1 for complaints of muscle burning, jaw pain, headaches, loss of memory, and light headedness. Licensee diagnosed Patient 1 with chronic pain and memory loss. Licensee does not document any prescriptions being prescribed to Patient 1. However, she does

document speaking with the fiancé of Patient 1 and referring Patient 1 to neurology.

20. On or about April 7, 2011, Patient 1 called Licensee requesting a refill of Adderall because she only filled ½ of the prescription for the previous month. Licensee notated that she checked with the pharmacist and that was correct. Licensee prescribed Patient 1 sixty (60) 15mg tablets of Amphetamine Salts with no refills, which was filled by Patient 1 on or about April 8, 2011.
21. On or about April 26, 2011, Licensee prescribed Patient 1 ninety (90) 1 mg tablets of Alprazolam with one (1) refill, which was filled by Patient 1 on or about May 28, 2011.
22. On or about April 29, 2011, Patient 1 presented to Licensee for a check-up. Patient 1 stated that she was doing very well and believed all of the problems started when she stopped using Cymbalta. Patient 1 also reported to Licensee that since she restarted the Cymbalta at 60 mg per day and was doing very well. Patient 1 also stated to Licensee that she was taking Xanax; however she had stopped the Adderall. Finally, Patient 1 told Licensee that she did have joint pain, especially in the knees, and that she was taking a supplement for that. Licensee diagnosed Patient 1 with depression and anxiety. Licensee determined that Patient 1 should continue the Cymbalta and Xanax.
23. On or about June 2, 2011, Patient 1 called Licensee requesting pain medication and antibiotics. Licensee referred Patient 1 to a dentist and denied her any narcotics prescription.

24. On or about, June 24, 2011, Patient 1 called Licensee for a refill of Xanax a day earlier because of car problems. Licensee prescribed Patient 1 ninety (90) 1 mg tablets of Alprazolam with two (2) refills which was filled by Patient 1 only one time on or about June 24, 2011. On that same day, Licensee also prescribed Patient 1 another ninety (90) 1 mg tablets of Alprazolam with an additional refill that was filled by Patient 1 on or about July 22, 2011, and August 22, 2011.
25. On or about July 8, 2011, Licensee prescribed Patient 1 thirty (30) 15 mg tablets of Amphetamine Salts with no refills that was filled by Patient 1 on or about July 8, 2011.
26. On or about July 22, 2011, Licensee prescribed Patient 1 sixty (60) 15 mg tablets of Amphetamine Salts with no refills that was filled by Patient 1 on or about July 22, 2011.
27. On or about September 20, 2011, Licensee prescribed Patient 1 ninety (90) 1 mg tablets of Alprazolam with two (2) refills, which was filled by Patient 1 on or about September 20, 2011, October 17, 2011, and December 2, 2011.
28. Licensee prescribed to Patient 1 in an excessive, improper, and inappropriate manner. Furthermore, she failed to require Patient 1 to come into the office for a patient visit each time she provided Patient 1 a prescription.
29. 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 Physician Assistant Licensure Act with respect to the above allegations. Licensee further

waives her right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

30. Licensee's acts, if proven, constitute unprofessional conduct as set forth in K.S.A. 65-28a05(c) as further defined by K.A.R. 100-28a-8(j).
31. Pursuant to K.S.A. 65-28a05, the Board may revoke, suspend, limit, or censure Licensee's license.
32. 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.
33. All pending investigation materials in KSBHA Investigation number 12-00276 regarding Licensee, were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel No. 28. Disciplinary Panel No. 28 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.
34. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a 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 as a physician assistant 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 this Consent Order. 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 Physician Assistant Licensure Act, K.S.A. 65-28a01 *et seq.*

35. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Physician Assistant Licensure 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 Kansas Physician Assistant Licensure Act.
36. 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 Judicial Review Act, 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.
37. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.

38. 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.
39. 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.
40. 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.
41. Licensee acknowledges that she has read this Consent Order and fully understands the contents.
42. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
43. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to the Kansas State Board

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

44. Licensee shall obey all federal, state and local laws and rules governing the practice of as a physician assistant 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.
45. 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. 65-28a12. 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.
46. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.
47. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following remedial action on her license to engage as a physician assistant:

#### **EDUCATION**

48. Licensee shall attend and successfully complete the following: Case Western Reserve University Continuing Medical Education Program, Intensive Course in Controlled Substance Prescribing, Pain, Anxiety, Insomnia. Licensee shall successfully complete the aforementioned course on or before December 31, 2013.

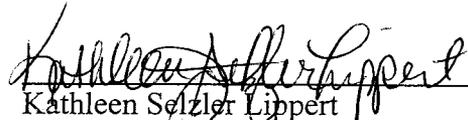
49. Upon successful completion of the course, Licensee shall send the Kansas State Board of Healing Arts Compliance Coordinator, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas, 66612, proof of successful competition of the aforementioned course by January 31, 2014.

50. These hours shall be in addition to those hours required for renewal of licensure.

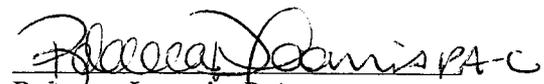
**IT IS THEREFORE ORDERED** that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

**IT IS SO ORDERED** on this 16 day of Aug, 2013.

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

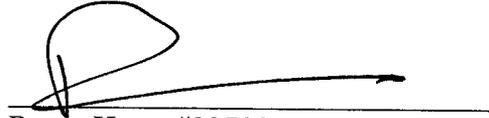
  
Kathleen Selzler Lippert  
Executive Director

8/16/13  
Date

  
Rebecca Loomis, R.A.  
Licensee

07/05/2013  
Date

PREPARED AND APPROVED BY:

A handwritten signature in black ink, appearing to be 'Reese Hays', written over a horizontal line.

Reese Hays, #22700  
Litigation Counsel  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612  
785-296-0961

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 19<sup>th</sup> day of August, 2013, to the following:

Rebecca Loomis, P.A.  
Licensee  
**CONFIDENTIAL**  
Olathe, Kansas 66061

And the original was hand-filed with:

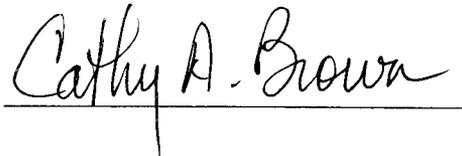
Kathleen Selzler Lippert  
Executive Director  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

And a copy was hand-delivered to:

Reese Hays  
Litigation Counsel  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

Compliance Coordinator  
Kansas Board of Healing Arts  
800 SW Jackson, 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

  
\_\_\_\_\_