

F I L E D

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

SEP 11 2000

In the Matter of)
ANN K. NEUHAUS, M.D.)
Kansas License No. 4-21596)
_____)

Docket No. 00-HA-20

**KANSAS STATE BOARD OF
HEALING ARTS**

TERMINATION OF EMERGENCY ORDER

NOW ON THIS Eighth Day of September, 2000, this matter comes on for hearing before the Presiding Officer upon the motion of Respondent Ann K. Neuhaus, M.D. to terminate the emergency order issued August 29, 2000. Kelli J. Benintendi, Associate Counsel, appears for Petitioner Board of Healing Arts. Respondent appears in person and through Donald G. Strole, Attorney at Law.

After hearing the statements of counsel, and having the agency record before him, the Presiding Officer makes the following findings of fact, conclusions of law and orders:

1. The Board and Licensee entered into a Stipulation and Agreement and Enforcement Order which was filed in the Board office on October 18, 1999. Paragraph 10(a)(i) of that agreement prohibits Licensee from purchasing any controlled substances for office use other than injectable Valium or its generic equivalent.

2. Licensee filed a written request dated July 24, 2000 asking that the Stipulation and Agreement and Enforcement Order be modified to permit her to use ketamine in addition to Valium (diazepam) for sedating patients upon whom in-office surgery was to be performed.

3. A Notice of Conference Hearing on Licensee's request was filed in the Board office on July 26, 2000, setting this matter for hearing before the Board at 10:00 a.m. on August 12, 2000. Following the conference hearing, the Board issued an order dated August 14, 2000 denying Respondent's request and imposing additional limitations upon Respondent's license. More

specifically, the emergency order prohibited Respondent from administering or ordering any anesthetic agent, controlled substance or narcotic to a patient. Because the emergency order was not foreseen when the Notice of Conference Hearing was served, Respondent was not advised in advance that her license might be adversely affected. Thus, the emergency order required that a hearing be held within ten working days.

4. A hearing was conducted before the Presiding Officer on August 28. Petitioner offered expert testimony that Respondent did not adhere to the standard of care when administering conscious sedation. The specific aspects of practice below the standard of care were stated in the order issued August 29, 2000. That order continued the emergency order of limitation imposed by the Board's August 14, 2000 order.

5. Respondent has modified her practice to correct the deficiencies found by the August 29 order. The Presiding Officer finds that these modifications, if fully implemented, address the concerns stated in the order.

6. Respondent also indicates that she intends for herself and appropriate staff to obtain cardiac life support certification at the next available opportunity. The Presiding Officer finds that Advanced Cardiac Life Support certification is a proper level of certification for Respondent, and that Basic Life Support certification is adequate for the staff. Both Respondent and staff must ensure that these certifications do not expire as long as they are engaged in the administration of conscious sedation.

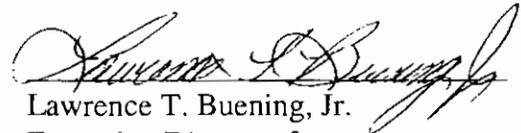
7. The Presiding Officer also finds that some monitoring by the Board is appropriate to confirm that these modifications are fully implemented. The Presiding Officer believes that it is appropriate for the Board to review patient records both in the near future and also after some time

has passed. Because the Board has the statutory authority to make this type of inquiry, specific terms of monitoring are not necessary for this order.

IT IS, THEREFORE, ORDERED that the emergency order issued on August 29, 2000 is terminated as of the date this order is filed.

IT IS FURTHER ORDERED that termination of the emergency order anticipates that prior to December 31, 2000, Respondent must complete a certification course in Advanced Cardiac Life Support, and all staff who will assist her in in-office surgical procedures will complete a Basic Life Support certification course. Both Respondent and staff who assist in procedures involving conscious sedation must maintain current certification.

DATED THIS 11th day of September, 2000.



Lawrence T. Buening, Jr.
Executive Director, for
Kyle M. Tipton, M.D.
Presiding Officer

Certificate of Service

I certify that a true copy of the foregoing order was served this 14th day of September, 2000 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Ann K. Neuhaus, M.D.
205 W. 8th Street
Lawrence, Kansas 66044

Donald Strole
16 E. 13th Street
Lawrence, Kansas 66044

and a copy was hand-delivered to the office of:

Kelli J. Benintendi
Kansas Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

A handwritten signature in cursive script, appearing to read "Mark W. Strole", is written over a horizontal line.