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OCT 19 2009

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

KS State Board of Healing Arts

In the Matter of)	
)	Docket No. 10-HA00008
Michael Hans Nielson, M.D.)	
Kansas License No. 04-14225)	

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, (“Board”), by and through Kathleen Selzler Lippert, Litigation Counsel (“Petitioner”), and Michael Hans Nielson, M.D. (“Respondent”), by and through his counsel, Steven Martin Aaron and Derek Teeter, and move the Board for approval of a Consent Order affecting Respondent’s license to practice medicine and surgery in the State of Kansas. The Parties stipulate and agree to the following:

1. Respondent’s last known mailing address to the Board is: 1794 S. 32nd Street, Unit D, Kansas City, Kansas 66106. His last known practice address to the Board is: 3619 S. Delaware Avenue, Independence, Missouri 64055.
2. Respondent is or has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-14225 on approximately July 1, 1969, and having last renewed such license on approximately July 1, 2008. At all times relevant to the allegations set forth in the Petition, Respondent has held a current and active license to engage in the practice of medicine and surgery in the State of Kansas.
3. Respondent failed to renew his Kansas medical license in June or July 2009. His Kansas medical license was deemed expired on August 1, 2009 for failure to

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renew. His Kansas medical license was not cancelled for failure to renew as a disciplinary petition was filed with the Board in this matter on July 22, 2009, KSBHA Docket No. 10-HA00008, granting the Board authority to retain jurisdiction.

4. With 30 days of adoption of this Consent Order, Respondent will submit an application for renewal of his medical license, including payment of all licensure fees, late fees and compliance with other provisions of renewal pursuant to K.S.A. 65-2801 *et al* and 65-2809.
5. 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.* and K.S.A. 65-2869.
6. 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 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.
7. The Kansas Healing Arts Act is constitutional on its face and as applied in the case. Respondent agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
8. Respondent voluntarily and knowingly waives his right to a hearing. Respondent 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. Respondent voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

9. 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. Respondent specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.
10. The Board has received information and investigated the same, and has reason to believe there are grounds pursuant to K.S.A. 65-2836, 65-2837 and 65-2801 *et seq.* to take action with respect to Respondent's license under the Healing Arts Act.
11. A Petition was filed with the Board in this matter on July 22, 2009, KSBHA Docket No. 10-HA00008, alleging grounds for disciplinary action under the Healing Arts Act. The specific allegations are set forth therein and incorporated into this Consent Order. The allegations include, but are not limited to the following:
 - a. Respondent disciplined by the Missouri and Kansas licensure boards in approximately 1999 and 2001 for conduct related to prescribing. His respective state licenses were placed on probation which was ultimately successfully completed by Respondent.

- b. Respondent was disciplined by the State Board of Registration for the Healing Arts State of Missouri (Missouri Board) in 2008 for unprofessional conduct related to physician-patient boundary issues.
12. While not admitting wrongdoing, 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 Healing Arts Act with respect to the allegations in the Petition. Licensee further waives his right to dispute or otherwise contest the allegations in the Petition in any further proceeding before this Board and consents to a finding that there are grounds for discipline against his license.
13. Respondent's acts, for purposes of this proceeding, constitute grounds for discipline pursuant to K.S.A. 65-2836; including, but not limited to: K.S.A. 65-2836(j).
14. Pursuant to K.S.A. 65-2836, the Board may revoke, suspend, limit, censure or place under probationary conditions Respondent's license and pursuant to K.S.A. 65-2863a the Board has the authority to impose administrative fines for violations of the Healing Arts Act.
15. Pursuant 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.
16. All pending investigation materials regarding Respondent were fully reviewed and considered by the Board member(s) who serve on the Board's Disciplinary

Panel. Disciplinary Panel No. 23 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

17. In lieu of conducting a formal proceeding, Respondent, 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:

LIMITATION

- a. Respondent shall not practice the healing arts unless he complies with each of the following:
- b. Respondent's scope of practice is limited to male patients; he is prohibited from evaluating, treating or providing care to female patients.

18. Respondent'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 according to the Kansas Administrative Procedure Act and Kansas Healing Arts Act.

19. 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. 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 Healing Arts Act.

20. Respondent 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 Respondent has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Respondent shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

21. Respondent further understands and agrees that upon signature by Respondent, this document shall be deemed a public record and shall be reported to any reporting entities authorized to receive disclosure of the Consent Order.
22. 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.
23. Respondent 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 Respondent is not present. Respondent 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.

24. Respondent, 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.
25. Respondent acknowledges that he has read this Consent Order and fully understands the contents.
26. Respondent acknowledges that this Consent Order has been entered into freely and voluntarily.
27. All correspondence or communication between Respondent 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, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.
28. Respondent 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.
29. 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.

30. This Consent Order constitutes disciplinary action.

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

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 FURTHER ORDERED that upon meeting all technical requirements for licensure, including payment of all licensure fees, late fees and compliance with other provisions of renewal, Respondent's license shall be renewed.

IT IS FURTHER ORDERED that:

LIMITATION

- a. Respondent shall not practice the healing arts unless he complies with each of the following:
- b. Respondent's scope of practice is limited to male patients; he is prohibited from evaluating, treating or providing care to female patients.

IT IS SO ORDERED on this 19th day of October, 2009.

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

Jack Confer, Executive Director
Executive Director

10-19-09
Date

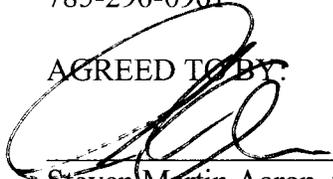
Michael Hans Nielson, M.D.
Licensee / Respondent

Date

PREPARED AND APPROVED BY:


Kathleen Selzler Lippert #17957
Litigation Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068
785-296-0961

AGREED TO BY:


Steven Martin Aaron, #15926
Derek Teeter
Attorneys for Licensee / Respondent
Husch Blackwell Sanders LLP
4801 Main Street, Suite 1000
Kansas City, Missouri 64112

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 19th day of October, 2009, to the following:

Michael Hans Nielson, M.D.
1794 S. 32nd Street, Unit D
Kansas City, Kansas 66106

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Michael Hans Nielson, M.D.
3619 S. Delaware Avenue
Independence, Missouri 64055

Steven Martin Aaron
Derek Teeter
Attorneys for Licensee / Respondent
Husch Blackwell Sanders LLP
4801 Main Street, Suite 1000
Kansas City, Missouri 64112

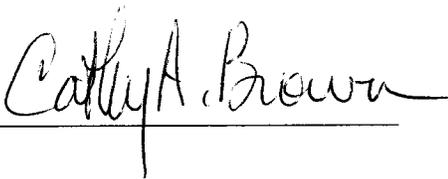
And the original was hand-filed with:

Jack Confer
Executive Director
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

And a copy was hand-delivered to:

Kathleen Selzler Lippert
Litigation Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

Melissa Massey
Compliance Coordinator
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068



Cathy A. Brown