

DEC 18 2015

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

KS State Board of Healing Arts

In the Matter of)		
)	Docket No.:	15-HA00107
Josie Norris, M.D.)	OAH Docket No.:	15HA0015
Kansas License No. 04-17744)		

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, (“Board”), by and through Anne Barker Hall, Associate Litigation Counsel, and Reese Hays, Litigation Counsel (“Petitioner”), and Josie Norris M.D. (“Licensee”), by and through her attorney, Carol Ruth Bonebrake, Simpson, Logback, Lynch, Norris, PA and move the Board for approval of a Consent Order affecting Licensee’s license to practice 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: 1412 SW 6th Street, Topeka, Kansas 66606.
2. Licensee is or has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued license number 04-17744 on approximately August 7, 1978. Licensee last renewed her license on June 20, 2014. 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 medicine and surgery. K.S.A. 65-2801 *et seq.*, and K.S.A. 65-2869.
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 65-2838. 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 Healing Arts 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 to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*
9. This Consent Order incorporates herein by reference the allegations as stated in the Petition filed on May 1, 2015. Exhibit 1, Petition in the Matter of Josie Norris, M.D. 15-HA00107.
10. 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 Healing Arts 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.

11. Licensee's acts, if proven, constitute unprofessional conduct and/or dishonorable conduct as set forth in K.S.A. 65-2836. Licensee denies any acts constitute unprofessional and/or dishonorable conduct as set forth in K.S.A. 65-2836. Licensee enters into this Consent Order to settle the disputed allegations.
12. Licensee's conduct during the care and treatment of Patient 1, Patient 2, Patient 3, Patient 4, Patient 5, and Patient 6 constitutes violations of the Kansas Healing Arts Act as follows:
 - a. K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(a)(1), in that Licensee committed one or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board;
 - b. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(2), in that Licensee committed repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board;
 - c. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(3), in that Licensee engaged in a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice the healing arts;
 - d. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(12), in that Licensee engaged in conduct likely to harm the public;

- e. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(24), in that Licensee engaged in repeated failure to practice healing arts with that level of care, skill and treatment which is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances;
 - f. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(25), in that Licensee failed to keep written medical records which accurately describe services rendered to the patient;
 - g. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(30), in that Licensee failed to properly supervise, direct or delegate acts which constitute the healing arts to persons who perform professional services pursuant to such licensee's direction, supervision, order, referral, delegation or practice protocols;
 - h. K.S.A. 65-2836(f), in that Licensee has willfully and/or repeatedly violated the Healing Arts Act; and/or
 - i. K.S.A. 65-2836(k), in that Licensee violated a lawful regulation promulgated by the board, specifically, K.A.R. 100-24-1, by failing to meet the minimum requirements for an adequate patient record.
13. Pursuant to K.S.A. 65-2836, the Board may revoke, suspend, limit, censure or place under probationary conditions Licensee's license and pursuant to K.S.A. 65-2863a the Board has the authority to impose administrative fines for violations of the Kansas Healing Arts Act.
14. According to K.S.A.65-2838(b) and K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.
15. All pending investigation materials in KSBHA Investigation Numbers: 13-00152; 13-00153; 13-00310; 14-00171; 14-00319; 14-00574; 15-00276; and 15-00495 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.

16. 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 medicine and surgery 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 her 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 Healing Arts Act, K.S.A. 65-2801 *et seq.*
17. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Healing Arts 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 Healing Arts Act.
18. 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.

19. 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.
20. 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.
21. 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.
22. 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.

23. Licensee acknowledges that she has read this Consent Order and fully understands the contents.

24. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

25. 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, Lower Level-Suite A,
Topeka, Kansas 66612

26. Licensee 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.

27. 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.

28. Licensee shall immediately notify the Board or its designee of any citation, arrest or charge filed against him or any conviction for any traffic or criminal offense excluding speeding and/or parking violations.

29. Licensee shall immediately notify the Board or its designee of any complaint filed, or investigation opened, by the proper licensing authority of another state, territory, District of Columbia, or other country, or by a peer review body, a health care facility, a professional association or society, or by a governmental agency.
30. Licensee shall at all times keep Board staff informed of her 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.
31. This Consent Order constitutes public disciplinary action.
32. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.
33. In lieu of conducting a formal proceeding, Licensee, 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:

LIMITATIONS

34. Licensee's license to practice medicine and surgery shall be limited in that as of December 15, 2015 she shall not:
 - a. Perform any obstetrical or gynecological surgical care;
 - b. Perform any chronic pain management care.
35. Licensee may perform non-surgical gynecological care.
36. Licensee shall notify and provide a copy of the Consent Order to every hospital or facility she currently practices in on or before December 15, 2015.

37. Licensee shall notify the Board in writing that she has provided the Consent Order to each hospital and facility she practices in on or before January 1, 2016.

DIVESTITURE

38. Licensee shall expeditiously, not to exceed ninety (90) days of this Consent Order being approved by the Board, fully divest herself of any and all financial, business, and/or property interests she may have in the Birth and Women's Center in Topeka, Kansas.

39. Licensee shall provide the Board proof of such divestiture within one-hundred and twenty (120) days of the day the Board approves this Consent Order.

40. After Licensee divests herself of any and all financial, business, and/or property interests she may have in the Birth and Women's Center of Topeka, Kansas:

- a. Licensee shall not have any financial interest in, or receive payment from any birthing center in the future;
- b. Licensee shall not provide advice and/or education to physicians, medical professionals, or lay persons on obstetrical services or birthing centers.

EDUCATION

41. Licensee shall attend and successfully complete the continuing education course entitled "Intensive Course in Medical Documentation: Clinical, Legal and Economic Implications for Healthcare Providers" put on by Case Western Reserve University on June 2 – June 6, 2016 in Cleveland, Ohio.

42. Case Western Reserve University can be contacted at:

Case Western Reserve University
10900 Euclid Avenue
Cleveland, OH 44106
(216) 368-2000

43. On or before January 1, 2016 Licensee shall notify the Compliance Coordinator in writing that Licensee has registered to attend the Case Western Reserve University seminar. Licensee shall provide proof of successful completion for the Case Western Reserve University seminar to the Compliance Coordinator by August 1, 2016.
44. Licensee shall attend and successfully complete the online continuing education course entitled “Risk Management Strategies in Supervising Mid-Level Providers” put on by Oklahoma State Medical Association and PLICO. Further information on the online CME seminar can be found at <https://cms.okmed.org/a/15825PQDRS2>.
45. Licensee shall provide proof of successful completion for the online Oklahoma State Medical Association seminar to the Compliance Coordinator by January 1, 2016.
46. These hours shall be in addition to those hours required for renewal of licensure.
47. All foreseen and unforeseen costs associated with the aforementioned seminar shall be at Licensee’s own expense to include, but not be limited to, the cost of the course(s)/seminar travel, lodging, program fee, meals, etc.

BOARD COSTS

48. Licensee agrees to pay the Board’s incurred COSTS in conducting these proceedings under the Kansas Administrative Procedure Act in the amount that is put forth by the Board in a Statement of Costs.
49. Such COSTS shall be paid in the form of a Cashier’s Check or Money Order to the “Kansas State Board of Healing Arts” in full on or before December 30, 2015.
50. All monetary payments to the Board relating to this Consent Order shall be mailed to the Board by certified mail addressed to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite 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, conclusions of law, and as a Final Order of the Board.

IT IS SO ORDERED on this 17 day of Dec, 2015.

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

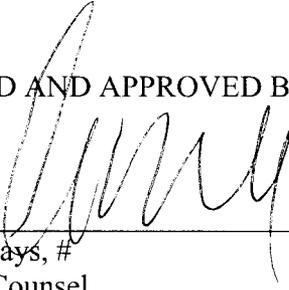

Kathleen Selzler Lippert
Executive Director

12/17/2015
Date


Josie Norris, M.D.
Licensee

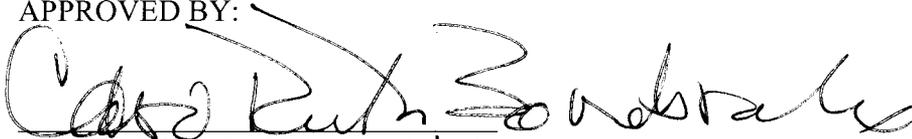
9/23/15
Date

PREPARED AND APPROVED BY:



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Facsimile: (785) 232-6205

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 18th day of December, 2015, to the following:

Josie Norris, M.D.
Licensee
1412 SW 6th Street
Topeka, KS 66606

Carol Ruth Bonebrake
Megan L. Lewis
Attorneys for Licensee
Simpson, Logback, Norris, Lynch, PA
107 SW 6th Avenue, Ste. 210
Topeka, KS 66603

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 H. Hays
Litigation Counsel
Anne Barker Hall
Associate Litigation Counsel

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

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