

**IN THE DISTRICT COURT OF SHAWNEE COUNTY KANSAS**

STATE of Kansas ex rel. )  
KANSAS STATE BOARD OF HEALING )  
ARTS )  
 )  
V. ) No.  
 )  
SHAWN PARCELLS )  
 )  
 )  
\_\_\_\_\_ )

**PETITION**

COMES NOW, the State of Kansas ex rel. the Kansas State Board of Healing Arts (“Board”), and requests the Court order injunctive, declarative, and other statutory relief against defendant Shawn Parcels (“Defendant”) pursuant to K.S.A. 65-2803, K.S.A. 65-2857, K.S.A. 65-2864, K.S.A. 65-2867, K.S.A. 65-2869, K.S.A. 65-2890a, and K.S.A. 65-28a06 as further described herein and/or as the Court deems appropriate under Kansas law. In support of this Petition, the Board states:

1. This action is lawfully commenced by the State of Kansas ex rel, the Kansas State Board of Healing Arts pursuant to the mandatory duties, rights, and responsibilities of the Board conferred pursuant to K.S.A. 65-2801, K.S.A. 65-2803, K.S.A. 65-2857, K.S.A. 65-2864, K.S.A. 65-2867, K.S.A. 65-2869, K.S.A. 65-2890a, and K.S.A. 65-28a06.
2. Defendant is a resident of Johnson County, Kansas.
3. This court has jurisdiction over this action, the parties, and all claims herein.
4. Venue is proper in this Court.
5. Defendant has never held: a license to practice medicine and surgery; a license to engage in the practice of a physician assistant, or; any license to practice any profession regulated by the Board and/or described in Chapter 65 of the Kansas Statutes.

### *COUNT I*

6. The allegations contained in the preceding paragraphs of this Petition are incorporated here.

7. In September 2017, and at other times within the five years preceding the date of this filing, Defendant, in violation of K.S.A. 65-2803 and K.S.A. 65-2857, has engaged in the unlicensed practice of profession(s) regulated by the Board, including but not limited to:

- independently performing autopsies;
- on information and belief, rendering medical diagnoses in the context of autopsies, including but not limited to diagnosing medical conditions and/or disease processes preceding death and medical cause(s) of death;
- attaching in connection to his name words or abbreviation indicating that he is engaged in the practice of medicine and surgery as defined in K.S.A. 65-2869, including but not limited to the representations described in paragraph 9 of this Petition;
- publicly professing, pursuant to K.S.A. 65-2869, to assume the duties incident to the practice of medicine or surgery or any of their branches, including but not limited to autopsies and/or making the representations described in paragraph 9 of this Petition;
- other acts that, under the relevant circumstances, constituted unlicensed practice of a profession regulated by the Board, in violation of K.S.A. 65-2803, discovered and/or disclosed during further discovery, investigation, and/or trial of this matter.

### *COUNT II*

8. The allegations contained in the preceding paragraphs of this Petition are incorporated here.

9. In November 2018 and prior, and at other times within the five years preceding the date of this filing, Defendant, in violation of K.S.A. 65-2803, K.S.A. 65-2857 and K.S.A. 65-2867, announced or held out to the public the intention, authority or skill to practice the healing arts as defined in the Kansas healing arts act by the use of a professional degree or designation,

sign, card, circular, device, advertisement or representation, including but not necessarily limited to:

- representing himself as a practitioner of forensic medicine;
- representing himself as a pathologist and/or forensic pathologist;
- representing himself as a medical examiner;
- representing himself as “Dr. Parcels” in the context of offering autopsy services;
- other representations in violation of K.S.A. 65-2867 and/or K.S.A. 65-2869 discovered and/or disclosed during further discovery, investigation, and/or trial of this matter.

### ***COUNT III***

10. The allegations contained in the preceding paragraphs of this Petition are incorporated here.

11. In November 2018 and prior, and at other times within the five years preceding the date of this filing, Defendant maintained an office in Kansas for the practice of the healing arts, in violation of K.S.A. 65-2867, and/or engaged in the unlawful unlicensed corporate practice of medicine (pursuant to Kansas law including but not limited to *Early Detection Center, Inc. v. Wilson*, 248 Kan. 869 (1991)), including but not limited to:

- Maintaining a general corporation offering services that constitute the practice of medicine and surgery, including but not limited to autopsies, including operating as Parcels Forensic Pathology Group; National Autopsy Services, LLC, Kansas Regional Forensic Services; Kansas Forensics Experts; Kansas Forensics; Kansas Forensics and Tissue Recovery Services; Parcels & Company; and/or National Autopsy & Tissue Recovery Services, Inc.
- Maintaining a “lab” or other office for the practice of providing autopsies.
- Employing physician(s) to provide services to third parties that constitute the practice of medicine and surgery, including but not limited to autopsies.

#### ***COUNT IV***

12. The allegations contained in the preceding paragraphs of this Petition are incorporated here.

13. In November 2017 and prior, and at other times within the five years preceding the date of this filing, Defendant used titles, abbreviations, letters, figures, signs, cards, or devices that represented, in violation of K.S.A. 65-28a06, that he was a physician assistant, including but not limited to:

- Using abbreviations such as “PA” in connection to his name in the context of offering professional acts that constitute the practice of medicine and surgery and/or the scope of practice of a physician assistant, as described in this Petition, including continuing to do so after being advised that his particular contextual use of the “PA” designation in Kansas tended to mislead others to believe that he was a physician assistant.
- On information and belief, representing himself in the context of offering professional acts that constitute the practice of medicine and surgery and/or the scope of practice of a physician assistant in a contextually misleading and substantially similar manner to how he described himself in sworn testimony on September 11, 2012 in stating “I’m . . . no different than a physician assistant or nurse practitioner specializing in forensic medicine.”

#### ***REQUESTS FOR RELIEF***

14. The facts asserted herein state a cause of action pursuant to K.S.A. 65-2857 and *State ex rel. State Bd. Of Healing Arts v. Thomas* without the need to allege or prove elements otherwise necessary for a common law cause of action for injunctive relief.

16. In the alternative, the facts asserted herein demonstrate:

- (a) There is a reasonable probability in irreparable future injury to the public because Defendants acts are contrary to the law described above, including but not limited to the legal and policy requirements described in K.S.A. 65-2801 et seq that Kansas law designates as necessary for public protection.
- (b) Injunctive action is the adequate remedy, because injunctive action is the

remedy expressly designated as the remedy to address unlicensed practice of professions regulated by the Board.

(c) The threatened injury to the public outweighs any damage the Defendant may suffer because of the requested injunction, because the legal and policy requirements described in K.S.A. 65-2801 et seq have been expressly designated as necessary for public protection, and Defendant, as a matter of law, will not be damaged in a manner cognizable to the law by being ordered to comply with the law.

(d) For the reasons described above, an injunction would not be adverse to the public interest.

WHEREFORE, pursuant to K.S.A. 65-2857, the Court should enjoin Defendant from engaging in the acts described in this Petition in Kansas. The Court's order should enjoin Defendant from:

- Performing, offering to perform, or rendering medical diagnoses in the context of, autopsies without the supervision of a physician licensed to perform medicine and surgery in Kansas.
- Attaching in connection to his name words or abbreviation indicating that he is engaged in the practice of medicine and surgery.
- Representing himself as a practitioner of forensic medicine.
- Representing himself as a pathologist and/or forensic pathologist.
- Representing himself as a medical examiner.
- Representing himself as "Dr. Parcels" in the context of offering autopsy services or any other services related to the practice of medicine and surgery.
- Maintaining an office in Kansas for the practice of medicine and surgery.
- Engaging in the corporate practice of medicine by employing physician(s) to provide services to third parties that constitute the practice of medicine and surgery, including but not limited to autopsies.
- Using titles, abbreviations, words, letters, figures, signs, cards, or devices that represent that he is, or offers the professional services of, a physician assistant.

Further, the Court should assess the reasonable costs of investigation and prosecution of

this matter against Defendant pursuant to K.S.A. 65-2867(d) and should grant whatever other relief the Court deems lawful and just.

Respectfully Submitted,

/s/ Tucker L. Poling  
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*Attorney for Board*

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a copy of the above document was electronically filed with the Clerk of the District Court on the date stamped on the order which will provide notice to the following:

Shawn Parcels  
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Eric Kjorlie  
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/s/ Tucker L. Poling  
Tucker L. Poling, # 23266