

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

In the Matter of)
)
Gilbert R. Parks, M.D.) Docket No. 07-HA-00045
Kansas License No. 04-16162)

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, (“Board”), by and through Kathleen Selzler Lippert, Associate Counsel (“Petitioner”), and Gilbert R. Parks, M.D. (“Licensee”), *pro se*, 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: 629 SE Quincy Street, Suite 205, Topeka, Kansas 66603-3927.
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 No. 04-16162 on approximately June 13, 1975. 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 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. 65-2838. Upon approval, these stipulations shall constitute

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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.
6. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
7. Licensee voluntarily and knowingly waives his right to a hearing. Licensee 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. 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.
8. 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.
9. The Board has received information and investigated the same, and has reason to believe that Licensee practiced the healing arts without a valid Kansas medical license; that Licensee practiced the healing arts when he did not possess valid professional liability insurance and that Licensee failed to create or maintain an accurate patient record.

10. Licensee failed to submit his 2003 renewal application by June 30, 2003; nor did he submit his 2003 renewal application during the thirty day grace period ending July 31, 2003.
11. Licensee's medical license was cancelled on August 1, 2003.
12. Licensee did submit his reinstatement application on September 19, 2003, and his license was reinstated on that same date.
13. Licensee continued to treat patients between August 1, 2003 and September 18, 2003, without a valid Kansas medical license.
14. Licensee was not in compliance with the Health Care Stabilization Fund (HCSF) for three separate periods of time. Specifically, HCSF records reflect that Licensee was not in compliance for the following dates:
 - a. From March 30, 1993, through December 10, 1993;
 - b. From August 29, 1996, through January 1, 1997;
 - c. January 1, 2002, through September 19, 2003.
15. Licensee did purchase a professional liability insurance policy from Legion Insurance to begin on January 1, 2002, through January 1, 2003. The Legion Insurance policy was cancelled on July 19, 2002 for nonpayment.
16. Licensee did not purchase any tail coverage after the Legion Insurance policy was cancelled for non-payment. Any claims made after the cancellation of the policy for incidents occurring during the coverage period of January 1, 2002, through July 19, 2002 would not be covered by Legion.

17. Licensee did purchase a professional liability insurance policy from Kansas Medical Mutual Insurance Company (KaMMCO) from August 4, 2003, through August 4, 2004.
18. Ultimately, Licensee had no professional liability insurance coverage from January 1, 2002, through August 4, 2003.
19. Board staff investigated a complaint regarding Patient 1. Based on the records received from the investigation, it was discovered that Licensee's medical records for Patient 1 did not comply with the healing arts act. Specifically, the records for Patient 1 were defective in the following ways:
 - a. Licensee's medical record did not reflect when Patient 1 was first seen by Licensee.
 - b. Licensee made an insurance claim for psychotherapy on August 26, 2002; yet, there seems to be documentation for any service on the August 26, 2002 date; such as treatment notes showing the services provided on the August 26, 2002, date.
 - c. Pharmacy records indicate that Licensee prescribed medications on December 31, 2003 and that Licensee called in prescriptions on three occasions after January 6, 2003. Specifically, prescriptions were called in on July 12, 2003, April 16, 2004 and April 29, 2004. Licensee's medical records provide no documentation showing Patient 1 was seen by Licensee beyond January 6, 2003.
 - d. Licensee's medical records do not provide documentations for any prescriptions beyond the last treatment date of January 6, 2003.

20. 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 above allegations. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.
21. Licensee's acts, if proven, constitute violations of the healing arts act as set forth in K.S.A. 65-2836.
22. Licensee violated K.S.A. 65-2836(y), in that Licensee failed to maintain professional liability insurance as required by K.S.A. 40-3402 or 40-3403a.
23. Licensee violated K.S.A. 65-2836(z), in that Licensee failed to pay the premium surcharges required by K.S.A. 40-3404.
24. Licensee violated K.S.A. 65-2836(b), as set forth in K.S.A. 65-2837(b)(12) in that his conduct is likely to deceive, defraud or harm the public for his failure to maintain professional liability insurance.
25. Licensee violated K.S.A. 65-2836(b), as set forth in K.S.A. 65-2837(b)(25) in that Licensee failed to keep written medical records which accurately describe the services rendered to the patient.
26. Pursuant to K.S.A. 65-2836 the Board has grounds to deny, revoke, suspend, limit, or censure Licensee'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.

27. According 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.

28. 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:

CENSURE

- a. Licensee is publicly censured for violating the Healing Arts Act.

EDUCATION

- b. Licensee shall attend and successful complete a Board-approved continuing education course for record keeping and prescribing, by June 30, 2007, at his own expense. The course must be pre-approved by the Board or its designee. Licensee shall provide proof of successful completion by July 15, 2007.
- c. The Board designates Dr. White to review and approve/disapprove any proposed educational courses required under this Consent Order or any other issue that may arise in the implementation of this Consent Order.

FINE

- d. Licensee is hereby fined \$5,000. Such fine is payable in full to the “Kansas Board of Healing Arts” on or before November 30, 2007.

29. Licensee’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.

30. 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.
31. 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 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 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.
32. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to the National

Practitioner Databank, Federation of State Medical Boards, and any other reporting entities authorized to receive disclosure of the Consent Order.

33. 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.
34. 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.
35. 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.
36. Licensee acknowledges that he has read this Consent Order and fully understands the contents.
37. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

38. 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, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.
39. 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.
40. 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.
41. This Consent Order constitutes disciplinary action
42. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

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:

CENSURE

- a. Licensee is publicly censured for violating the Healing Arts Act.

EDUCATION

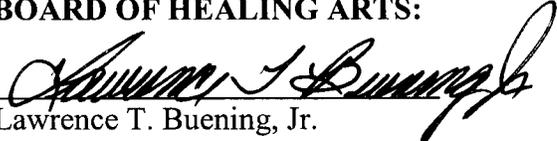
- b. Licensee shall attend and successful complete a Board-approved continuing education course for record keeping and prescribing, by June 30, 2007, at his own expense. The course must be pre-approved by the Board or its designee. Licensee shall provide proof of successful completion by July 15, 2007.
- c. The Board designates Dr. White to review and approve/disapprove any proposed educational courses required under this Consent Order or any other issue that may arise in the implementation of this Consent Order.

FINE

- d. Licensee is hereby fined \$5,000. Such fine is payable in full to the "Kansas Board of Healing Arts" on or before November 30, 2007.

IT IS SO ORDERED on this 11th day of December, 2006.

FOR THE KANSAS STATE BOARD OF HEALING ARTS:


 Lawrence T. Buening, Jr.
 Executive Director

December 11, 2006
 Date


 Gilbert R. Parks, M.D.
 Licensee

11/17/06
 Date

PREPARED AND APPROVED BY:


Kathleen Selzler Lippert #17957

Associate Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068
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 11th day of December, 2006, to the following:

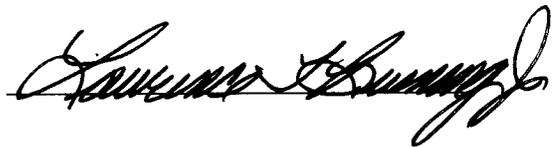
Gilbert R. Parks, M.D.
Licensee
629 SE Quincy Street,
Suite 205
Topeka, Kansas 66603-3927

And the original was hand-filed with:

Lawrence T. Buening, Jr.
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 #17957
Associate Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068



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