

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of)
)
Roger D. Parris, M.D.) Docket No. 18-HA00005
Kansas License No. 04-18448)

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Joseph S. Behzadi, Associate Litigation Counsel ("Respondent"), and Roger D. Parris, M.D. ("Licensee"), by and through counsel Mark A. Lynch, Simpson, Logback, Lynch & Norris, P.A., 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:  Olathe, Kansas 66062.
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. 04-18448 on approximately December 14, 1979, and having last renewed such license on June 15, 2016. 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. Upon

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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 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 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 pursuant to K.S.A. 65-2836(b), K.S.A. 65-2837(a)(2), K.S.A. 65-2837(b)(23), K.S.A. 65-2837(b)(25), K.S.A. 65-2837(b)(12), K.S.A. 65-2836(a), and K.S.A. 65-2836(r) to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.*

9. The facts supporting the allegations in this Consent Order are as follows:

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- a. On or about October 20, 2014, the Board received a complaint regarding Licensee prescribing medication, including controlled substances, to his girlfriend.
- b. Licensee provided care and treatment to Patient 1, a forty-two (42) year old female, from at least October 9, 2012, through December 2, 2014.
- c. Since at least January 7, 2011, Licensee prescribed medications, including controlled substances to Patient 1. Licensee continued prescribing controlled substances to Patient 1 through August 15, 2015.
- d. Licensee did not document prescriptions for controlled substances in Patient 1's medical records, including, but not limited to, the prescribing of Phentermine.
- e. On or about September 4, 2015, Licensee responded to the Board acknowledging prescriptions of controlled substances to Patient 1. Licensee's narrative appeared to indicate that the prescriptions were for pain associated with toxic mold exposure. As the prescriptions began approximately eighteen (18) months prior to the recorded date of the mold exposure, Licensee subsequently clarified that the prescriptions originally began as continuations of existing prescriptions for chronic pain from Patient 1's primary physician while she transitioned to another physician, with the pain from the mold exposure becoming an added indication subsequently.
- f. Further, in his response, Licensee stated, "as we were not married or related, I did not believe I was doing anything unethical...until she could make other arrangements...as our relationship developed, I stopped writing such prescriptions."

- g. Licensee further stated, “In answer to the specific complaint about me having an intimate relationship with [Patient 1] while prescribing a controlled substance, there was likely some overlap.”
- h. Licensee and Patient 1 entered into a romantic relationship at least on or before September 12, 2014.
- i. [REDACTED]
- j. Furthermore, during the aforementioned investigation, it was discovered Licensee was a named defendant in a medical malpractice lawsuit on or about August 19, 2014.
- k. Licensee neglected to disclose the medical malpractice lawsuit on his 2015 Renewal Application submitted on or about June 10, 2015.
- l. On or about September 25, 2015, the Board sent Licensee a letter requesting an explanation for the failure to disclose the medical malpractice lawsuit.
- m. Licensee responded to the September 25, 2015, letter by forwarding information about the lawsuit on the appropriate form (Form (a)). However, Licensee did not provide the case caption, case number, court information on the form, and did not include an explanation as to why the matter was not included with his renewal application.
- n. On or about October 6, 2015, the Board sent Licensee a second letter requesting an explanation for why the Licensee did not disclose the medical malpractice lawsuit.
- o. Licensee responded by providing a revised Form (a), but did not include the requested explanation; therefore, Investigation No. 16-00231 was opened.

p. However, after the opening of Investigation No. 16-00231, on or about November 6, 2015, Licensee provided an explanation through his attorney, stating, “The multiple defendants, changing claims, and overlapping facts involving the EMTALA and negligence claims caused confusion with hospital personnel assisting [Licensee] with his renewal application.”

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 his 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 a violation under K.S.A. 65-2836(b).

12. Licensee’s acts, if proven, constitute a violation of K.S.A. 65-2836(b) as further defined by K.S.A. 65-2837(a)(2) in that Licensee committed repeated acts of ordinary negligence.

13. Licensee’s acts, if proven, constitute a violation of K.S.A. 65-2836(b) as further defined by K.S.A. 65-2837(b)(23) in that Licensee inappropriately prescribed controlled substances to Patient 1.

14. Licensee’s acts, if proven, constitute a violation of K.S.A. 65-2836(b) as further defined by K.S.A. 65-2837(b)(25) in the Licensee failed to keep written medical records which accurately describe the services rendered to Patient 1.

15. Licensee’s acts, if proven, constitute a violation of K.S.A. 65-2836(b) as further defined by K.S.A. 65-2837(b)(12) in that Licensee committed acts that are likely to deceive, defraud, or harm the public.

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16. Licensee's acts, if proven, constitute a violation of K.S.A. 65-2836(a) by committing fraud or misrepresentation in applying for or securing an original, renewal or reinstated license by failing to report on his June 10, 2015, renewal application he was a named defendant in a medical malpractice lawsuit.

17. Licensee's acts, if proven, constitute a violation of K.S.A. 65-2836(r) by failing to furnish the Board, or its investigators or representatives, information legally requested by the Board in Board letters dated September 25, 2015, and October 6, 2015.

18. 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.

19. 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.

20. All pending investigation materials in KSBHA Investigative Case Numbers 15-00287, and 16-00231, and 16-00517 regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 31 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

21. 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

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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 his 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.*

22. 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.

23. 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.

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24. 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.

25. 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.

26. 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.

27. 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.

28. Licensee acknowledges that he has read this Consent Order and fully understands the contents.

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

30. 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.

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31. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become a Final Order under K.S.A. 77-505. 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.

32. This Consent Order constitutes **public disciplinary action**.

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

34. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following public disciplinary action against his license to engage in the practice medicine and surgery:

SUSPENSION

35. Licensee's license shall be suspended for a period of forty-five (45) days. Such suspension will be in effect from the date of approval of this Consent Order until forty-five (45) days have elapsed.

36. Such suspension is self-terminating.

FINE

37. Licensee is hereby ordered to pay a FINE in the amount of TWO THOUSAND FOUR HUNDRED AND NINTEY-NINE DOLLARS AND ZERO CENTS, (\$2,499.00) for violations of the Kansas Healing Arts Act.

38. Such fine shall be paid in full, to the Board on or before October 1, 2017, in the form of a Cashier's Check or Money Order to the "Kansas State Board of Healing Arts."

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39. 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, KS 66612

EDUCATION: MEDICAL RECORD KEEPING SEMINAR

40. Licensee shall attend and successfully complete the Medical Record Keeping Seminar presented by the Center for Personalized Education for Physicians (“CPEP”) on or before December 31, 2017, unless otherwise approved by the Board.

41. Within ten (10) days of the approval of this Consent Order, Licensee shall contact CPEP, 720 S. Colorado Blvd., Suite 1100-N, Denver, Colorado 80246, (303) 577-3232, to enroll in the Medical Records Keeping Seminar course at the earliest dates available to both CPEP and Licensee.

42. On or before October 1, 2017, Licensee shall notify the Compliance Coordinator in writing that Licensee has registered to attend the CPEP Medical Record Keeping Seminar.

43. Licensee shall provide proof of successful completion of the Seminar within thirty (30) days of completing the program.

44. All costs associated with the CPEP Medical Record Keeping Seminar shall be at the Licensee’s own expense to include, but not limited to: the cost of the program, cost of travel, and cost of accommodations while attending the program.

45. These hours shall be in addition to those continuing education hours required for renewal of licensure.

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46. All documentation required pursuant to this Consent Order shall be submitted to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level, Suite A
Topeka, KS 66612

EDUCATION: ETHICS

47. Licensee shall attend and successfully complete the in-person ProBe: Ethics and Boundaries Program presented by the Center for Personalized Education for Physicians (“CPEP”) on or before December 31, 2017, unless otherwise approved by the Board.

48. On or before October 1, 2017, Licensee shall notify the Compliance Coordinator in writing of which course date Licensee has registered to attend.

49. Licensee shall provide proof of successful completion of the ProBe program to the Compliance Coordinator within thirty (30) days of successfully completing the program.

50. All costs associated with such program shall be at Licensee’s own expense to include, but not be limited to, the cost of the program, the cost of travel to and from the program, and the cost of accommodations while attending the program.

51. These hours shall be in addition to those continuing education hours required for renewal of licensure.

52. All documentation required pursuant to this Consent Order shall be submitted to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level, Suite A
Topeka, KS 66612

EDUCATION: CPEP/VANDERBILT COURSE: PRESCRIBING CONTROLLED DRUGS: CRITICAL ISSUES AND COMMON PITFALLS

53. Licensee shall attend and successfully complete the CPEP/Vanderbilt course of “Prescribing Controlled Drugs: Critical Issues and Common Pitfalls” presented by the CPEP on or before December 31, 2017, unless otherwise approved by the Board.
54. On or before October 1, 2017, Licensee shall notify the Compliance Coordinator in writing of which course date Licensee has registered to attend.
55. Licensee shall provide proof of successful completion of the Prescribing Controlled Drugs program to the Compliance Coordinator within thirty (30) days of successfully completing the program.
56. All costs associated with such program shall be at Licensee’s own expense to include, but not be limited to, the cost of the program, the cost of travel to and from the program, and the cost of accommodations while attending the program.
57. These hours shall be in addition to those continuing education hours required for renewal of licensure.
58. All documentation required pursuant to this Consent Order shall be submitted to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level, Suite A
Topeka, KS 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.

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IT IS SO ORDERED on this 16 day of Aug, 2017.

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

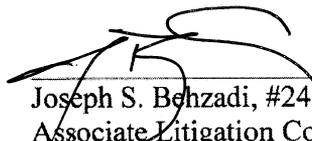

Kathleen Selzler Lippert
Executive Director

8/16/17
Date


Roger D. Parris, M.D.
Licensee

7/14/2017
Date

PREPARED AND APPROVED BY:


Joseph S. Behzadi, #24065
Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson Lower Level, Suite A
Topeka, Kansas 66612
(785) 296-8022
joseph.behzadi@ks.gov

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AGREED TO BY:



Mark A. Lynch, #14277

Attorney for Licensee

Simpson, Loggack, Lynch & Norris, P.A.

Commerce Plaza II

7400 West 110th Street

Suite 600

Overland Park, Kansas 66210

mlynch@slln.com

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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 16th day of August, 2017, to the following:

Roger D. Parris, M.D.
Licensee


Olathe, Kansas 66062

Mark A. Lynch
Simpson, Logback, Lynch & Norris, P.A.
Commerce Plaza II
7400 West 110th Street
Suite 600
Overland Park, Kansas 66210

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 delivered to:

Joseph S. Behzadi
Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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

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

Cathy A. Brown

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