

FILED
AUG 25 2003
KANSAS STATE BOARD
OF HEALING ARTS

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

In the Matter of)
)
BRUCE N. PARSA, D.O.)
Kansas License No. 5-25075)
_____)

Docket No. 03-HA-59

CONSENT ORDER

COME NOW, the Kansas State Board of Healing Arts (“Board”) by and through Stacy L. Cook, Litigation Counsel (“Petitioner”), and Bruce N. Parsa, D.O. (“Licensee”), by and through attorney Steve A. Schwarm, and move the Board for approval of a Consent Order affecting Licensee’s license to practice osteopathic medicine and surgery in the State of Kansas. The parties stipulate and agree to the following:

1. Licensee’s last known address to the Board is 11204 Brookwood, Leawood, Kansas 66211.
2. Licensee is or has been entitled to engage in the practice of osteopathic medicine and surgery in the State of Kansas, having been issued License No. 5-25075 on approximately April 16, 1994. Licensee last renewed his license on August 9, 2002. Licensee’s license status 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 osteopathic medicine. 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 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 this 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. From approximately 1999 through 2001, Licensee prescribed Dexedrine and other medications to himself and his family.

10. Licensee did not create and/or maintain documentation of the treatment, including medications he prescribed to himself and his family members.

11. On multiple occasions, Licensee wrote prescriptions for controlled substances issued in the name of patients, and then either filled the prescription himself and took the medications, or had the patients fill the prescriptions, and received the

medications from the patients for personal consumption. Licensee issued in excess of 200 prescriptions that were outside the scope of his professional practice and not for legitimate medical purpose in that he wrote prescriptions in amounts greater than those required for appropriate medical treatment knowing that the patients were abusing those medications.

12. Licensee did not create and/or maintain documentation of his treatment of patients, including medications prescribed.

13. On or about November 2, 2001, Licensee surrendered his Drug Enforcement Administration (“DEA”) certificate of registration and ability to prescribe, order, administer, and in any way provide controlled substances.

14. On at least two occasions following the surrender of his DEA certificate, Licensee issued prescriptions for controlled substances.

15. Licensee did not create and/or maintain documentation for controlled substances that he provided to several patients.

16. In 2001, St. John Hospital temporarily suspended Licensee’s medical staff membership and clinical privileges.

17. In 2001, Cushing Memorial Hospital terminated Licensee’s hospital privileges.

18. The Board alleges that in September 2001, Licensee provided false, fraudulent, and/or incorrect information on an application for membership at Select Specialty Hospital. Licensee admits that the application contained incorrect information in that it did not reveal that any hospital had taken adverse action.

19. -----Confidential-----

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20. From approximately 1997 to 2001, Licensee provided treatment to Patient #1.

21. During the course of treatment, Licensee wrote several prescriptions for Oxycontin and Dexedrine and other medications to Patient #1.

22. Licensee had Patient #1 provide him with some of the medications for his own consumption.

23. The Board investigation revealed that licensee threatened to affect Patient #1's disability status unless she continued to fill the prescriptions for Licensee's own use.

24. During the course of treatment, Licensee borrowed money from Patient #1, stayed overnight on several occasions at Patient #1's home, and had Patient #1 work in his office without compensation. Licensee violated appropriate boundaries between physician and patient and acted inappropriately with Patient #1.

25. Licensee was convicted of conspiracy to distribute or dispense Schedule II controlled substances, in violation of 21 U.S.C. § 846, § 841(a)(1) and (b)(1)(C). Such conviction is a felony.

26. Licensee committed acts in violation of the Healing Arts Act, K.S.A. 65-2836 and K.S.A. 65-2837, including but not limited to:

- a. K.S.A. 65-2836(u), the licensee has surrendered the authority to utilize controlled substances issued by any state or federal agency;

- b. K.S.A. 65-2836(b) as further defined by K.S.A. 65-2837(b)(23), prescribing, dispensing, administering, distributing, a prescription drug or substance, including a controlled substance, in an excessive, improper or inappropriate manner or quantity or not in the course of the licensee's professional practice;
- c. K.S.A. 65-2836(b) as further defined by K.S.A. 65-6836(b)(11), prescribing, ordering, dispensing, administering, selling, supplying, or giving any amphetamines or sympathomimetic amines, except as authorized by K.S.A. 65-2837(a), and amendments thereto;
- d. K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(25), failure to keep written medical records which accurately describe the services rendered to the patient, including patient histories, pertinent findings, examination results and test results;
- e. K.S.A. 65-2836(k), the licensee has violated any lawful rule and regulation promulgated by the Board, as further defined in K.A.R. 100-24-1;
- f. K.S.A. 65-2836(c), the licensee has been convicted of a felony;
- g. K.S.A.65-2836(s), sanctions or disciplinary actions have been taken against the licensee by a peer review committee, healthcare facility, or governmental agency for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;

- h. K.S.A. 65-2836(u), licensee has surrendered his membership on any professional staff while under investigation for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under the Healing Arts Act;
- i. K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(17), the use of any false, fraudulent or deceptive statement in any document connected with the practice of the healing arts;
- j. K.S.A. 65-2836(b), the licensee has committed acts of unprofessional conduct;
- k. -----Confidential-----

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- l. K.S.A. 65-2836(b), dishonorable conduct;
- m. K.S.A. 65-2836(p), prescribing controlled substances to any person for other than medically accepted or lawful purposes;
- n. K.S.A. 65-2836(q), violation of a federal law or regulation relating to controlled substances;
- o. K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(16), commission of any act of sexual abuse, misconduct or exploitation related to the licensee's professional practice; and
- p. K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(12), conduct likely to deceive, defraud or harm the public.

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 the conclusion of formal proceedings and/or the making of findings by the Board, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action with respect to his license to engage in the practice of osteopathic surgery and medicine:

- a. Licensee hereby surrenders his license to practice osteopathic medicine and surgery. Such surrender shall be treated as a revocation for all purposes including reporting.
- b. Licensee agrees that if he applies for reinstatement of his license, such application will be considered in accordance with the provisions of K.S.A. 65-2844. Further, Licensee's application will be governed by Vakas v. The Kansas State Board of Healing Arts, 248 Kan. 589 (Kan. 1991), and all applicable statutes, law, and rules and regulations regarding qualification for licensure and reinstatement.

29. Licensee's failure to comply with the provisions of the Consent Order will result in the Board taking further disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure 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 capacities), 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 requiring 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 in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member in any future proceedings on the basis that the Board member 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: Stacy L. Cook, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

39. Licensee shall obey all federal, state and local laws and rules governing the practice of osteopathic 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. 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 in lieu of the conclusion of formal proceedings and/or the making of findings by the Board, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following limitations and disciplinary action with respect to his license to engage in the practice of osteopathic medicine and surgery:

- a. Licensee hereby surrenders his license to practice osteopathic medicine and surgery. Such surrender shall be treated as a revocation for all purposes including reporting.
- b. Licensee agrees that if he applies for reinstatement of his license, such application will be considered in accordance with the provisions of K.S.A.65-2844. Further, Licensee's application will be governed by Vakas v. The Kansas State Board of Healing Arts, 248 Kan. 589 (Kan. 1991), and all applicable statutes, law, and rules and regulations regarding qualification for licensure and reinstatement.

IT IS SO ORDERED on this 23rd day of August, 2003.

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

_____/s/_____
Lawrence T. Buening, Jr.
Executive Director

PREPARED AND APPROVED BY:

_____/s/_____
Stacy L. Cook #16835
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3065

_____/s/_____
Steve A. Schwarm #13232
Polsinelli, Shalton, Welte, P.C.
555 S. Kansas Avenue, Suite 301
Topeka, Kansas 66603-3443

AGREED TO BY:

_____/s/_____
Bruce Parsa, D.O.
Licensee

CERTIFICATE OF SERVICE

I, Stacy L. Cook, do hereby certify that I served a true and correct copy of the **CONSENT ORDER** by United States mail, postage prepaid, on this 25th day of August, 2003 to the following:

Bruce Parsa, D.O.
11204 Brookwood
Leawood, Kansas 66211

Steve A. Schwarm
Polisinelli, Shalton, Welte, P.C.
555 S. Kansas Avenue, Suite 301
Topeka, Kansas 66603-3443

and the original was hand-delivered to:

Lawrence T. Buening, Jr.
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

_____/s/_____
Stacy L. Cook

