

**EFFECTIVE AS A
FINAL ORDER**

DATE: 7/8/15

FILED
JUN 17 2015

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

KS State Board of Healing Arts

In the Matter of)
)
Willie L. Posey, II, D.O.)
Kansas License No. 05-36089)
_____)

KSBHA Docket No. 15-HA 00117

SUMMARY ORDER

NOW ON THIS 17 day of June, 2015, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A 77-537.

Pursuant to K.S.A 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for hearing is made within fifteen (15) days of service.

Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law, and order are made for and on behalf of the Board:

Findings of Fact

1. Willie L. Posey, II, D.O. ("Licensee") was originally issued license number 05-36089 to practice osteopathic medicine in the state of Kansas on October 26, 2012. Licensee's current license designation is active, and such license was last renewed on or about September 27, 2014.
2. Licensee's last known mailing address to the Board is: **Confidential**
Syracuse, Kansas 67878.
3. On or about February 6, 2014, the Board received **Confidential**
Confidential

Confidential

4. Confidential
5. Disciplinary Counsel for the Board contacted Licensee regarding his need to complete the outstanding charts. Licensee was to contact the facility to complete the charts no later than February 11, 2014.
6. As of Friday, March 14, 2014, Licensee had completed only twenty-two (22) of the one hundred and ninety-three (193) outstanding charts.
7. By Monday, March 17, 2014, Licensee had completed one hundred and fifteen (115) charts out of the one hundred and ninety-three (193) outstanding charts.
8. As of March 18, 2014, Licensee still had forty-three (43) outstanding charts remaining.
9. By Thursday, March 20, 2014, Licensee had thirty-three (33) charts remaining.
10. Confidential
11. Confidential
12. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board's Disciplinary Panel No. 30. The Disciplinary Panel

authorized and directed the issuance of this Summary Order and the specific disciplinary sanctions.

Applicable Law

13. K.S.A. 65-2836 of the Kansas Healing Arts Act states in pertinent part:

A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately censured or placed under probationary conditions, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

(b) The licensee has committed an act of unprofessional and/or dishonorable conduct and/or professional incompetency.

(k) The licensee has violated any lawful rule and regulation promulgated by the board . . . as further defined by: K.A.R. 100-24-1 by failing to maintain an adequate record for each patient for whom licensee performed a professional service and meets the delineated requirements.

14. K.S.A. 65-2837(b) of the Kansas Healing Arts Act states in pertinent part:

(12) Licensee has committed conduct likely to deceive, defraud or harm the public.

(25) Licensee has failed to keep written medical records which accurately describe the services rendered to the patient, including patient histories, pertinent findings, examination results and test results.

Conclusions of Law

15. The Board finds that Licensee has violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(12), and K.S.A. 65-2837(b)(25) in that Licensee has committed conduct likely to harm the public by failing to complete the one hundred and ninety-three (193) outstanding patient charts for services Licensee rendered.

16. The Board finds that Licensee violated K.S.A. 65-2836(k), as further defined by K.A.R. 100-24-1 when he failed to maintain an adequate record for the one hundred and ninety-three (193) outstanding patient charts for the professional services Licensee performed.

17. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

18. Based on the facts and circumstances set forth herein, the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a) in that the use of summary proceedings does not violate any provision of law and the protection of the public interest does not require the Board to give notice and opportunity to participate to person other than Licensee.

IT IS, THEREFORE, ORDERED that Licensee is **PUBLICLY CENSURED** for violating K.S.A. 65-2836(b), K.S.A. 65-2836(k), K.S.A. 65-2837(b)(12), K.S.A. 65-2837(b)(25), and K.A.R. 100-24-1 of the Kansas Healing Arts Act.

IT IS FURTHER ORDERED that Licensee is **FINED** Five Hundred Dollars and Zero Cents (\$ 500.00) for violating K.S.A. 65-2836(b), K.S.A. 65-2836(k), K.S.A. 65-2837(b)(12), K.S.A. 65-2837(b)(25), and K.A.R. 100-24-1 of the Kansas Healing Arts Act.. Such fine shall be paid to the "Kansas State Board of Healing Arts" in full on or before November 13, 2015. All monetary payments, which shall be in the form of cashier's check or money order, relating to this Summary Order shall be mailed to the Board certified mail addressed to: Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level, Suite A, Topeka, Kansas 66612.

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 17 day of June, 2015.

KANSAS STATE BOARD OF HEALING ARTS

Confidential

Kathleen Selzer Kippert, [Signature]
Executive Director

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FINAL ORDER NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. A party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* Reconsideration of a Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the Final Order. A copy of any petition for judicial review must be served upon Kathleen Selzler Lippert, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **FINAL ORDER** was served this 5th day of July, 2015 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Willie L. Posey, II, DO
Confidential
Syracuse, KS 67878

And a copy was hand-delivered to:

Susan Gering, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Office of the General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And the original was filed with the office of the Executive Director.



Cathy Brown, Executive Assistant