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KS STATE BOARD OF HEALING ARTS

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

|                             |   |                             |
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| In the Matter of            | ) |                             |
|                             | ) | KSBHA Docket No. 10-HA00115 |
| William O. Reed, Jr., M.D.  | ) | OAH Docket No. 10HA0010     |
| Kansas License No. 04-20072 | ) |                             |

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**CONSENT ORDER**

**COMES NOW**, the Kansas State Board of Healing Arts, (“Board”), by and through Kelli J. Stevens, Litigation Counsel (“Petitioner”), and William O. Reed, Jr., M.D. (“Licensee”), by and through Anthony Rupp of Polsinelli, Shughart, P.C. , 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: 10730 Nall, Suite 200, Overland Park, Kansas 66211.
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. 04-20072 on approximately June 17, 1983. Licensee’s license designation is active and was last renewed on or about June 4, 2010.
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 and K.S.A. 77-505. 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 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 possible 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. Petitioner has alleged that Licensee committed unprofessional conduct in violation of the Healing Arts Act. The specific allegations are set forth in the Petition filed with the Board on March 4, 2010, and include violations of:

- a. K.S.A. 65-2836(b) unprofessional conduct, as further defined by K.S.A. 65-2837(b)(25), for failure to keep written medical records which accurately describe the services rendered to the patient; and
  - b. K.S.A. 65-2836(k), violation of a lawful regulation of promulgated by the Board, specifically K.A.R. 100-24-1, regarding adequacy of patient records.
9. Licensee denies all the allegations of unprofessional conduct, but consents to this Board action in order to amicably resolve such allegations.
10. 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 Healing Arts Act.
11. The parties agree that the following are mitigating circumstances relevant to this the settlement terms in this matter:
  - a. Licensee does not have any prior discipline by the Board;
  - b. The allegations arise out of a single patient complaint; and
  - c. Licensee did not have a dishonest motive underlying his acts and conduct.
12. 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.
13. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board member(s) who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 23 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

14. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby agrees to the following non-disciplinary action with respect to his license to engage in the practice of medicine and surgery:

**REMEDIAL EDUCATION**

- a. Licensee shall attend and successfully complete one (1) of the following Board-approved remedial medical record keeping courses, at his own expense:
  - i. University of California San Diego School of Medicine PACE Medical Record Keeping Course;
  - ii. Case Western Reserve University School of Medicine Intensive Course in Medical Record Keeping; or
  - iii. Center for Personalized Education for Physicians (CPEP) Patient Care Documentation Seminar.
- b. On or before December 30, 2010, Licensee shall enroll in one of the above courses and provide proof of such enrollment to the Board. Such proof shall be sent to: Kansas State Board of Healing Arts, Attn: Compliance Coordinator, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.
- c. On or before June 30, 2011, Licensee shall provide documentary proof of successful completion of one of the above courses to the Board. Such proof shall be sent to: Kansas State Board of Healing Arts, Attn: Compliance Coordinator, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

### **FINE**

- d. Licensee shall pay a fine in the amount of \$1,500.00 to the Board. Such fine is payable in full to the “Kansas State Board of Healing Arts” on or before January 15, 2011. Payment shall be sent to: Kansas State Board of Healing Arts, Attn: Compliance Coordinator, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

### **COSTS**

- e. Licensee shall pay investigative costs in the amount of \$1,500.00 to the Board. Such costs are payable in full to the “Kansas State Board of Healing Arts” on or before January 15, 2011. Payment shall be sent to: Kansas State Board of Healing Arts, Attn: Compliance Coordinator, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.
15. Licensee’s failure to comply with any of the provisions of this Consent Order is a violation of a Board order and grounds for disciplinary action against Licensee’s license pursuant to K.S.A. 65-2836(k).
  16. 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.

17. 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 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.
18. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any reporting entities authorized to receive disclosure of the Consent Order. The Board affirms that the Consent Order does not contain any terms which would be reportable to the National Practitioner Databank.
19. 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.

20. 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.
21. Licensee, by signature to this document, waives any objection to the participation of the Board members 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.
22. Licensee acknowledges that he has read this Consent Order, fully understands the contents and that it has been entered into freely and voluntarily.
23. All correspondence or communication from Licensee to the Board relating to the Consent Order shall be by sent certified mail addressed to: Kansas State Board of Healing Arts, Attn: Compliance Coordinator, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.
24. 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.

25. 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.

26. 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:

**REMEDIAL EDUCATION**

- a. Licensee shall attend and successfully complete one (1) of the following Board-approved remedial medical record keeping courses, at his own expense:
  - i. University of California San Diego School of Medicine PACE Medical Record Keeping Course;
  - ii. Case Western Reserve University School of Medicine Intensive Course in Medical Record Keeping; or
  - iii. Center for Personalized Education for Physicians (CPEP) Patient Care Documentation Seminar.

- b. On or before December 30, 2010, Licensee shall enroll in one of the above courses and provide proof of such enrollment to the Board. Such proof shall be sent to: Kansas State Board of Healing Arts, Attn: Compliance Coordinator, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.
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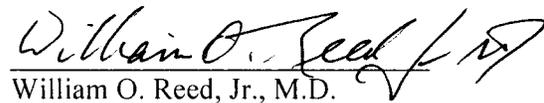
IT IS SO ORDERED on this 7<sup>th</sup> day of December, 2010.

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



**Gary E. Counselman, D.C.  
Vice President**

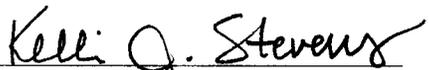
12-7-10  
Date



**William O. Reed, Jr., M.D.  
Licensee**

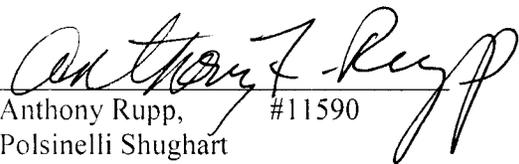
3 Dec 2010  
Date

PREPARED AND APPROVED BY:



Kelli Stevens, #16032  
Litigation Counsel  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

APPROVED BY:



Anthony Rupp, #11590  
Polsinelli Shughart  
Counsel for Licensee  
6201 College Boulevard, Suite 500  
Overland Park, Kansas 66211

**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 7<sup>th</sup> day of December, 2010, to the following:

William O. Reed, Jr., M.D.  
10730 Nall, Suite 200  
Overland Park, Kansas 66211

Anthony Rupp,  
Polsinelli Shughart, P.C.  
6201 College Boulevard, Suite 500  
Overland Park, Kansas 66211

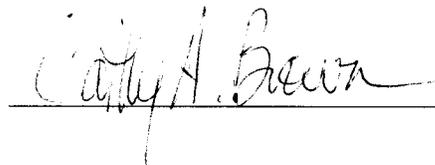
and the original was filed with the office of:

Kathleen Selzler Lippert, Executive Director  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

and a copy was hand-delivered to:

Kelli Stevens  
Litigation Counsel  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

Melissa Massey  
Compliance Coordinator  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068



Cathy A. Brown