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JUN 13 2018

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

KS State Board of Healing Arts

|                             |   |                           |
|-----------------------------|---|---------------------------|
| In the Matter of            | ) |                           |
|                             | ) | Docket Nos.: 17-HA00025   |
|                             | ) | 12 <del>17</del> -HA00072 |
| K. Dean Reeves, M.D.        | ) | OAH Nos.: 17HA0002        |
| Kansas License No. 04-19247 | ) | 17HA0004                  |

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**CONSENT ORDER**

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Susan R. Gering, Deputy Litigation Counsel, and Jared T. Langford, Associate Litigation Counsel ("Petitioner"), and K. Dean Reeves, M.D. ("Licensee"), by and through his counsel, Mark A. Lynch of Simpson, Logback, Lynch, Norris, P.A., and Mark Stafford of Forbes Law Group LLC, 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: [REDACTED] Roeland Park, Kansas 66205.
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. 04-19247 on approximately July 1, 1981. 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

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by K.S.A. 77-505 and 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 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. Licensee voluntarily waives any claims against the Board for recovery of costs arising from this case, *e.g.*, attorney's fees or expert witness fees.

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 to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*

9. This Consent Order incorporates herein by reference the facts as stated in the Amended Petition that was filed on November 28, 2016, involving Licensee's care and

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treatment of three separate patients. Exhibit 1, Amended Petition in the Matter of K. Dean Reeves, M.D. Docket Nos. 17-HA00025; 12-HA00072.

10. The Amended Petition was filed subsequent to Petitioner filing a Motion to Dismiss Parts of Counts I-III and the entirety of Counts IV-XVI of the Petition Filed November 7, 2016. Additionally, Petitioner requested permission from the Office of Administrative Hearings Administrative Law Judge for leave to amend, and requested a stay of the formal proceedings. The Motion was filed after Petitioner's expert, Howard Choi, M.D. was deposed by Licensee's counsel and stated that Licensee's care and treatment involving prolotherapy, hydrodissection therapy, perineural injection therapy, and/or platelet-rich plasma injections as it applied to Patients 1-16 in the original petition, met the standard of care of what a similarly situated, properly educated, trained and/or reasonably prudent physician would do under the same of similar circumstances. Exhibit 2, Motion to Dismiss in Part, Counts I-III, and in Whole, Counts IV-XVI of the Petition Filed November 7, 2016, Request for Leave to Amend, and Request for Stay filed November 17, 2017.

11. While admitting no wrongdoing, 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.

12. Licensee's acts, if proven, constitute unprofessional conduct and/or dishonorable conduct as set forth in K.S.A. 65-2836(b).

13. Licensee, if proven, has violated K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(2), in that Licensee has committed repeated instances involving a failure to adhere to the applicable standard of care to a degree which constitutes at least ordinary negligence, as determined by the Board for Patients 1, 2, and 3.

14. Licensee, if proven, has violated K.S.A. 65-2837(a)(3), in that Licensee has committed a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice the healing arts for Patients 1, 2, and 3.

15. Licensee, if proven, has violated K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(12) in that Licensee's conduct relating to Patients 1, 2, and 3 is likely to harm the public.

16. Licensee, if proven, has violated K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(24), in that Licensee has had a repeated failure to practice the healing arts with that level of care, skill and treatment which is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances for Patients 1, 2, and 3.

17. Licensee, if proven, has violated K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(25), in that Licensee failed to keep written medical records that accurately reflect the services rendered to Patients 1, 2, and 3, including patient histories, pertinent findings, examination results and test results.

18. Licensee, if proven, has violated K.S.A. 65-2836(f), in that Licensee has willfully and/or repeatedly violated the Healing Arts Act for Patients 1, 2, and 3; and/or

19. Licensee, if proven, has violated K.A.R. 100-24-1 and, as such, also violated K.S.A. 65-2836(k) by failing to meet the minimum requirements for an adequate patient record for Patients 1, 2, and 3.

20. 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.

21. 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.

22. All pending investigation materials in KSBHA Investigation Numbers 12-00540, 14-00685, and 15-00745, as well as KSBHA Docket Nos. 17-HA00025 and 12-HA00072 regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel No. 29. Disciplinary Panel No. 29 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

23. 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 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.*

24. 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.

25. 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, including without limitation, any claim for recovery of costs arising from this case, *e.g.*, attorney's fees or expert witness fees.

26. 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.

27. 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.

28. 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.

29. 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.

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

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

32. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to:

Kansas State Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level-Suite A,  
Topeka, Kansas 66612  
[KSBHA\\_compliancecoordinator@ks.gov](mailto:KSBHA_compliancecoordinator@ks.gov)

33. 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.

34. 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.

35. Licensee shall immediately notify the Compliance Coordinator of any citation, arrest or charge filed against him or of any conviction for any traffic or criminal offenses, excluding minor traffic infractions.

36. Licensee shall immediately notify the Board or its designee of any complaint filed, or investigation opened, by the proper licensing authority of another state, territory, District of Columbia, or other country, or by a peer review body, a health care facility, a professional association or society, or by a governmental agency.

37. Licensee shall at all times keep Board staff informed of his current practice locations addresses and telephone numbers. Licensee shall provide the above information in writing to the Board within ten (10) days of any such change.

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38. This Consent Order constitutes public disciplinary action.
39. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.
40. 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:

**PUBLIC CENSURE**

41. Licensee is **publicly censured** for violating the Kansas Healing Arts Act.

**ESSAY**

42. Licensee shall write an essay explaining Licensee's continued use of prolotherapy and platelet-rich plasma in his practice. In support of his essay, Licensee shall review documents previously provided to him by Petitioner on behalf of the Disciplinary Panel and other evidence-based, peer reviewed articles. The essay shall be a minimum of 400 words and contain all necessary citations. All documents cited that are not readily accessible to the public shall be submitted with Licensee's essay to the Compliance Coordinator.
43. All foreseen and unforeseen costs associated with writing the aforementioned essay shall be at Licensee's own expense.
44. On or before June 30, 2018, unless otherwise approved, Licensee shall provide the completed essay to the Compliance Coordinator for review by the Appointed Disciplinary Panel Member. The essay shall be sent to the following address:

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

Topeka, Kansas 66612  
KSBHA\_compliancecoordinator@ks.gov

45. Upon the Board's receipt and review of Licensee's essay by the Appointed Disciplinary Panel Member, the terms of this section shall be deemed successfully completed.

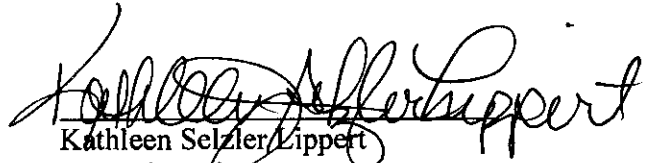
**TERMINATION OF PRIOR CONSENT ORDER**

46. Upon entering into this Consent Order with the Board, Licensee prior Consent Order for KSBHA Docket No. 12-HA00072 shall be terminated.


**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.

**IT IS SO ORDERED** on this 8 day of June, 2018.

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

  
Kathleen Selzler Lippert  
Executive Director

6/8/2018  
Date

  
K. Dean Reeves, M.D.  
Licensee

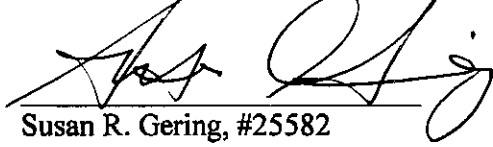
4/22/18  
Date

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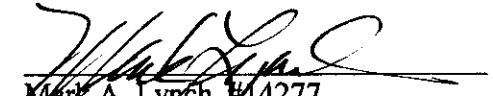


PREPARED AND APPROVED BY:



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APPROVED BY:



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[mlynch@slln.com](mailto:mlynch@slln.com)  
LEAD ATTORNEY FOR LICENSEE

**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 13<sup>th</sup> day of June, 2018, to the following:

K. Dean Reeves, M.D.  
*Licensee*

[REDACTED]  
Roeland Park, Kansas 66205

Mark A. Lynch  
*Lead Attorney for Licensee*  
Simpson, Logback, Lynch, Norris, P.A.  
7400 W. 110<sup>th</sup> Street, Suite 600  
Overland Park, KS 66210

Mark Stafford  
*Co-counsel for Licensee*  
Forbes Law Group, LLC  
6900 College Boulevard, Suite 840  
Overland Park, Kansas 66211

And the original was hand-filed with:

Kathleen Selzler Lippert  
Executive Director  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

And a copy was hand-delivered to:

Susan R. Gering, Deputy Litigation Counsel  
Jared T. Langford, Associate Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

Compliance Coordinator  
Kansas State Board of Healing Arts  
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