

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

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KS State Board of Healing Arts

In the Matter of)
BILLY RICHARDSON, JR., M.D.)
)
)
Kansas License No. 04-22073)
_____)

KSBHA Docket No. 16-HA00113

**FINAL ORDER TERMINATING
LICENSE LIMITATIONS AND MODIFYING MONITORING**

NOW on this 13th day of April, 2018, comes before the Kansas State Board of Healing Arts (“Board”) the request of Billy Richardson, Jr., M.D. (“Licensee”) for removal of the license limitations contained in the Consent Order filed on November 22, 2016. Licensee appears in person and through counsel, Mark Stafford. Courtney Manly, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to Board by K.S.A. 65-2801 *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 *et seq.*, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the agency record, hearing the statements and arguments of the parties, receiving evidence, and being otherwise advised in the premises, the Board makes the following findings, conclusions and order:

1. Licensee is licensed in medicine and surgery in the State of Kansas, having been issued License No. 04-22073 in 1987.
2. Licensee currently has a Federal Active License.
3. On November 22, 2016, a Consent Order was issued establishing licensing limitations and monitoring requirements. The licensing limitations included:
 - a. no access to controlled medications at Licensee’s practice location;

- b. no solo practice;
- c. no on-call time; and
- d. a graduated return to full-time practice.

4. The 2016 Consent Order contained the following requirements for any request to modify or terminate the limitations:

Licensee shall have the burden to prove by clear and convincing evidence that he is clinically competent to practice independently with reasonable skill and safety to patients.

Further, Licensee's request for modification or termination of any of these limitations on his license, shall include a [REDACTED] [REDACTED] shall address Licensee's areas of strengths and weaknesses, and also his present ability to practice independently.

5. On February 26, 2018, Licensee filed a Request to Terminate Limitations imposed in the 2016 Consent Order. The Request did not include the documentation required by the Consent Order.

6. On March 14, 2018, the Respondent Board filed a Response in Opposition to Request for Termination of Limitations.

7. On April 9, 2018, Licensee offered as exhibits letters from his medical providers, a professional colleague, and [REDACTED]. The letters indicate they are part of a collaborative assessment as required by the Consent Order, and demonstrate that Licensee practices at a Federally Qualified Healthcare Clinic serving the uninsured and underinsured, has practice hours of eight a.m. to five p.m., five days a week, has worked with the clinic regarding access to controlled medications, [REDACTED] to increase his work from part-time to full-time, and continues his monitoring [REDACTED]. The letters report Licensee has been diligent in his compliance with the monitoring program, is a knowledgeable, professional, and

“excellent” clinician as well as a joy to have in the clinic, and, with the proper support, is ready to practice independently as a competent and trustworthy primary care physician. The letters all recommend Licensee’s license limitations be terminated.

8. At the April 13, 2018 conference hearing on this matter, Associate Litigation Counsel objected to admission of the Licensee’s late-filed exhibits. The Board overrules the objection and accepts the exhibits into the agency record.

9. The Board finds that the Licensee has been compliant with the limitations on his license and has shown by clear and convincing evidence that he is clinically competent to practice independently with reasonable skill and safety to patients. The Board therefore concludes Licensee’s Request to Terminate Limitations should be granted.

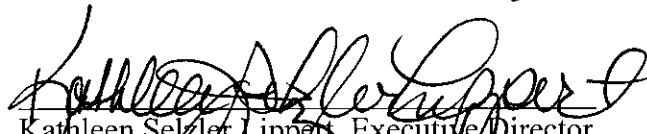
10. The Board further concludes that Licensee should continue to comply with the monitoring provisions of the 2016 Consent Order in perpetuity. However, paragraph 42(A)(ii) of the monitoring requirements, which required the presence of another physician, shall be eliminated.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that the license limitations imposed by the Consent Order filed on November 22, 2016 are hereby **TERMINATED** and that Licensee shall have no further obligation for compliance.

IT IS FURTHER ORDERED that, with the exception of paragraph 42(A)(ii), the monitoring terms of the 2016 Consent Order shall remain in effect until further order of the Board.

IT IS SO ORDERED THIS 13 DAY OF MAY, 2018, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

KANSAS STATE BOARD OF HEALING ARTS



Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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, at 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing **FINAL ORDER TERMINATING LICENSE LIMITATIONS AND MODIFYING MONITORING** was served this 7th day of May, 2018 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Billy Richardson, Jr., MD
1122 N. Topeka Street
Wichita, KS 67214
Licensee

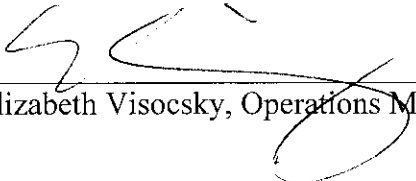
Mark Stafford
Forbes Law Group
6900 College Boulevard
Suite 840
Overland Park, KS 66211
Attorney for Licensee

And a copy was hand-delivered to:

Courtney Manly, 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
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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



Elizabeth Visocsky, Operations Manager