

FILED
JUNE 23 2004
KANSAS STATE BOARD
OF HEALING ARTS

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

In the Matter of)
)
DEAN SAMUELSON, M.D.)
Kansas License No. 04-16860)
_____)

Docket No. 04-HA-65

FINAL ORDER

NOW ON THIS Nineteenth Day of June 2004, comes before the Board a Petition generally alleging that Respondent Dean Samuelson, M.D. has the inability to practice the healing arts with reasonable skill and safety by reason of physical or mental illness. Respondent appears in person and without counsel. Stacy L. Cook, Litigation Counsel, appears for the Board.

Having heard the statements and arguments, and having the agency record before it, the Board finds, concludes and orders as follows:

1. The material facts in this proceeding are not disputed. A conference hearing is appropriate.
2. Respondent admits that beginning in the spring of 1994, he began engaging in sexual misconduct with patients while serving as a missionary in Zaire. This misconduct involved multiple patients and sometimes multiple encounters with a patient. At least one or two patients who willingly engaged in the misconduct benefited by being moved forward on the surgical waiting list.
3. Respondent and his wife evacuated from Zaire in January 1997, and he worked in an emergency room in Salina, Kansas. He maintains that no sexual misconduct occurred in that hospital.

4. In summer 1997, Respondent obtained employment with Emergency Services of Kansas and was assigned at hospitals in Newton, Kansas and Halstead, Kansas. Respondent examined a female patient for chest pain at the Newton hospital and inappropriately touched her nipple. Several months later, Respondent again acted out by inappropriately touching a female patient in the Newton hospital. Respondent was forced to resign his position with Emergency Services of Kansas. Neither the incident nor Respondent's forced resignation was reported to the Board.

5. Respondent and his family relocated to Hoisington, Kansas. He admitted that between January 1998 and March 2001, he inappropriately touched female patients in the emergency room on three occasions. None of these incidents were reported to the Board.

6. Respondent moved to Topeka, Kansas, where he took a position at a weight loss clinic. He was terminated from that position in spring 2001 when a patient complained that Respondent opened the patient's blouse and looked at her breast inappropriately. Neither this incident nor Respondent's termination was reported to the Board.

7. Respondent also admitted that he had engaged in sexually gratifying misconduct with a minor approximately twenty years ago.

8. Board records reflect that effective December 28, 2001, Respondent requested that his license be changed from active to exempt, and has remained exempt with the exception of a three and a half month period in mid-2002 when Respondent's license was active.

9. Board records also reflect that Respondent initially reported to the Board that he suffered from an impairment that might affect his ability to practice safely. This report was part of his renewal application, received June 26, 2002, and did not indicate the nature or intensity of his problem. He provided additional information that he had a problem with relationships in the

area of professional boundaries and that he was seeking assistance. No specific information could be obtained until May 2004, when the instances of misconduct described above were provided to the Board.

10. The Board finds that Respondent has a sexual disorder known as Frotteurism, which is gaining sexual excitement through the sense of non-consensual touching, as well as a personality disorder. He uses vulnerable individuals to satisfy his sexual desires.

11. The Board further finds a significant risk that Respondent will re-offend.

12. The Board concludes that Respondent has engaged in sexual misconduct that is related to his practice of the healing arts, constituting unprofessional conduct as defined at K.S.A. 65-2837(b)(16). The Board further concludes that Respondent is not able to practice the healing arts with reasonable skill and safety by reason of mental illness.

13. The Board further concludes that a protective order is appropriate to protect the identity of patients, their treatments and their records, and is hereby issued. Records that identify a patient and portions of the agency record containing patient identification shall not be disclosed to any third person except by order of the Board or of a court of competent jurisdiction.

14. The Board finds and concludes that sexual misconduct between and physician and patients in the manner described herein is inherently harmful to the public, and that Respondent's license should be revoked.

IT IS, THEREFORE, ORDERED that the license of Dean Samuelson, M.D. is revoked.

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. 77-610, et seq. Reconsideration of the

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 the Board's executive director at 235 S. Topeka Blvd., Topeka, KS 66603.

Dated this 23rd of June 2004.

Kansas State Board of Healing Arts

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

Certificate of Service

I certify that the foregoing Final Order was served this 23rd day of June 2004 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Dean Samuelson, M.D.
3032 SW Clark Ct.
Topeka, KS 66604

and a copy was hand-delivered to:

Stacy L. Cook
Litigation Counsel
235 S. Topeka Blvd.
Topeka, Kansas 66603

_____Sheryl Snyder_____