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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** )  
**John T. Schroll, M.D.** )  
 )  
**Kansas License No. 04-17350** )  
\_\_\_\_\_ )

**KSBHA Docket No. 08-HA00165**

**FINAL ORDER DENYING MOTION FOR MODIFICATION OF SETTLEMENT  
AGREEMENT AND FINAL ORDER**

NOW on this 2<sup>nd</sup> day of December 2011, comes before the Kansas State Board of Healing Arts (“Board”) the Motion of John T. Schroll, M.D. (“Licensee”) for modification of the Settlement Agreement filed July 29, 2009, and the Final Order filed February 26, 2010, in Docket Number 08-HA00165. Licensee appears in person, and by and through counsel, Tom Haney of Henson, Hutton, Mudrick & Gragson, L.L.P. Stacy R. Bond, 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 file, hearing the statements and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. Licensee is licensed to engage in the practice of medicine and surgery in the State of Kansas, License No. 04-17350, and has been so licensed since approximately December 9, 1977.
2. On or about June 29, 2009, Licensee entered into a Settlement Agreement with the Board to resolve allegations concerning six (6) patients in a pending disciplinary Petition against his license. Generally, the Petition alleged a malpractice settlement involving one (1) of

the patients, standard of care violations with respect to three (3) of the patients, inadequate record-keeping with respect to two (2) of the patients and unprofessional/dishonorable conduct with respect to five (5) of the female patients.

3. The Settlement Agreement placed the Licensee's license on probation for at least three (3) years; limited Licensee's license for at least three (3) years in that Licensee is required to have a chaperone in the room at all times Licensee is present with any female patient; required monitoring confidential fined Licensee \$12,000.00; and assessed costs to Licensee in the amount of \$3,299.00. Licensee was also subject to additional requirements more fully articulated in the Settlement Agreement.

4. On February 26, 2010, the Board issued a Final Order granting Licensee's motion to lift the probation of Licensee's license before the expiration of three (3) years due to hardship Licensee experienced as a result of having a license on probation. The rest of the Settlement Agreement's terms remained in effect.

5. Paragraph 16(l) of the Settlement Agreement allows Licensee to request modification or termination of the chaperone limitation after a three (3) year period, but also states that "[f]or any period of time that Licensee is not actively practicing medicine and surgery in Kansas, the monitoring provisions and limitations will remain in effect but will be tolled and not counted towards reducing the three (3) year timeframe."

6. The chaperone limitation provisions in the Settlement Agreement require Licensee to submit daily logs from the chaperone on a monthly basis.

7. Licensee began submitting daily chaperone logs to the Board on August 12, 2009.

8. Licensee's last chaperone log was submitted to the Board on September 30, 2010.

9. On or about October 1, 2010, the Board received communication from Licensee that he had closed both of his medical practices.

10. Licensee has not actively practiced medicine and surgery since October 1, 2010.

11. On or about October 21, 2011, Licensee filed a motion to modify the Settlement Agreement filed July 29, 2009, and the Final Order filed February 26, 2010, to request early termination of the chaperone limitation on his license. The stated basis for Licensee's request is "the unanticipated and devastating financial and business hardship" that Licensee has experienced as a result of the provisions of the Settlement Agreement and the Final Order.

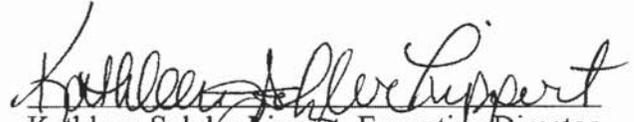
12. The Board finds that Licensee actively practiced under the chaperone limitation for only sixteen (16) months, which is less than half of the timeframe required by the Settlement Agreement.

13. The previous early termination of Licensee's probation did not substantively affect the Board's protection of the public because the chaperone limitation remained in place to serve that purpose. As such, the Board was able to accommodate Licensee's request without compromising patient safety. However, in considering Licensee's present motion, the Board notes that Licensee has a long history of Board action concerning inappropriate conduct with patients. The Board concludes that Licensee has not practiced for a sufficient period of time under the chaperone limitation or provided other compelling evidence to ensure that Licensee is safe to practice with female patients without the chaperone limitation on his license.

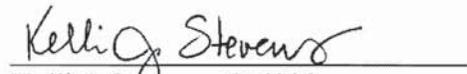
**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS** Licensee's Motion to modify the Settlement Agreement filed June 29, 2009, and the Final Order filed February 26, 2010, is hereby DENIED.

**IT IS FURTHER ORDERED** that the Board shall maintain jurisdiction over this matter to issue any future order(s) deemed necessary and appropriate.

**IT IS SO ORDERED THIS 30<sup>th</sup> DAY OF DECEMBER, 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

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

Prepared by:

  
Kelli J. Stevens, #16032  
General Counsel

**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, the Board's 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** was served this 30<sup>th</sup> day of December, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

John T. Schroll, M.D.  
confidential  
Overland Park, KS 66213

Thomas D. Haney  
Henson, Hutton, Mudrick & Gragson, L.L.P.  
P.O. Box 3555  
100 SE 9<sup>th</sup>, Second Floor  
Topeka, KS 66601-3555

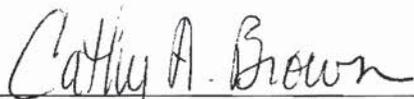
And a copy was hand-delivered to:

Stacy R. Bond, Associate Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

Melissa Massey, 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:

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

  
\_\_\_\_\_  
Cathy Brown  
Executive Assistant