

**EFFECTIVE AS A
FINAL ORDER**

DATE: 5/27/14

FILED
MAY 05 2014

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

KS State Board of Healing Arts

In the Matter of)
)
Renae S. Schuler, M.D.) **KSBHA Docket No. 14-HA 00138**
)
Kansas License No. 04-24741)
)
_____)

SUMMARY ORDER

NOW ON THIS 5 day of May, 2014, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A 77-537.

Pursuant to K.S.A 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for hearing is made within fifteen (15) days of service.

Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law, and order are made for and on behalf of the Board:

Findings of Fact

1. Renae S. Schuler, M.D. ("Licensee") was originally issued license number 04-24741 to practice medicine and surgery in the state of Kansas on August 7, 1993. Licensee's current license designation is active, and such license was last renewed on or about June 30, 2013.
2. Licensee's last known mailing address to the Board is: **Confidential** Wichita, Kansas 67209.
3. On or about June 30, 2012, Licensee requested her Kansas license be renewed with the designation of federally active. Such designation authorized Licensee to work solely in

the course of employment or active duty in the United States government or any of its departments, bureaus or agencies, with limited exceptions.

4. On or about March 5, 2013, Licensee began working locum tenens at Ransom Memorial Hospital.

5. Ransom Memorial Hospital is a private business entity located at 1301 S. Main Street, Ottawa, Kansas 66067.

6. Licensee's locum tenens work did not qualify for one of the limited exceptions pursuant to her federally active designation.

7. On or about March 27, 2013, Ransom Memorial Hospital automatically suspended Licensee's privileges for not having adequate Kansas licensure.

8. Between March 5, 2013, and March 27, 2013, Licensee treated approximately sixty-five (65) patients without the proper Kansas licensure designation.

9. On or about April 22, 2013, Licensee was granted a license status change from federally active to active.

10. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board's Disciplinary Panel #28. The Disciplinary Panel authorized and directed the issuance of this Summary Order and the specific disciplinary sanctions.

Applicable Law

11. K.S.A. 65-2803 of the Kansas Healing Arts Act states in pertinent part:

Licensee prerequisite to practice of the healing arts; exceptions; penalty.

(a) It shall be unlawful for any person who is not licensed under the Kansas healing arts act to engage in the practice of the healing arts as defined in the Kansas healing arts act.

12. K.S.A. 65-2809 of the Kansas Healing Arts Act states in pertinent part:

Expiration date of licenses; continuing education requirements; evidence licensee maintaining professional liability insurance; notice of expiration; fees; cancellation of license; reinstatement, when; exempt licensees; inactive license; federally active license.

(h)(1) There is hereby created a designation of federally active license. The board is authorized to issue a federally active license to any licensee who makes written application for such license on a form provided by the board and remits the same fee required for a license established under K.S.A. 65-2852 and amendments thereto. The board may issue a federally active license only to a person who meets all the requirements for a license to practice the healing arts in Kansas and who practices that branch of the healing arts solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies. A person issued a federally active license may engage in limited practice outside of the course of federal employment consistent with the scope of practice of exempt licensees under subsection (f), except that the scope of practice of a federally active licensee shall be limited to the following: (A) Performing administrative functions, including peer review, disability determinations, utilization review and expert opinions; (B) providing direct patient care services gratuitously or providing supervision, direction or consultation for no compensation except that nothing in this subpart (1)(B) shall prohibit a person licensed to practice the healing arts issued a federally active license from receiving payment for subsistence allowances or actual and necessary expenses incurred in providing such services; and (C) rendering professional services as a charitable health care provider as defined in K.S.A. 75-6102 and amendments thereto.

13. K.S.A. 65-2836 of the Kansas Healing Arts Act states in pertinent part:

A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately censured or placed under probationary conditions, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

- (b) The licensee has committed an act of unprofessional or dishonorable conduct. . . .
- (k) The licensee has violated any lawful rule and regulation promulgated by the board. . . .

- (s) Licensee has had sanctions or disciplinary actions taken against her by a peer review committee, health care facility, a governmental agency or department or a professional association or society for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section. . . .

Conclusions of Law

14. The Board finds that Licensee violated K.S.A. 65-2836(k) for having practiced outside the scope of her federally active license, as defined by K.S.A. 65-2809(h)(1), while treating approximately sixty-five (65) patients at Ransom Memorial Hospital, a private business entity, in violation of K.S.A. 65-2803(a).

15. The Board finds that Licensee violated K.S.A. 65-2836(s) for having sanctions or disciplinary action taken by a health care facility for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section when Ransom Memorial Hospital suspended her hospital privileges for not having adequate Kansas licensure.

16. Based on the facts and circumstances set forth herein, the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a) in that the use of summary proceedings does not violate any provision of law and the protection of the public interest does not require the Board to give notice and opportunity to participate to person other than Licensee.

17. The sanctions of public censure and a fine are within the scope of The Board of Healing Arts of the State of Kansas Guidelines for the Imposition of Disciplinary Sanctions for the violations set forth above.

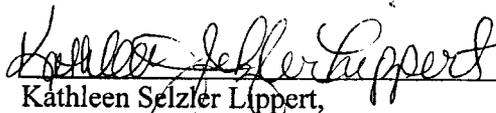
IT IS, THEREFORE, ORDERED that Licensee is hereby **PUBLICLY CENSURED** for violating K.S.A. 65-2836(k) and K.S.A. 65-2836(s) of the Kansas Healing Arts Act.

IT IS FURTHER ORDERED that Licensee shall be **fined Five Hundred Dollars and Zero cents (\$500.00)** for violating K.S.A. 65-2836(k) and K.S.A. 65-2836(s). Such fine is due and payable within forty-five (45) days of the receipt of this summary order.

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 5 day of May, 2014.

KANSAS STATE BOARD OF HEALING ARTS


Kathleen Selzler Lippert,
Executive Director

FINAL ORDER NOTICE OF RIGHTS

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. 77-601, *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, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **FINAL ORDER** was served this 27th day of May, 2014 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Renae S. Schuler, MD
Confidential
Wichita, KS 67209

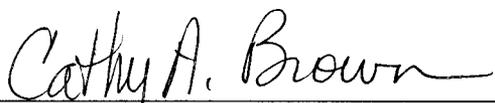
And a copy was hand-delivered to:

Seth K. Brackman, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Office of the General Counsel
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.



Cathy Brown, Executive Assistant