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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

Docket No. 09-HA- 00123

CHAD EVERETT SHARP, M.D.
Kansas License No. 04-24831

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Lori D. Dougherty, Associate Litigation Counsel ("Petitioner"), and Chad Everett Sharp, M.D. ("Licensee"), *pro se*, 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: 928 Topeka, Emporia, Kansas 66801.
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. 04-24831 on approximately October 9, 1993. Licensee's license is currently 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 by K.S.A. 77-505 and 65-2838. Upon approval, these stipulations shall

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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.
6. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
7. 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.
8. 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.
9. The Board has received information and investigated the same, and has reason to believe there are grounds pursuant to K.S.A. 65-2836 and 65-2837, to take action with respect to Licensee's license under the Healing Arts Act, K.S.A. 65-2801, *et seq.*

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10. (Confidential)

11. Licensee was employed as a physician by Ashland Health Center, 709 Oak Street, Ashland, Kansas, 67831 from approximately February 6, 2008 until approximately May 22, 2008.

12. (Confidential)

13 (Confidential)

14. (Confidential)

15. (Confidential)

16. Licensee treated Patient #1 at Ashland Health Center, starting on or about March 11, 2008.

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- a. Patient #1 is a 70 kg, 17 year-old male, presenting to the emergency department by ambulance. Patient #1 was unresponsive upon arrival and in severe diabetic ketoacidosis.
 - b. Licensee ordered 360 units of regular insulin subcutaneously spread over five different injections in the first 90 minutes of patient's care.
 - c. Licensee did not order arterial blood gases to be drawn to guide whether the patient should have been given sodium bicarbonate.
 - d. Patient #1 should have been started on an insulin drip at 0.1 u/kg. Patient received more than double the amount of insulin he should have received, if he was 70 kg. There are no guidelines or resources which call for large boluses of subcutaneous insulin in the management of moderate to severe diabetic ketoacidosis.
 - e. Licensee's actions towards Patient #1 were below the standard of care.
17. Licensee treated Patient #2 at Ashland Health Center, starting on or about May 15, 2008.
- a. Patient #2 was a 68 year-old female, presenting to the emergency room with a seven day history of nausea and vomiting and no intake for prior two days. Patient #2 had a history of COPD and had been having some wheezing.
 - b. Patient #2 had an oxygen saturation of 75 % and a blood pressure of 77/21 upon admittance to the emergency department.
 - c. Licensee ordered the appropriate labs and started intravenous fluids at 125ml/hr. Lab results showed signs of pancreatitis and metabolic acidosis.

- d. Arterial blood gases were not drawn.
 - e. An antibiotic with GI tract coverage was not ordered along with Levoquin.
 - f. Patient #2 was septic and in shock, needing further assessment and care by a higher skilled care center.
 - g. Licensee admitted patient #2 to Ashland Health Center, where her condition continued to deteriorate. Nurses on duty called Licensee at home several times regarding the patient's condition. Licensee did not come in to evaluate the patient until the next morning, despite a nurse's statement that it appeared the patient "really bad and was dying."
 - h. Licensee did not arrange for transport of Patient #2 to a higher skilled care facility until the next day, at the request of the patient's family. Patient #2 expired en route.
 - i. Licensee's actions towards Patient #2 were below the standard of care.
18. Licensee worked for Correct Care Solutions from approximately October 2003 until April 2006. Licensee treated Patient #3 during this time. During the course of treating Patient #3, the following occurred:
- a. Licensee treated Patient #3 for Gastroesophageal Reflux Disease.
 - b. Patient #3 received most of his treatment from the Advanced Registered Nurse Practitioner (A.R.N.P.) on staff.
 - c. Patient #3 had continued esophageal pain not responding to PPI's after two weeks and was not given an EGD. Patient #3 had persistent symptoms, despite treatment, which was not investigated by the A.R.N.P.

- d. The A.R.N.P. did not follow appropriate protocols and Licensee failed to provide adequate supervision of A.R.N.P.
 - e. Licensee's actions towards Patient #3 were below the standard of care.
19. Licensee has been the subject of previous Board action.
- a. In 00-HA-00038, on or about April 10, 2000, Licensee entered into a Stipulation and Agreement and Enforcement Order ("2000 Stipulation")
(Confidential)

i. (Confidential)

- ii. On or about October 8, 2005, the Board terminated the provisions of the 2000 Stipulation.
- b. Licensee signed a Consent Order in 07-HA-00031, (Confidential)
(Confidential)

- i. Licensee admitted that from about June 2005 through March of 2006, he prescribed controlled substances and other prescription-only medications for coworkers and friends outside of a physician-patient relationship and without maintaining a medical record.

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ii. (Confidential)

iii. (Confidential)

iv. On or about December 8, 2007, the Board terminated the limitation on prescribing controlled substances, (Confidential)
(Confidential)

20. Pursuant to K.S.A. 65-2836 and 65-2837, the Board is authorized to take action with respect to Licensee's license under the Healing Arts Act, K.S.A. 65-2801, *et seq.*

a. The Licensee has violated K.S.A. 65-2836(k) for failing to follow any lawful order or directive of the Board previously entered by the Board, to
(Confidential)

b. The Licensee has violated K.S.A. 65-2836(b) and K.S.A. 65-2837(b)(25) which requires Licensees to keep written medical records which accurately describe the services rendered to the patient, including patient histories, pertinent findings, examination results, and test results.

c. The Licensee has violated K.S.A 65-2836(s) which authorizes action when sanctions or disciplinary actions have been taken against the Licensee by a health care facility for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action und the Healing Arts Act, to wit: Licensee was terminated from Ashland Health Center for
(Confidential)

d. Licensee has violated K.S.A. 65-2836(b) and K.S.A. 65-2837(a)(3), which authorizes action with respect to Licensee's license to wit: professional incompetency, a pattern of practice involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the Board.

21. 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 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.

22. Licensee's acts constitute unprofessional conduct as set forth in K.S.A. 65-2836.

23. Licensee's acts constitute professional incompetency as set forth in K.S.A. 65-2837.

24. (Confidential)

- 25. Pursuant to K.S.A. 65-2836 the Board has grounds to revoke, suspend, limit, or censure Licensee's license.
- 26. According to K.S.A.65-2838(b), the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.
- 27. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 23 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.
- 28. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action on his license to engage in the practice of medicine and surgery:

SURRENDER

- a. Licensee hereby surrenders his license to practice medicine and surgery, effective upon filing of this Consent Order with the Board. Licensee agrees that an application for reinstatement of the license will be considered in accordance with the provisions of K.S.A. 65-2844. Further, Licensee's application will be governed by *Vakas v. The Kansas Board of Healing Arts*, 248 Kan. 589 (Kan. 1991), and all applicable statutes, law, rules and regulations regarding qualifications for licensure and reinstatement.
- b. Licensee agrees that in the event he applies for reinstatement of his license, the allegation contained in this Consent Order will be considered as findings of fact and conclusions of law.

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- c. Licensee may reapply at any time for licensure when he feels he would be able to demonstrate to the Board that he is fit to practice. The burden of proof by clear and convincing evidence shall be on the Licensee to show (Confidential) to justify reinstatement of the license. All proceedings conducted on an application for reinstatement shall be in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the act for judicial review and civil enforcement of agency actions.
- d. Licensee shall place his patients' records in the custody of another licensed physician or records maintenance facility in compliance with K.A.R. 100-24-2 and 100-24-3. Licensee shall notify the Board on or before March 20, 2009, of the specific measure taken and the appropriate contact information so that the Board can respond to questions from patients about the location of their medical records and how they can obtain them.
29. Licensee's failure to comply with the provisions of the Consent Order may result in the Board taking further disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act and Kansas Healing Arts Act.
30. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Healing Arts Act, or to investigate complaints received under the Risk Management Law, K.S.A. 64-4921 et seq., that are known or unknown and are not covered under this Consent Order, or to initiate

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formal proceedings based upon known or unknown allegations of violations of the Healing Arts Act.

31. 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 Act for Judicial Review and Civil Enforcement of Agency Actions, 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.
32. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to the National Practitioner Databank, Federation of State Medical Boards, and any other reporting entities authorized to receive disclosure of the Consent Order.
33. 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.
34. 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

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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.

35. 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.
36. Licensee acknowledges that he has read this Consent Order and fully understands the contents.
37. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
38. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Lori D. Dougherty, Associate Litigation Counsel, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.
39. 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.

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40. 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.

41. This Consent Order constitutes disciplinary action.

42. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

IT IS FURTHER ORDERED that:

SURRENDER

- a. Licensee hereby surrenders his license to practice medicine and surgery, effective upon filing of this Consent Order with the Board. Licensee agrees that an application for reinstatement of the license will be considered in accordance with the provisions of K.S.A. 65-2844. Further, Licensee's application will be governed by *Vakas v. The Kansas Board of Healing Arts*, 248 Kan. 589 (Kan. 1991), and all applicable statutes, law, rules and regulations regarding qualifications for licensure and reinstatement.

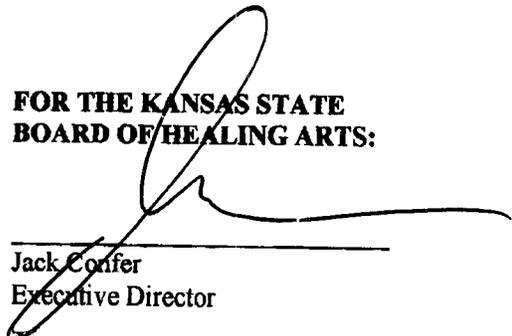
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- b. Licensee agrees that in the event he applies for reinstatement of his license, the allegation contained in this Consent Order will be considered as findings of fact and conclusions of law.
- c. Licensee may reapply at any time for licensure when he feels he would be able to demonstrate to the Board that he is fit to practice. The burden of proof by clear and convincing evidence shall be on the Licensee to show (Confidential) to justify reinstatement of the license. All proceedings conducted on an application for reinstatement shall be in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the act for judicial review and civil enforcement of agency actions.
- d. Licensee shall place his patients' records in the custody of another licensed physician or records maintenance facility in compliance with K.A.R. 100-24-2 and 100-24-3. Licensee shall notify the Board on or before March 20, 2009, of the specific measure taken and the appropriate contact information so that the Board can respond to questions from patients about the location of their medical records and how they can obtain them.

IT IS SO ORDERED on this 4th day of February, 2009.

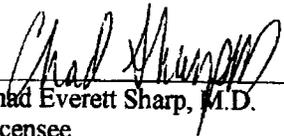
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**FOR THE KANSAS STATE
BOARD OF HEALING ARTS:**



Jack Confer
Executive Director

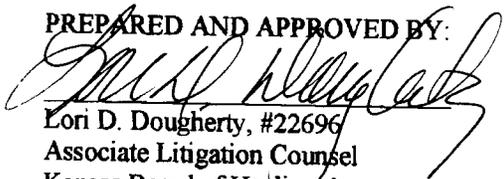
2-4-09
Date



Chad Everett Sharp, M.D.
Licensee

~~2-3-09~~ 2-3-09
Date

PREPARED AND APPROVED BY:



Lori D. Dougherty, #22696
Associate Litigation Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

APPROVED BY:

Chad Everett Sharp
928 Topeka
Emporia, KS 66801

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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 5th day of February, 2009, to the following:

Chad Everett Sharp, M.D.
Licensee
928 Topeka
Emporia, KS 66801

And the original was hand-filed with:

Jack Confer
Executive Director
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

And a copy was hand-delivered to:

Lori D. Dougherty, #22696
Associate Litigation Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

Cathy A. Brown

Chad Everett Sharp, M.D.
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