

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

In the Matter of )  
 )  
Chad E. Sharp, M.D. ) KSBHA Docket No. 22-HA00024  
Kansas License No. 04-24831 )

CONSENT ORDER FOR SURRENDER OF LICENSE

COMES NOW the Kansas State Board of Healing Arts ("Board"), by and through Matthew Gaus, Associate Litigation Counsel, and Chad E. Sharp, M.D. ("Licensee"), *pro se*, and move the Board for approval of this Consent Order affecting Licensee's license to practice medicine and surgery in Kansas. The Board and Licensee stipulate to the following:

1. Licensee's last known mailing address to the Board is: **CONFIDENTIAL**
- CONFIDENTIAL** Licensee's last known e-mail address to the Board is: **CONFIDENTIAL**
2. Licensee is or has been entitled to practice medicine and surgery in Kansas, having been issued License No. 04-24831 on October 9, 1993. His license was limited by Board action from April 10, 2000 through October 8, 2005, and from October 23, 2006 until he surrendered his license to practice on February 5, 2009. His license was reinstated with a designation of Inactive on July 7, 2017, and his request for change in designation to Active – Limited by Board Action was granted April 12, 2019. Licensee's current license status is Active – Limited by Board Action.
3. At all times relevant to the allegations set forth in this Consent Order Licensee has held a Kansas license to practice medicine and surgery designated as Active – Limited by Board Action.

Consent Order for Surrender of License  
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License No. 04-24831

4. This Consent Order is based on the following facts, which the parties agree to and stipulate to be true and relevant to the requested relief:

a. Licensee's license designation was changed from Inactive to Active – Limited by Board Action pursuant to an Order Granting Application for Change of Designation Type and Ordering Limitations and Conditions issued by the Board on May 9, 2019. (See Bd. Ex. 1). This Order imposed strict limitations and conditions on the scope and manner of Licensee's practice. Among the relevant conditions and limitations imposed by the Order:

i. Licensee:

“will take a through [sic] history including history of current illness, past medical history, family history, history of alcohol, drug and tobacco use, social history, allergies, current medication including over the counter medication and herbal supplements . . . a through [sic] review of systems . . . a through [sic] physical examination, differential diagnosis, and treatment plan.”

ii. Prior to making “any changes to [a patient's] current treatment plan” Licensee will “check with [practice preceptor] Dr [Ronald] Ferris to make sure it is appropriate . . . .”

iii. Licensee will “present all patients seen who have a diagnosis of, initiation of therapy for, and/or medication adjustments for chronic diseases to Dr Ferris by the end of each work day to discuss differential diagnoses, treatment planning, and treatment goals.”

iv. Licensee “shall not change his preceptor or practice location at any time without the prior approval of the Board.”

b. The terms of this Order were in effect from May 9, 2019, through March 14, 2021.

- c. Beginning in approximately July 2020, until November 2020, Licensee began to work for a company called CONFIDENTIAL.
- d. During the course of his employment, other unlicensed employees of CONFIDENTIAL would cold call consumers and ask them whether they were suffering from any chronic ailments. The consumers' answers were recorded and such records were passed on to Licensee, who was paid for each person whose information he reviewed, and Licensee would then prescribe a cream or topical ointment, which was then billed to that consumer's insurance.
- e. Licensee never spoke to any of the consumers for whom he prescribed medications.
- f. Licensee never performed a physical examination on any of the consumers for whom he prescribed medications.
- g. Several of the consumers for whom he prescribed medications reported to investigators that they had received medication prescribed by Licensee although they never requested such medication from Licensee nor consented to treatment by Licensee.
- h. Licensee did not consult with his practice preceptor, Dr. Ronald Ferris, to see whether such prescriptions were medically appropriate, nor did he present any patients to Dr. Ferris to discuss differential diagnoses, treatment planning, and treatment goals.
- i. Licensee's work for CONFIDENTIAL was completely unsupervised by Dr. Ferris. Dr. Ferris's only involvement in Licensee's work for CONFIDENTIAL was when Licensee used the internet service at Dr. Ferris's clinic to review charts and prescribe medications on behalf of CONFIDENTIAL.

j. Prescriptions authorized by Licensee during the course of his employment with **CONFIDENTIAL** were billed to insurance from at least July 7, 2020 through February 21, 2021. Licensee was expected to abide by the terms of the Board's Order throughout this entire period.

**VIOLATIONS OF THE KANSAS HEALING ARTS ACT**

5. Licensee has committed an act or acts of unprofessional conduct in violation of the Kansas Healing Arts Act and/or applicable rules and regulations adopted by the board. Specifically, Licensee has violated:

a. K.S.A. 65-2836(k), in that Licensee violated any lawful rule and regulation promulgated by the board or violated any lawful order or directive of the board previously entered by the board; to wit:

- i. Licensee violated the Order Granting Application for Change of Designation Type and Ordering Limitations and Conditions by failing to take a thorough medical history of multiple patients for whom he prescribed medications;
- ii. Licensee violated the Order Granting Application for Change of Designation Type and Ordering Limitations and Conditions by making changes to patients' treatment plans without consulting his practice preceptor;
- iii. Licensee violated the Order Granting Application for Change of Designation Type and Ordering Limitations and Conditions by practicing

independently, without supervision by his practice preceptor, without prior approval of the Board.

b. K.S.A. 65-2836(b), as further defined by 65-2837(b)(3), in that Licensee assisted in the care or treatment of a patient without the consent of the patient, the attending physician or the patient's legal representatives; to wit, Licensee prescribed medications for the treatment of medical conditions without examining or speaking to the recipients of such prescriptions and without ascertaining whether such recipients in fact desired medical treatment and/or prescription medications.

c. K.S.A. 65-2836(b), as further defined by 65-2837(b)(19), in that Licensee directly or indirectly gave or received any fee, commission, rebate or other compensation for professional services not actually and personally rendered, other than through the legal functioning of lawful professional partnerships, corporations, limited liability companies or associations; to wit, Licensee received fees for writing prescriptions for patients he did not actually see, speak to, or examine, and with whom he did not have a professional relationship.

d. K.S.A. 65-2836(b), as further defined by 65-2837(b)(23), in that Licensee prescribed, dispensed, administered or distributed a prescription drug or substance, including a controlled substance, in an improper or inappropriate manner, or for other than a valid medical purpose, or not in the course of the licensee's professional practice; to wit, Licensee wrote prescriptions for patients he did not actually see, speak to, or examine, and with whom he did not have a professional relationship.

e. K.S.A. 65-2836(b), as further defined by 65-2837(b)(24), in that Licensee repeatedly failed to practice the healing arts with that level of care, skill and treatment that is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances; to wit, Licensee repeatedly wrote prescriptions for patients he did not actually see, speak to, or examine.

#### MISCELLANEOUS PROVISIONS

6. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts. K.S.A. 65-2801 *et seq.*

7. 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 constitute the findings of the Board and this Consent Order shall constitute the Board's Final Order.

8. The Kansas Healing Arts Act is constitutional on its face and as applied in this case. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

9. 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. 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.

10. 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 Kansas 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.

11. According to K.S.A. 65-2838(b) and K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

12. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Healing Arts Act or the Kansas Physician Licensure Act, or to investigate complaints received under the Risk Management Law, K.S.A. 65-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Kansas Healing Arts Act.

13. 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 Judicial Review Act. (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.

14. Licensee further understands and agrees that, upon signature by Licensee, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.

15. 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.

16. 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 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.

17. 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.



18. Licensee acknowledges that he has read this Consent Order and fully understands the contents.

19. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

20. 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.

21. Licensee agrees he will not treat any patient after November 19, 2021. The Board agrees it will not pursue disciplinary action related to the cancellation of Licensee's liability insurance for the period beginning November 20, 2021 through the date this Consent Order takes effect.

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

23. This Consent Order constitutes **public disciplinary action**.

#### **SURRENDER OF LICENSE TO PRACTICE MEDICINE AND SURGERY**

24. In lieu of conducting a formal proceeding on the allegations, Licensee agrees to **surrender his license to practice medicine and surgery in Kansas**. Such surrender will be treated as a revocation for all purposes, including reporting.

25. 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.

26. Licensee agrees that in the event he applies for reinstatement of his license, the allegations contained in this Consent Order will be considered as findings of fact and conclusions of law.

27. Approving the proposed Consent Order will resolve **CONFIDENTIAL** **CONFIDENTIAL** without the need for litigation, thereby promoting judicial efficacy and making good use of limited resources. Furthermore, approving the proposed Consent Order will further the Board's mission of protecting the public against the unprofessional, improper, unauthorized, and unqualified practice of the healing arts by immediately removing Licensee's authority to practice as a physician assistant in Kansas.

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

**IT IS SO ORDERED** on this 10<sup>th</sup> day of January, 2022.

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

*Susan Bell*

1/10/2022  
Date

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License No. 04-24831

*Chad Sharp*

Chad E. Sharp, M.D.  
Licensee

*12-9-21*

Date

PREPARED AND RESPECTFULLY SUBMITTED BY:

/s Matthew Gaus

Matthew Gaus, #22609  
Associate Litigation Counsel  
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**CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of the **CONSENT ORDER FOR SURRENDER OF LICENSE** by () placing the same in the U.S. mail, postage prepaid, () facsimile to the phone numbers listed below, and that the transmission was reported as complete and without error and that the facsimile machine complied with Supreme Court Rule 119(b)(3), or () hand delivery, on this the 10<sup>th</sup> day of January, ~~2021~~<sup>2022</sup>, to the following:

Chad E. Sharp, M.D.  
**CONFIDENTIAL**

*Licensee*

And the original was hand-filed with:

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

