

**FILED** *CAB*

JUN 1 1 2007

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

KS State Board of Healing Arts

In the Matter of )  
 )  
**JULIE SIEFERS, P.A.** )  
Kansas License No. 15-00551 )  
\_\_\_\_\_ )

Docket No. 07-HA-00111

**CONSENT ORDER**

COMES NOW the Kansas State Board of Healing Arts ("Board"), by and through Diane L. Bellquist, Associate Counsel ("Petitioner"), and Julie Siefers, P.A. ("Licensee"), by and through her counsel, John Bird of Glassman, Bird, Braun & Schwartz, L.L.P., and move the Board for approval of a Consent Order affecting Licensee's license to practice as a Physician Assistant in the State of Kansas. The parties stipulate and agree to the following:

1. Licensee's last known address to the Board is: 711 N. Norton, Norton, Kansas 67654.
2. Licensee was originally granted License No. 15-00551 on August 16, 1997, to practice as a Physician Assistant in the State of Kansas. Licensee currently holds an active license.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of physician assistants pursuant to K.S.A. 65-28a01 *et seq.*
4. The 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. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

5. The Kansas Physician Assistant Licensure Act is constitutional on its face and as applied in this 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 her right to a hearing. Licensee voluntarily and knowingly waives her 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. From 1997 to about December 31, 2004, Licensee was employed as a physician assistant at Rooks County Health Center ("RCHC").

10. It has been alleged that while employed at RCHC, Licensee engaged in disruptive and/or unprofessional behavior to include:

- a. making comments that could be considered unprofessional and/or derogatory about other hospital staff;

- b. discussing private information about patients in the ER lobby where the information could have been overheard by other patients and others not involved in the patient's care; and
- c. discussing her own personal issues with patients.

11. On or about August 22, 2005, Licensee began working under the supervision of Katrina Hess, M.D. at the Hess Clinic in Hays, Kansas.

12. It is alleged that Dr. Hess limited Licensee's scope of authority to the clinic and/or hospital setting. It is also alleged that Dr. Hess limited Licensee's scope of authority such that Licensee was not to write new prescriptions for a patient without first seeing the patient during an office visit in the clinic.

13. On at least two occasions, while Licensee was not on duty at the clinic or hospital, Licensee issued prescriptions for patients over the telephone without first having seeing the patients at the Hess Clinic.

14. **(Confidential)**

**(Confidential)**

15. **(Confidential)**

**(Confidential)**

16. Licensee does not admit to the allegations contained in this Consent Order, but enters into this agreement for the efficient administration of this matter and to avoid the risk and uncertainty associated with any adjudicative proceeding.

17. Licensee further waives her right to dispute or otherwise contest the

allegations contained in the above paragraphs in any further proceeding before this Board.

18. Pursuant to K.S.A. 65-28a05, the Board has grounds to issue a public censure and a fine against Licensee's license.

19. According to K.S.A. 77-505, the Board has the authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

20. In lieu of conducting formal proceedings, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against her license to practice as a physician assistant in the state of Kansas:

- a. Licensee is hereby **PUBLICLY CENSURED** for engaging in disruptive and/or unprofessional behavior, and for practicing beyond the scope of authority established by her supervising physician; and
- b. Licensee is hereby **FINED** five-hundred dollars (\$500.00). Such fine is payable to the "Kansas Board of Healing Arts." Payment in full is due on or before the 15th day of July, 2007.

21. 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.

22. 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 formal

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

23. Licensee hereby releases the Board, its individual members (in their official capacity), attorneys, employees and agents, hereinafter collectively referred to as "Releases", 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.

24. 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 requiring and authorized to receive disclosure of the Consent Order.

25. 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.

26. 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.

27. Licensee, by signature to this document, waives any objection to the participation of General Counsel, or the Board members, including the Disciplinary Panel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of General Counsel or any Board member in any future proceedings on the basis that General Counsel or the Board member has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

28. Licensee acknowledges that she has read this Consent Order and fully understands the contents.

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

30. 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: Compliance Coordinator, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

31. Licensee shall obey all federal, state and local laws and rules governing physician assistants 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.

32. 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.

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

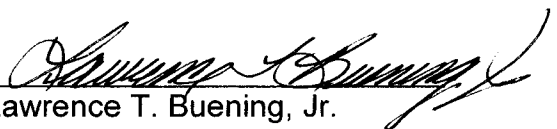
**IT IS THEREFORE ORDERED** that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

**IT IS FURTHER ORDERED** that Licensee:

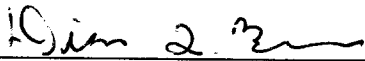
- a. Licensee is hereby **PUBLICLY CENSURED** for engaging in disruptive and/or unprofessional behavior, and for practicing beyond the scope of authority established by her supervising physician; and
- b. Licensee is hereby **FINED** five-hundred dollars (\$500.00). Such fine is payable to the "Kansas Board of Healing Arts." Payment in full is due on or before the 15th day of July, 2007.

**IT IS SO ORDERED** on this 11<sup>th</sup> day of June, 2007.

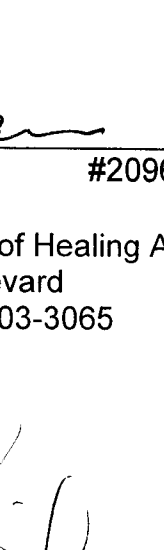
**FOR THE KANSAS STATE  
BOARD OF HEALING ARTS:**

  
Lawrence T. Buening, Jr.  
Executive Director


**PREPARED AND APPROVED BY:**

  
\_\_\_\_\_  
Diane L. Bellquist #20969  
Associate Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3065  
(785) 296-7413

**APPROVED BY:**

  
\_\_\_\_\_  
John Bird # 8419  
Glassman, Bird, Braun & Schwartz, L.L.P.  
P.O. Box 727  
200 West 13<sup>th</sup> Street  
Hays, Kansas 67601-0727  
(785) 625-6919

**AGREED TO BY:**

  
\_\_\_\_\_  
Julie Siefers, P.A.  
Licensee



**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I served a true and correct copy of the **CONSENT ORDER** by United States mail, first class postage pre-paid, on this 17<sup>th</sup> day of June, 2007, to the following:

Julie Siefers, P.A.  
711 N. Norton  
Norton, Kansas 67654

John Bird  
Glassman, Bird, Braun & Schwartz, L.L.P.  
P.O. Box 727  
200 West 13<sup>th</sup> Street  
Hays, Kansas 67601-0727

and the original was hand-filed with:

Lawrence T. Buening, Jr.  
Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

and a copy was hand-delivered to:

Diane L. Bellquist  
Associate Counsel  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

