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SEP 02 2010

KS State Board of Healing Arts

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

**In the Matter of** )  
**Everette Sitzman, Jr., MD** )  
**License No. 04-22079** )  
\_\_\_\_\_ )

Docket No. 10-HA00020

**FINAL ORDER**  
**(Pursuant to K.S.A. 77-501 et seq.)**

Pursuant to the authority granted to the Kansas State Board of Healing Arts (“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. Members of the Board serving on the Disciplinary Panel for this matter were recused from participation.

**I. Findings of Fact**

The Board has been shown the following facts:

1. Everette Sitzman, Jr. (“Licensee”), (confidential) , Prairie Village, KS 66207, is licensed in the State of Kansas, License No. 04-22079, and was originally licensed on or about December 4, 1987.
2. Licensee was involved in a serious motorcycle accident in November 2006 which resulted in a severe traumatic brain injury to Licensee.
3. Licensee voluntarily inactivated his license in the 2007-2008 renewal cycle following his accident.
4. On February 25, 2010, Licensee entered into a Consent Order with the Board setting forth terms and conditions for granting an active license to Licensee.
5. Pursuant to the terms of the Consent Order, Licensee agreed to limitations and terms, including, but not limited to:

- II. Practice monitoring -- Licensee could not engage in the solo practice of medicine and surgery. Licensee was required to practice in supervised, structured environment and was to be overseen and supervised by Dr. Edward K. Stevenson, M.D. (“Dr. Stevenson”)
6. Pursuant to the terms of the Consent Order, Licensee was also required to complete three steps:
  - II. Stage One: Practice Observation
  - III. Stage Two: Limited Practice
  - IV. Stage Three: Supervised Practice
7. Stage One required Licensee to observe Dr. Stevenson for thirty (30) days and prohibited Licensee from actively engaging in a practice of his own. At the end of the thirty (30) day period, Dr. Stevenson would submit a written report regarding Licensee’s depth of knowledge and professional capability.
8. Stage Two permitted Licensee to practice on a limited basis for at least ninety (90) days with Dr. Stevenson selecting and referring patients with psychiatric issues characterized as “mild”. Licensee was prohibited from engaging in more than thirty-five (35) hours of direct patient care per week.
9. Dr. Stevenson would submit a written report to the Board outlining his assessment of Licensee’s professional performance and capability after completion of Stage Two.
10. Dr. Stevenson has submitted two (2) written reports regarding Licensee’s supervision. The first report was received on March 26, 2010 regarding the practice observation requirements of the Consent Order. The letter included

Dr. Stevenson's affirmative opinion that Licensee should be permitted to proceed to Stage Two.

11. The second report was received on July 1, 2010 regarding Licensee's limited practice experience.
12. The second report includes Dr. Stevenson's affirmative opinion that Licensee should be permitted to continue supervised practice under Stage Three.
13. In addition, the Board has received additional information as required by the Consent Order including four (4) certificates of Continuing Medical Education in Psychopharmacology exceeding the required thirty (30) hours as set forth in the Consent Order. (confidential)

(confidential)

14. Dr. Stevenson's July 1, 2010, second report opining that Licensee should be permitted to continue supervised practice under Stage Three served as the triggering event allowing Licensee to appear before the Board requesting permission to continue to Stage Three.

## **II. Applicable Law**

- a. K.S.A. 65-2801
- b. K.S.A. 65-2836
- c. K.S.A. 65-2838
- d. K.S.A. 65-2869

## **III. Public Policy Statement**

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed

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necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

#### **IV. Conclusions of Law**

Based upon the Findings of Fact enumerated in Paragraphs #1 through #14, the Applicable Law and the Public Policy Statement set forth above:

#### **THE BOARD HEREBY CONCLUDES AS FOLLOWS:**

15. Licensee entered into a Consent Order on February 25, 2010, which imposed practice limitations and included supervision by Dr. Edward Stevenson.
16. On March 26, 2010, Dr. Stevenson provided a report indicating Licensee's compliance with the practice limitations and stating his affirmative opinion that Licensee should be allowed to proceed to Stage 2.
17. On July 1, 2010, the Board received Dr. Stevenson's second report indicating Licensee's compliance with the practice limitations and stating his affirmative opinion that Licensee should be allowed to proceed to Stage 3.
18. Licensee has complied with the terms of the Consent Order under Stages 1 and 2.
19. Licensee has complied with the terms of the Consent Order regarding an  
(confidential) and psychopharmacology  
continuing medical education.

**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS:**

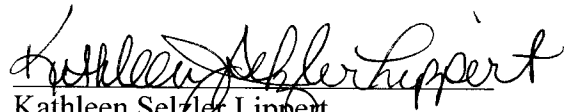
20. Licensee is hereby authorized to proceed to Stage 3 of the February 25, 2010,

Consent Order.

21. The Board shall maintain jurisdiction over this matter to issue any Order(s)

deemed necessary and appropriate.

**IT IS SO ORDERED THIS 2 DAY OF Sept, 2010, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

  
Kathleen Selzler Lippert  
Executive Director  
Kansas State Board of Healing Arts

**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, the Board's Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

**CERTIFICATE OF SERVICE**

I, hereby certify that a true copy of the foregoing Final Order was served this 2<sup>nd</sup> day of September, 2010 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Everette Sitzman, M.D.  
(confidential)

Prairie Village, KS 66207

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Charles R. Hay  
Foulston Siefkin, LLC  
Bank of America Tower, Suite 1400  
534 SW Kansas Ave.  
Topeka, KS 66603

And a copy was hand delivered to the office of:


Janith Lewis  
Associate Litigation Counsel  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, Kansas 66603

Katy Lenahan  
Licensing Administrator  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, Kansas 66603

Melissa Massey  
Compliance Coordinator  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, Kansas 66603

The original filed with:

Kathleen Selzler Lippert, Executive Director  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, KS 66603

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