

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

FILED 

AUG 30 2011

KS State Board of Healing Arts

**In the Matter of** )  
**Darron T. Smith, P.A.** )  
 )  
**Application for Kansas Licensure** )  
\_\_\_\_\_ )

**KSBHA Docket No. 12-HA00005**

**FINAL ORDER GRANTING LICENSURE**

NOW on this 12<sup>th</sup> day of August 2011, comes before the Kansas State Board of Healing Arts (“Board”) for a conference hearing the application of Darron Terry Smith, P.A. (“Applicant”) for a license to practice as a physician assistant in the State of Kansas. Applicant appears *pro se*. Jessica A. Bryson, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to 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. After reviewing the file, hearing the statements of both parties and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

**I. Findings**

1. On or about March 9, 2011, Applicant submitted to the Board an application for a license to practice as a physician assistant in the State of Kansas. Such application was deemed complete and filed with the Board July 13, 2011.

2. Applicant’s mailing address as provided to the Board is: confidential Wichita, Kansas 67218.

3. In his application, Applicant disclosed disciplinary action in the form of probation which was taken against his Utah physician assistant license in 2000, due to writing prescriptions without having obtained prior licensing authority to do so. Applicant's Utah license was subject to a one (1) year period of probation.

4. Applicant further disclosed that in 2002, he was excluded from Medicare and Medicaid participation for three (3) years due to his administration to unqualified individuals and improper sale of vaccines obtained through a state and federal children's vaccine program.

5. Applicant further disclosed disciplinary action taken in the form of a thirty (30) day suspension and five (5) year probation against his Utah physician assistant license in 2002, due to the same conduct as set forth in paragraph 4 above. Applicant's probation was terminated in 2007.

6. Applicant further disclosed that in 2008, his privileges at Reynolds Army Community Hospital were limited for approximately one (1) year due to inappropriate prescribing of Provigil to U.S. Army aviators. Such limitation was lifted in 2009.

7. Applicant's Utah physician assistant license is presently in good standing.

8. In conjunction with his application, Applicant provided an explanation of his actions underlying each disciplinary action and further stated, "I take full responsibility for my actions and have worked hard to correct my errors."

## **II. Conclusions**

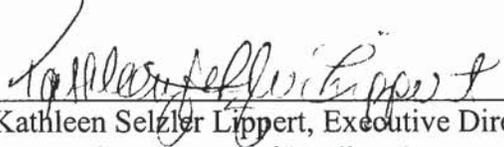
9. There are grounds for denial of licensure pursuant to K.S.A. 65-28a05(a), as further defined by K.A.R. 100-28a-8(h) due to Applicant's disciplinary history.

10. Applicant's subsequent remediation with respect to each of the disciplinary actions set forth above constitutes sufficient mitigating evidence to warrant granting licensure without discipline.

### **III. Order**

**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS** that upon meeting all technical requirements for licensure, Applicant is hereby granted a license to practice as a physician assistant in the State of Kansas.

**IT IS SO ORDERED THIS 30<sup>th</sup> DAY OF AUGUST, 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

  
Kathleen Selzler Lippert, Executive Director  
Kansas State Board of Healing Arts

Prepared by:

  
Kelli J. Stevens, #16032  
General Counsel  
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, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing **Final Order** was served this 30<sup>th</sup> day of August, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Darron Terry Smith, P.A.  
confidential  
Wichita, KS 67218

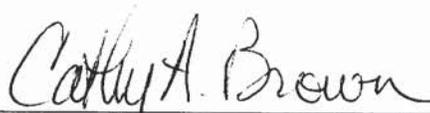
And a copy was hand-delivered to:

Jessica A. Bryson, 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

And the original was filed with the office of:

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



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Cathy Brown  
Executive Assistant