

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

In the Matter of)
)
SANDRA K. STEELE, D.O.)
Kansas License No. 5-21248)
_____)

Docket No. 03-HA-0065

EMERGENCY ORDER

NOW ON THIS Twelfth Day of May 2003, comes on for hearing a motion for a temporary order suspending the license of Respondent Sandra K. Steele, D.O. Shelly R. Wakeman, Disciplinary Counsel, appears for the Petitioner Board. Respondent does not appear. The Presiding Officer finds, concludes and orders as follows:

1. This is an emergency proceeding under the Kansas administrative procedure act, K.S.A. 77-501, *et seq.* An emergency order is appropriate when it appears necessary to issue an order to protect the public health, safety and welfare. This emergency proceeding was initiated by a motion for a temporary order to suspend Respondent's license, filed in an administrative disciplinary proceeding in which Petitioner alleges numerous violations of the healing arts act.

2. Petitioner served Respondent with a copy of the motion and a copy of a notice of hearing on May 8, 2003. This notice was served by regular mail addressed to three different addresses within the State of Kansas. The Presiding Officer finds and concludes that Petitioner properly served Respondent.

3. An unknown person sent a document by fax purporting to be a Respondent's answer to the disciplinary petition. The answer denied the allegations of

the petition and asked for a continuance of the emergency proceeding. The fax banner did not disclose the sender or the telephone number from which it was transmitted. The Presiding Officer finds that this indicates Respondent received the notice of hearing and motion. The document is to be maintained as part of the agency record, but the statements in the document are not deemed to be credible evidence.

4. The fax also included two telephone numbers at which Respondent could be reached. Respondent was not available at either telephone number at the time of the hearing. The Presiding Officer is not aware of any attempt by Respondent to make actual contact with the Presiding Officer or with Board staff.

5. The request for a continuance is based upon Respondent's desire for time to collect documents. In contrast, Petitioner's motion suggests an imminent threat to the public health, safety and welfare. The Presiding Officer finds and concludes that in balancing these interests, it is appropriate to deny Respondent's request for a continuance.

6. The Presiding Officer finds that Respondent has effectively abandoned her practice of the healing arts. Respondent's policy of professional liability insurance was canceled in November 2002. There is evidence that Respondent was covered by another policy that was to expire on April 1, 2003. There is no evidence that Respondent was insured after that date, though she did continue to practice the healing arts after that date.

7. The Board has received numerous complaints stating that Respondent has not been available in her office since at least as early as the middle part of March 2003. These patients indicate that Respondent has canceled appointments and has not been present for appointments. Their efforts to contact Respondent have not been successful.

Patients complain that they are unable to obtain copies of their medical records. There is no evidence that Respondent gave notice to her patients that she had closed the office.

8. Presently, the medical equipment appears to have been removed from Respondent's office.

9. A person from whom Respondent sub-leased the office found several empty wine bottles in the abandoned office. This person also found used hypodermic needles in patient exam rooms. These needles had not been properly disposed of. She also observed numerous patient records lying on countertops.

10. Another person from LabOne, located in Lenexa, Kansas, contacted Board staff to inquire where test results might be sent. The patient had asked the laboratory for test results, but these results would only be provided to a physician, and not directly to the patient. Respondent's office has not been open to receive the test results.

11. Board staff attempted to investigate these concerns, but was unable to locate Respondent. The Board served a *subpoena duces tecum* on Respondent, commanding her appearance on Friday, May 2, 2003 at 10:00 a.m. Respondent did not appear for the interview.

12. The Presiding Officer finds and concludes that Respondent has violated the healing arts act by failing to maintain a policy of professional insurance required by law and has failed to pay premium surcharges to the Kansas health care stabilization fund, as provided by K.S.A. 65-2836(y), (z); has failed to make patient records available to patients or to other licensed health care providers as provided by K.S.A. 65-2837(b)(20) and K.A.R. 100-22-1; and has failed to furnish Board representatives with information legally requested, as provided by K.S.A. 65-2836(r). Respondent has given

all appearances that she has abandoned her patients without notice, and thus has committed acts of unprofessional conduct by engaging in conduct likely to harm patients, as provided by K.S.A. 65-2837(b)(12). There also are grounds to believe that Respondent has delegated professional discretion to persons who are not qualified or authorized to practice the healing arts, Respondent has failed to provide professional supervision to her physician assistant, and Respondent might have the inability to practice the healing arts with reasonable skill and safety due to impairment.

13. The preservation of the public health, safety and welfare requires that Respondent's license to practice the healing arts be immediately suspended, and that a formal hearing on the petition be conducted.

14. The preservation of the public health, safety and welfare also requires that Respondent be ordered to preserve her patient records in reasonable condition, to maintain the records' confidentiality, and to make these records available to patients and other health care providers upon proper consent.

IT IS, THEREFORE, ORDERED that the license of Sandra K. Steele, D.O. is immediately and indefinitely suspended pending the conclusion of a formal proceeding upon the petition.

IT IS FURTHER ORDERED that Respondent may request additional proceedings to determine whether the suspension should be stayed, modified or removed pending the completion of formal proceedings.

IT IS FURTHER ORDERED that Respondent preserve her patient records in reasonable condition, maintain the records' confidentiality, and make these records available to patients and other health care providers upon proper consent.

PLEASE TAKE NOTICE that this is an emergency order, which is effective when rendered. A party to whom an emergency order is directed may request judicial review by filing a petition in the district court. A copy of the petition for judicial review must be served upon Lawrence T. Buening, Jr., Executive Director, 235 S. Topeka Blvd., Topeka, KS 66603.

A party to whom an emergency order is directed may also request additional proceedings before the Presiding Officer. Any such request must be filed with the Executive Director.

Dated this 13 Day of May 2003.

_____/s/_____
Howard D. Ellis, M.D.
Presiding Officer

Certificate of Service

I certify that a true copy of the foregoing Emergency Order was served this 13th day of May 2003 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Sandra K. Steele, D.O.
7001 W. 121st Street, #101
Overland Park, KS 66209

Sandra K. Steele, D.O.
10600 Quivira Road, #220
Overland Park, KS 66215

Sandra K. Steele, D.O.
8456 Mette Street
Lenexa, KS 66219-0566

and a copy was hand-delivered to the office of:

Shelly R. Wakeman, Disciplinary Counsel
235 S. Topeka Blvd.
Topeka, KS 66603

_____/s/_____
