

MAY 25 1994

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

**KANSAS STATE BOARD OF
HEALING ARTS**

IN THE MATTER OF)
)
MILDRED I.J. STEVENS, M.D.,)
Kansas License No. 04-9397)
_____)

Case No. 92-00197

ORDER OF TEMPORARY EMERGENCY SUSPENSION

NOW on this 16th day of May, 1994, the Emergency Petition comes on for hearing before the duly appointed presiding officer. Appearing jointly as presiding officer are John P. White, D.O., Howard D. Ellis, M.D., and Graciela A. Marion, having been so appointed by the Board by Order dated April 26, 1994. The Kansas State Board of Healing Arts ("Board") appears by and through Kevin K. LaChance, Disciplinary Counsel ("Petitioner"). Mildred I.J. Stevens, M.D. ("Respondent"), does not appear.

The presiding officer announces that this hearing is on the Emergency Petition filed by the Petitioner on April 19, 1994. The presiding officer further announces that the Emergency Petition request a hearing to determine whether an Order should be entered temporarily suspending Respondent's license to practice medicine and surgery on an emergency basis. On May 7, 1994, a hearing was held to determine whether Respondent's practice of the healing arts, specifically medicine and surgery, presented an immediate and/or imminent danger to the public. As a result of said hearing, Respondent agreed to take a vacation from the practice of medicine and surgery, and specifically agreed she would not provide any

patient care. Petitioner was instructed to gather certain information. Action on the Emergency Petition was tabled pending the completion of the information gathering.

On May 12, 1994, Petitioner requested the presiding officer to reopen the hearing based on information that Respondent was not in compliance with her agreement with the presiding officer. Specifically, Petitioner presents evidence obtained from the administrator of Anderson County Hospital, office staff in Respondent's office, and Respondent herself, that on May 11, 1994, Respondent provided medical treatment to eight patients in her office. Petitioner submits this violates the agreement of May 7, 1994. Petitioner presents the official transcript of the hearing of May 7, 1994, to corroborate the agreement. After reviewing documentary evidence received May 7, 1994, hearing testimony, and reviewing the public record in this matter, the presiding officer finds as follows:

FINDINGS OF FACT

1. Proper notice has been given pursuant to K.S.A. 77-536.
2. Petitioner has presented evidence of Respondent's suspension from participation in Medicare/Medicaid programs based upon the U.S. Department of Health and Human Services' ("DHHS") finding that she poses a serious risk to her patients. Petitioner further has presented evidence showing that Respondent has had her privileges suspended at Anderson County Hospital for reasons pertaining to the health care she has provided her patients

therein.

3. The evidence presented indicates that sanctions or disciplinary actions have been taken against the Licensee by a peer review committee, health care facility, governmental agency or department or a professional association or society. The evidence presented indicates the sanctions were based on findings of a deviation from the standard of care to a degree constituting gross negligence, repeated incidents of deviations from the standard of care to a degree constituting ordinary negligence, and/or a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice medicine.

4. Petitioner has presented evidence that DHHS found the acts of omission/commission of Respondent to pose a serious risk to one class of patients who have the same insurance coverage. Petitioner has shown such a serious risk poses an imminent and immediate danger to all patients in the State of Kansas regardless of payment method.

5. Petitioner has presented evidence that Respondent has violated the agreement of May 7, 1994, in that she provided patient care to patients in her office on May 11, 1994.

CONCLUSIONS OF LAW

1. Respondent has violated K.S.A. 65-2836(s) by virtue of having sanctions imposed upon her by DHHS for acts or conduct similar to acts or conduct which would constitute grounds for

disciplinary action under K.S.A. 65-2836(b) as defined by K.S.A. 1993 Supp. 65-2837(a)(1), (a)(2), and/or (a)(3). Further, Respondent is deemed professionally incompetent pursuant to and as delineated in the final administrative order issued by DHHS. Additionally, Respondent has violated K.S.A. 65-2836(k) by violating the agreement of the parties entered into on May 7, 1994.

2. Said violations are to such a degree that they present an immediate and/or imminent danger to the public health and safety of the citizens of Kansas and emergency suspension of Respondent's license is warranted.

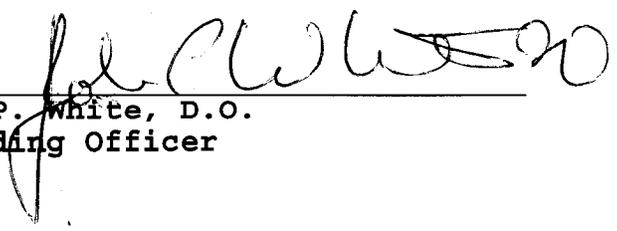
3. Respondent's license to practice the healing arts in the State of Kansas is hereby temporarily suspended under the provisions of K.S.A. 65-2838(c) and K.S.A. 77-536 as a result of conclusions of law 1 and 2 above.

WHEREFORE, Petitioner shall proceed as quickly as feasible as required under K.S.A. 77-536(e) to complete any proceedings that would be required if the matter did not justify the use of emergency proceedings under subsection (a) of K.S.A. 77-536. Petitioner is released from the instructions pertaining to information gathering given on May 7, 1994.

This order is effective May 16, 1994, and shall remain in effect if not otherwise reviewed by the Board under the provisions of K.S.A. 77-527 pending the initiation and conclusion of formal proceedings under the Kansas Administrative Procedure Act.

IT IS SO ORDERED.

KANSAS STATE BOARD OF HEALING ARTS



John P. White, D.O.
Presiding Officer

Howard D. Ellis, M.D.
Presiding Officer

Graciela A. Marion
Presiding Officer

ORDER OF TEMPORARY EMERGENCY SUSPENSION
Mildred I.J. Stevens, M.D.

CERTIFICATE OF SERVICE

I, Kevin K. LaChance, Disciplinary Counsel, Kansas State Board of Healing Arts, hereby certify that I served a true and correct copy of the attached **ORDER OF TEMPORARY EMERGENCY SUSPENSION** by Certified Mail, P 425 333 524, on this 25th day of May, 1994 to the following:

Mildred I.J. Stevens, M.D.
202 W. 4th Avenue
Garnett, Kansas 66032

and a true and correct copy of the attached **ORDER OF TEMPORARY EMERGENCY SUSPENSION** was mailed by United States Mail, postage prepaid, on this 25th day of May, 1994 to the following:

Mildred I.J. Stevens, M.D.
202 W. 4th Avenue
Garnett, Kansas 66032

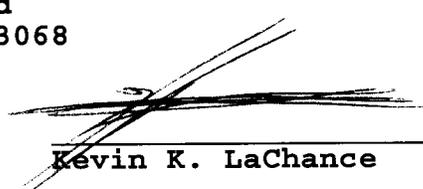
Dr. Howard D. Ellis, M.D.
5103 W. 112th Terrace
Leawood, Kansas 66211

Graciela A. Marion
Route 1, D-89
Eudora, Kansas 66025

John P. White, D.O.
Mt. Carmel Hospital, 5th Floor
Pittsburg, Kansas 66762

and the original was hand-delivered to:

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



Kevin K. LaChance