

**EFFECTIVE AS A
FINAL ORDER**

DATE: 12/31/13

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

FILED *AB*
DEC 12 2013
KS State Board of Healing Arts

In the Matter of)
BRENT E. STEWARD, M.D.)
)
)
Kansas License No. 04-25991)
_____)

Docket No. 14-HA 00072

SUMMARY ORDER

NOW ON THIS 11 day of ^{December} ~~November~~, 2013, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A. 77-537.

Pursuant to K.S.A. 77-537, this Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law and order are made for and on behalf of the Board:

Findings of Fact

1. Brent E. Steward, M.D. ("Licensee") was originally issued license number 04-25991 to practice as a medical doctor in the state of Kansas on October 14, 1995. Licensee's license is currently cancelled for failure to renew on or about August 10, 2010.
2. Licensee's last known mailing address as provided to the Board is: 6001 SW 6th Ave., Ste. 220, Topeka, Kansas 66615-1006.
3. On or about March 23, 2009, Patient 1 was admitted to St. Francis Health Center with cellulitis of her abdominal wall.

4. On or about March 23, 2009, Licensee was consulted for a surgical consult. Licensee ordered a CT scan of the abdomen and pelvis.

5. The CT scan found "There is evidence of a complicated cystic process posterior to the uterus probably related to the left ovary. The appearance is nonspecific though neoplasm cannot be excluded. Pelvic ultrasound may be helpful in further evaluation."

6. The CT scan report was not followed up by Licensee. Licensee failed to discuss the findings of the CT scan with Patient 1.

7. On or about May 2011, Patient 1 was diagnosed with ovarian cancer and treated with chemotherapy.

8. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. The Disciplinary Panel authorized and directed the issuance of this Summary Order and the specific disciplinary sanctions pursuant to Board Guidelines.

Applicable Law

9. K.S.A. 65-2836 states in pertinent part: A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately censured or placed under probationary conditions, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

(b) The licensee has committed an act of unprofessional or dishonorable conduct or professional incompetency

10. K.S.A. 65-2837 states in pertinent part: As used in K.S.A. 65-2836, and amendments thereto, and in this section:

(b) "Unprofessional conduct" means:

(12) Conduct likely to deceive, defraud or harm the public.

11. K.S.A. 65-2863a states: The state board of healing arts, in addition to any other penalty prescribed under the Kansas healing arts act, may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for a violation of the Kansas healing arts act in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.
12. K.S.A 65-2802 states: For the purpose of this act the following definitions shall apply: (a) The healing arts include any system, treatment, operation, diagnosis, prescription, or practice for the ascertainment, cure, relief, palliation, adjustment, or correction of any human disease, ailment, deformity, or injury, and includes specifically but not by way of limitation the practice of medicine and surgery; the practice of osteopathic medicine and surgery; and the practice of chiropractic.

Conclusions of Law

17. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

18. That Licensee by failing to follow up with the findings of the CT scan and inform Patient 1 of the findings has engaged in unprofessional conduct by engaging in conduct likely to deceive, defraud or harm the public, a violation of K.S.A. 65-2836(b) in combination with K.S.A. 65-2837(b)(12).

19. Based on the facts and circumstances set forth herein, it appears that the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of the law and the protection of the public interest does not require the Board to give notice and


opportunity to participate to persons other than Licensee, Brent E. Steward, M.D.

IT IS, THEREFORE, ORDERED that Licensee is hereby **PUBLICLY CENSURED** for violating the Healing Arts Act.

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 11th day of ^{December} ~~November~~, 2013

Kansas State Board of Healing Arts (


Kathleen Selzler Lippert
Executive Director

NOTICE OF RIGHTS

Pursuant to K.S.A. 77-542

Licensee is entitled to a hearing pursuant to K.S.A. 77-537 and K.S.A. 77-542, the Kansas Administrative Procedure Act. If Licensee desires a hearing, within fifteen (15) days from the date of service of this Order, Licensee must file a written request for a hearing with the office of the Executive Director at:

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

If Licensee requests a hearing, the Kansas State Board of Healing Arts will notify the Licensee of the time and place of the hearing and information on the procedures, right of

representation, and other rights of parties relating to the conduct of the hearing, before commencement of the same. If a hearing is not requested in the time and manner stated above, this Summary Order shall become effective as a Final Order upon the expiration of time for requesting a hearing, pursuant to K.S.A. 77-542. Pursuant to K.S.A. 77-613(e), the Executive Director is the agency officer designated to receive service of petition for judicial review on behalf of the agency.

FINAL ORDER 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, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **FINAL ORDER** was served this 31st day of Dec., 2013 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

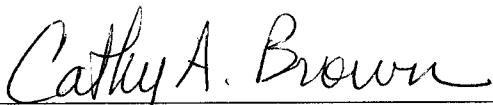
Brent E. Steward, MD
6001 SW 6th Ave. Ste. 220
Topeka, KS 66615-1006

And a copy was hand-delivered to:

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Office of the General Counsel
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 the Executive Director.



Cathy Brown, Executive Assistant