

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

In the Matter of )  
 )  
**MARK J. TAYLOR, D.P.M.** )  
Kansas License No. 12-00293 )

Docket No. 13-HA 00107

**CONSENT ORDER**

**COMES NOW**, the Kansas State Board of Healing Arts, (“Board”), by and through Seth K. Brackman, Associate Litigation Counsel (“Petitioner”), and Mark J. Taylor, D.P.M., (“Licensee”), *pro se*, and move the Board for approval of a Consent Order affecting Licensee’s license to practice podiatry in the State of Kansas. The Parties stipulate and agree to the following:

1. Licensee’s last known mailing address to the Board is: 1112 W. 6<sup>th</sup> Street, Suite #104, Lawrence, Kansas 66044.
2. Licensee is or has been entitled to engage in the practice of podiatric medicine and surgery in the State of Kansas, having been issued License No. 12-00293 on or about February 14, 1998. Licensee’s license is currently active.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of podiatry. K.S.A. 65-2001 *et seq.*
4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 77-505. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board’s Final Order.

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5. The Kansas Podiatry Act is constitutional on its face and as applied in the case. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
6. Licensee voluntarily and knowingly waives his right to a hearing. Licensee voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.
7. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.
8. The Board has received information and investigated the same, and has reason to believe there are grounds, pursuant to K.S.A. 65-2006(a)(2) and K.S.A. 65-2006(c), to take action with respect to Licensee's license under the Kansas Podiatry Act, K.S.A. 65-2001, *et seq.*
9. On or about November 17, 2010, the Board received a complaint from the Kansas Medical Assistance Program ("KMAP"). Per the complaint, KMAP's Quality Assurance

Team had received a grievance from the parents of an eleven (11) year old female minor beneficiary.

10. The minor beneficiary ("Patient 1") presented herself to Licensee on or about September 14, 2010, with complaints of warts on the bottom of both her feet.
11. Licensee diagnosed Patient 1 with verruca vulgaris bi-lateral plantar feet.
12. Licensee explained to the father the various options available to remove the warts. Patient 1 and her father elected excision.
13. Licensee determined that "[d]ue to the large area of verruca there were limitations of the amount of local anesthesia that could be administered and that two separate appointments would be necessary." Patient 1 was placed on antibiotics in preparation for the excision that would occur approximately three (3) weeks later.
14. On or about October 4, 2010, Patient 1 presented to Licensee's office with her father for the excision of warts on her right foot. Following the procedure, a note was written for Patient 1 excusing her from gym class until October 11, 2010, when she should be able to resume normal activities.
15. On or about November 4, 2010, Patient 1 was scheduled to undergo the excision of warts on her left foot.
16. Upon arrival at Licensee's clinic, Patient 1 was taken was taken back to the procedure room, and her father followed her down the hallway.
17. Licensee shut the door in the father's face, and when father tried to open the door, the door was locked.

18. Patient 1, a minor, was in the room with Licensee for approximately four to five minutes alone.
19. Licensee eventually let Patient 1's father in the room stating that "he did not know the patient was only eleven (11) years old." Upon entering the room, the father saw Patient 1 on the table with one leg in front of her and the other one pulled back. Her father also saw tears in Patient 1's eyes.
20. During the procedure, Licensee continually talked about how he would no longer be accepting state insurance, as he had concerns about not being paid. Licensee stated Patient 1 was not a paying customer and further complained about not being paid for Patient 1's previous appointments.
21. Following the procedure, Patient 1's father asked for another doctor's note excusing her from gym. Licensee responded that "he only gives those to paying customers."
22. Licensee committed acts in violation of the Kansas Podiatry Act, specifically K.S.A. 65-2006(a)(2), for having engaged in unprofessional or dishonorable conduct or professional incompetency, and K.S.A. 65-2006(c) as further defined by K.S.A. 65-2837 *et. seq.* and amendments thereto, to include but not be limited to K.S.A. 65-2837(b)(12) for conduct likely to deceive, defraud, or harm the public.
23. Licensee acknowledges that if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses or other evidence, the Board has sufficient evidence to prove that Licensee has violated the Kansas Podiatry Act with respect to the above allegations. Licensee further waives his right to dispute or otherwise contest the

allegations contained in the above paragraphs in any further proceeding before this Board.

24. Pursuant to K.S.A. 65-2006 the Board has grounds to deny, revoke, suspend, limit, or censure Licensee's license and pursuant to K.S.A. 65-2007 the Board has the authority to impose administrative fines for violations of the Kansas Podiatry Act.
25. According to K.S.A.77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.
26. All pending investigation materials in regard to Licensee were fully reviewed and considered by the Board member(s) who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 27 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.
27. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following non-disciplinary action against his license to engage in the practice of podiatry:

#### **EDUCATION**

28. Licensee shall attend and successfully complete The ProBE Program offered by the Center for Personalized Education for Physicians ("CPEP") by October 31, 2013, at his own expense. Licensee shall provide proof of successful completion by November 15, 2013.
29. These hours shall be in addition to those hours required for renewal of licensure.

30. Within ten (10) days of the approval of the Consent Order, Licensee shall

a. Enroll in the above-mentioned course using the following contact information

CPEP  
7351 Lowry Boulevard, Suite 100  
Denver, Colorado 80230  
P: (303) 577-3232  
F: (303) 577-3241

b. Immediately provide proof of his enrollment in the above-mentioned course to Board Counsel.

31. Licensee shall travel to CPEP and complete the course as scheduled at his own expense.

32. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for hearing, that Licensee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Licensee's license to practice podiatry in the State of Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee has failed to comply with any of the terms or conditions set forth in Paragraphs 28-31 above. The Board acknowledges that, at any such hearing, Licensee retains the right to confront and examine all witnesses, present evidence, testify on his own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Podiatry Act, K.S.A. 65-2001, *et seq.*

33. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Podiatry Act, or to investigate complaints

received under the Risk Management Law, K.S.A. 64-4921 et seq., that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Kansas Podiatry Act.

34. Licensee hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees and agents, hereinafter collectively referred to as "Releasees", from any and all claims, including but not limited to those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 et seq. arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.
35. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any reporting entities authorized to receive disclosure of the Consent Order.
36. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.
37. Licensee agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by

the Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.

38. Licensee acknowledges that he has read this Consent Order and fully understands the contents.

39. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

40. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to:

Kansas State Board of Healing Arts  
**Attn: Compliance Coordinator**  
800 SW Jackson Street, Lower Level-Suite A  
Topeka, Kansas 66612

41. Licensee shall obey all federal, state and local laws and rules governing the practice of podiatry in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

42. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. This Consent Order shall constitute the Board's Order when filed with the office of the Executive Director for the Board and no further Order is required.

43. This Consent Order constitutes non-disciplinary action.

44. The Board may consider all aspects of this Consent Order in any future matter in regard to Licensee.

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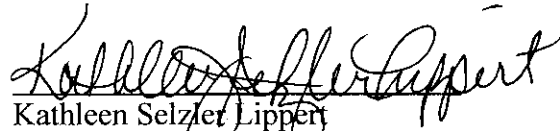
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IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

IT IS SO ORDERED on this 16 day of June, 2013.

FOR THE KANSAS STATE BOARD OF  
HEALING ARTS:

  
Kathleen Selzler Lippert  
Executive Director

6/16/13  
Date



Mark J. Taylor, D.P.M.  
Licensee

11/24/13  
Date

PREPARED AND APPROVED BY:



Seth K. Brackman, #237266  
Associate Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson Street, Lower Level-Suite A  
Topeka, Kansas 66612  
785-368-7257  
785-368-8210 fax

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I served a true and correct copy of the **CONSENT ORDER** via United States mail, first class, postage prepaid, on the 18<sup>th</sup> day of June, 2013, to the following:

Mark J. Taylor, D.P.M.  
Licensee  
1112 W. 6<sup>th</sup> Street, Suite 104  
Lawrence, Kansas 66044

And the original was filed with the Office of the Executive Director:

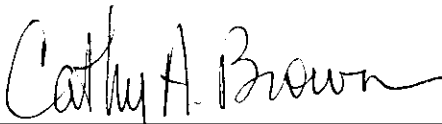
Kathleen Selzler Lippert  
Executive Director  
Kansas State Board of Healing Arts  
800 SW Jackson Street, Lower Level-Suite A  
Topeka, Kansas 66612

And a copy was hand-delivered to:

Seth K. Brackman  
Associate Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson Street, Lower Level-Suite A  
Topeka, Kansas 66612

Compliance Coordinator  
Kansas State Board of Healing Arts  
800 SW Jackson Street, Lower Level-Suite A  
Topeka, Kansas 66612

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

  
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