

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

FILED

CAB

MAR 0 9 2009

KS State Board of Healing Arts

In the Matter of )  
Trent Timpson, D.P.M. )  
 )  
Kansas License No. 12-00301 )  
\_\_\_\_\_ )

Docket No. 06-HA00077

**FINAL ORDER**

NOW, on this 20th day of February, 2009, the above-entitled matter comes on before the Kansas State Board of Healing Arts ("Board") for conference hearing on Licensee's Request to Terminate Provisions of Consent Order. Licensee appears in person, *pro se*. Kathleen Selzler Lippert, Litigation Counsel, appears for the Board. There are no other appearances.

WHEREUPON, having the agency record before it, hearing the statements and arguments of counsel and being duly advised in the premises, the Board FINDS and ORDERS as follows:

1. On or about December 4, 2006, the Board and Licensee entered into a Consent Order suspending Licensee for two (2) weeks, placing limitations on his license and requiring Licensee to complete educational courses, **(Confidential)**  
**(Confidential)** and  
to pay costs.
2. The terms of the Consent Order were not self-terminating, but provided that after a period of two years Licensee could request modification or termination.
3. On or about January 28, 2009, Licensee, through counsel, filed a Request to Terminate Provisions of Consent Order Due to Compliance with Provisions of Consent Order.
4. Licensee has fully complied with all terms of the Consent Order.

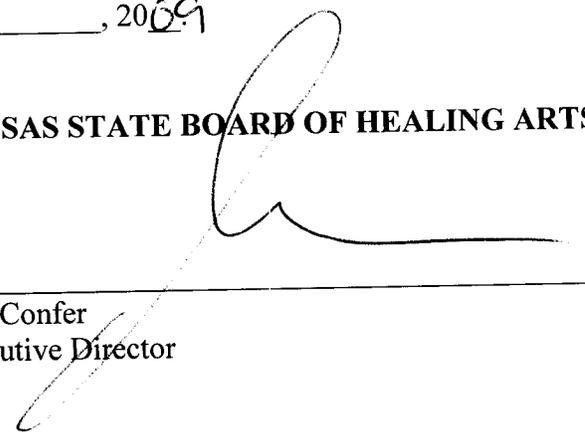
5. Continued monitoring of Licensee is not necessary.
6. The provisions of the Consent Order are hereby terminated.

**PLEASE TAKE FURTHER 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 the Board's Executive Director at 235 SW. Topeka Blvd., Topeka, KS 66603.

**IT IS SO ORDERED.**

**DATED THIS** 6<sup>TH</sup> day of MARCH, 2009

**KANSAS STATE BOARD OF HEALING ARTS**



---

Jack Confer  
Executive Director

**Certificate of Service**

I certify that the foregoing Final Order was served this 9<sup>th</sup> day of March, 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Trent Timson, DPM  
316 W 4<sup>th</sup> St.  
McPherson, KS 67460

and

Roger W. Slead  
Bradley M. Dowd  
Horn Aylward & Bandy, L.L.C.  
2600 Grand Boulevard  
Suite 500  
Kansas City, MO 64108

and a copy was hand-delivered to:

Kathleen Selzler Lippert  
Litigation Counsel  
Kansas Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603

and the original deposited for filing in the office of the Executive Director.

Cathy A. Brown

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

**FILED**

*AD*

DEC 04 2006

KS State Board of Healing Arts

In the Matter of )  
 )  
Trent James Timson, D.P.M. ) Docket No. 06-HA-77  
Kansas License No. 12-00301 )

---

**CONSENT ORDER**

**COMES NOW**, the Kansas State Board of Healing Arts, (“Board”), by and through Kathleen Selzler Lippert, Associate Counsel (“Petitioner”), and Trent James Timson, D.P.M. by and through his counsel, Roger W. Slead and Brad Dowd, (“Licensee”), 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: 316 W. Fourth Street, McPherson, Kansas 67460.
2. Licensee is or has been entitled to engage in the practice of podiatry in the State of Kansas, having been issued License No. 12-00301 on approximately August 15, 1998. Licensee’s license is 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 as defined by the Podiatry Act. 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. 65-2838. Upon approval, these stipulations shall constitute

---

Consent Order  
Trent James Timson, D.P.M.

the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

5. The Kansas Podiatry Act is constitutional on its face and as applied in the case.
6. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
7. 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.
8. 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.
9. The Board has received information and investigated the same, and has reason to believe that between 2002 and 2005 Licensee acted unprofessionally.
10. Licensee hired an individual in 2002 to work in his podiatric office as an assistant. This employee became a patient of Licensee (Patient 1).
11. Licensee began prescribing controlled substance pain medication to Patient 1 in April of 2002.

12. Licensee performed surgery in his office on Patient 1 in September of 2003.
13. Licensee prescribed medication including controlled substances, to Patient 1 subsequent to the surgical procedure and through July of 2004.
14. From spring of 2002 through early 2005, Licensee engaged in a sexual relationship with Patient 1 in the course of the physician-patient relationship and while Patient 1 was his employee.
15. Licensee did not maintain adequate medical records which accurately described the services rendered to Patient 1, including patient history, pertinent findings, examinations results, test results and prescription of controlled substances.
16. 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 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.
17. Licensee's acts, if proven, constitute unprofessional conduct as set forth in K.S.A. 65-2006(a)(2) and 65-2836.
18. Licensee violated K.S.A. 65-2006(a)(2), as set forth in K.S.A. 65-2837(b)(16), in that Licensee committed acts of sexual misconduct related to the Licensee's professional practice.
19. Licensee violated K.S.A. 65-2006(a)(2), as set forth in K.S.A. 65-2837(b)(25), and K.A.R. 100-24-1, in that Licensee failed to keep written medical records

which accurately describe the services rendered to the patient, including patient histories, pertinent findings, examinations results and test results.

20. 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. 65-2863a the Board has the authority to impose administrative fines for violations of the healing arts act.
21. According to K.S.A.65-2838(b), the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.
22. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action and limitations on his license to engage in the practice of podiatry:

#### **SUSPENSION**

- a. Licensee's license shall be suspended for a period of two (2) weeks. Such suspension will be in effect from Monday, December 25, 2006, through and including Sunday, January 7, 2007.

#### **EDUCATION**

- b. Licensee shall attend and successfully complete a sexual boundary course, by June 30, 2007, at his own expense. The course must be pre-approved by the Board or its designee. Licensee shall provide proof of successful completion by July 15, 2007.
- c. Licensee shall attend and successfully complete continuing education courses for record keeping and prescribing, by August 30, 2007, at his own expense. The courses must be pre-approved by the Board or its

designee. Licensee shall provide proof of successful completion by  
September 15, 2007.

**(Confidential)**

d.

e. **(Confidential)**

f. **(Confidential)**

g. **(Confidential)**

h. **(Confidential)**

(Confidential)

i. (Confidential)

j. (Confidential)

- k. Licensee shall immediately notify the Board or its designee of any citation, arrest or charge filed against him or of any conviction for criminal offenses.
- l. Licensee shall at all times keep Board staff informed of all his current practice locations, addresses and telephone numbers. Licensee shall provide the above information in writing to the Board within ten (10) days of any such change.

#### LIMITATIONS

- m. Licensee is prohibited from ordering, prescribing, dispensing or administering medications to any employee, family members, significant others or any person with whom Licensee has a personal relationship.
- n. Licensee shall only prescribe, order, dispense or administer prescriptions for persons with whom he has a physician-patient relationship and for whom he maintains a medical record.

- o. Licensee is prohibited from prescribing, ordering, dispensing or administering medications to himself, including sample medications.  
Licensee shall arrange to have a personal physician who oversees his care.
- p. All reports required pursuant to this Consent Order shall be submitted to the Board of Healing Arts, Attention: Complaint Coordinator, 235 S.W. Topeka Blvd., Topeka, Kansas 66603-3068.
- q. The Board designates Carol Sader to review and approve/disapprove any proposed educational courses required under this Consent Order; or any other issue that may arise in the implementation of this Consent Order.

#### **COSTS**

- r. Licensee agrees to pay the costs incurred by the Board during the investigation. The costs are payable in full to the “Kansas Board of Healing Arts” on or before March 31, 2007. The costs incurred by the Board during the investigation and litigation are \$1,266.77.

#### **MONITORING AND LIMITATION TIMEFRAME**

- s. The above monitoring provisions and limitations are not self-terminating. After a period of two (2) years, Licensee may request modification or termination of the provisions. For any period of time that Licensee is not actively practicing podiatry in Kansas, the monitoring provisions and limitations will remain in effect but will be tolled and not counted towards reducing the two (2) year timeframe.

23. Licensee’s failure to comply with the provisions of the Consent Order may result in the Board taking further disciplinary action as the Board deems appropriate

according to the Kansas Administrative Procedure Act and Kansas Healing Arts Act.

24. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the 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 Podiatry Act.

25. 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.

26. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to the National Practitioner Databank, Federation of State Medical Boards, Federation of

Podiatric Medical Boards and any other reporting entities authorized to receive disclosure of the Consent Order.

27. 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.

28. 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.

29. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

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

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

32. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Compliance Coordinator, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

33. Licensee shall obey all federal, state and local laws and rules governing the practice of podiatric 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.

34. 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.

35. This Consent Order constitutes disciplinary action.

36. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

**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 FURTHER ORDERED** that:

**SUSPENSION**

- a. Licensee's license shall be suspended for a period of two (2) weeks. Such suspension will be in effect from Monday, December 25, 2006, through and including Sunday, January 7, 2007.

**EDUCATION**

- b. Licensee shall attend and successfully complete a sexual boundary course, by June 30, 2007, at his own expense. The course must be pre-approved by the Board or its designee. Licensee shall provide proof of successful completion by July 15, 2007.
- c. Licensee shall attend and successfully complete continuing education courses for record keeping and prescribing, by August 30, 2007, at his own expense. The courses must be pre-approved by the Board or its designee. Licensee shall provide proof of successful completion by September 15, 2007.

**(Confidential)**

- d.
- e. Licensee shall undergo individual psychotherapy to address issues that contributed to his professional sexual misconduct. Licensee shall receive this therapy from either Glenn Gustus, M.A. or Glenn Stovall, MSW, both of Salina, Kansas or from another Board-approved therapist.

f. (Confidential)

g. (Confidential)

## MONITORING

h. (Confidential)

i. (Confidential)

j. (Confidential)

- k. Licensee shall immediately notify the Board or its designee of any citation, arrest or charge filed against him or of any conviction for criminal offenses.
- l. Licensee shall at all times keep Board staff informed of all his current practice locations, addresses and telephone numbers. Licensee shall provide the above information in writing to the Board within ten (10) days of any such change.

### **LIMITATIONS**

- m. Licensee is prohibited from ordering, prescribing, dispensing or administering medications to any employee, family members, significant others or any person with whom Licensee has a personal relationship.
- n. Licensee shall only prescribe, order, dispense or administer prescriptions for persons with whom he has a physician-patient relationship and for whom he maintains a medical record.
- o. Licensee is prohibited from prescribing, ordering, dispensing or administering medications to himself, including sample medications.  
Licensee shall arrange to have a personal physician who oversees his care.
- p. All reports required pursuant to this Consent Order shall be submitted to the Board of Healing Arts, Attention: Complaint Coordinator, 235 S.W. Topeka Blvd., Topeka, Kansas 66603-3068.
- q. The Board designates Carol Sader to review and approve/disapprove any proposed educational courses required under this Consent Order; or any other issue that may arise in the implementation of this Consent Order.

**COSTS**

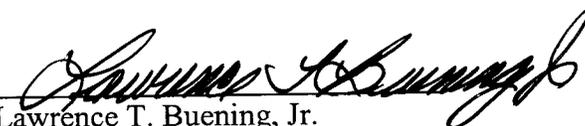
- r. Licensee agrees to pay the costs incurred by the Board during the investigation. The costs are payable in full to the "Kansas Board of Healing Arts" on or before March 31, 2007. The costs incurred by the Board during the investigation and litigation are \$1,266.77.

**MONITORING AND LIMITATION TIMEFRAME**

- s. The above monitoring provisions and limitations are not self-terminating. After a period of two (2) years, Licensee may request modification or termination of the provisions. For any period of time that Licensee is not actively practicing podiatry in Kansas, the monitoring provisions and limitations will remain in effect but will be tolled and not counted towards reducing the two (2) year timeframe.

**IT IS SO ORDERED** on this 4<sup>th</sup> day of December, 2006.

**FOR THE KANSAS STATE  
BOARD OF HEALING ARTS:**

  
Lawrence T. Buening, Jr.  
Executive Director

December 4, 2006  
Date

  
Trent James Timson, D.P.M.  
Licensee

12-2-06  
Date

PREPARED AND APPROVED BY:

  
Kathleen Selzler Lippert #17957

Associate Counsel  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068  
785-296-0961

AGREED TO BY:

  
Roger W. Sleed

Brad Dowd  
Horn, Aylward & Bandy, LLC  
2600 Grand Blvd., Suite 500  
Kansas City, Missouri 64108

### CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 4<sup>th</sup> day of December, 2006, to the following:

Trent James Timson, D.P.M.  
Licensee  
316 W. Fourth Street  
McPherson, Kansas 67460.

Roger W. Sleed  
Brad Dowd  
Horn, Aylward & Bandy, LLC  
2600 Grand Blvd., Suite 500  
Kansas City, Missouri 64108

---

Consent Order  
Trent James Timson, D.P.M.

And the original was hand-filed with:

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

And a copy was hand-delivered to:

Kathleen Selzler Lippert #17957  
Associate Counsel  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

A handwritten signature in black ink, appearing to read "Lawrence T. Buening, Jr.", written in a cursive style.