

CAB

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

In the Matter of)
Whitney L. VinZant, M.D.)
)
Kansas License No. 04-16020)
_____)

KSBHA Docket No. 15-HA00025

**ORDER GRANTING RECONSIDERATION OF FINAL ORDER
AND APPOINTING BOARD MEMBER TO ISSUE AN INITIAL ORDER**

NOW on this the 13th day of February, 2015, comes before the Kansas State Board of Healing Arts (“Board”) the Petition for Reconsideration of Final Order filed by Whitney L. Vinzant M.D. (“Licensee”) in the above-captioned matter pursuant to K.S.A. 77-529 of the Kansas Administrative Procedure Act.

Upon a review of the Petition for Reconsideration and the agency record in this matter, the Board finds and concludes as follows:

1. On or about August 9, 2014, Licensee entered into a Consent Order which limited his scope of practice in that he was prohibited from performing surgery, except those procedures specified in paragraph 30 of the Consent Order. The Consent Order also required Licensee to submit to a clinical skills assessment performed by the Center of Personalized Education for Physicians (“CPEP”).
2. The Consent Order further provided that the Board would review the CPEP assessment report once received and could modify the Consent Order’s provisions to address the findings and recommendations of CPEP.
3. Licensee obtained a clinical skills assessment by CPEP in June of 2014.

4. On September, 12, 2014, Litigation Counsel for the Board filed a Motion to Incorporate CPEP Recommendations. The Motion further requested that the Board impose additional requirements and practice limitations based on the CPEP report's findings and recommendations.

5. Licensee requested that, in considering incorporating CPEP's recommendations, the Board also expand the list of permitted surgical procedures beyond those contained in the Consent Order. In support of his request, Licensee offered Exhibit A, which set forth the additional surgical procedures that Licensee requested he be permitted to perform.

6. A conference hearing was held in the matter on December 11, 2014, at which both Litigation Counsel and Licensee's counsel presented arguments and Licensee testified.

7. On December 22, 2014, the Board issued a Final Order Denying Modification of Consent Order. The Board found that based on the evidence presented, the limitations and requirements of the Consent Order as written were adequate to address CPEP's findings and recommendations. Additionally, the Board found that the underlying basis for limiting Licensee's surgical procedures had not changed.

8. On or about January 9, 2015, Licensee filed a timely Petition for Reconsideration of Final Order requesting that the Board reconsider its decision on the basis that the evidence presented at the conference hearing demonstrated a change in the underlying basis for limiting Licensee's surgical procedures.

9. The Board concludes that reconsideration of the Final Order is warranted to allow for a more in-depth presentation of evidence on the Motion to Incorporate CPEP

Recommendations and Licensee's request that any such modification include additional surgical procedures that Licensee is permitted to perform.

10. The Board concludes that Board Member Joel Hutchins, M.D. should be appointed to reconsider the matter and issue an Initial Order which will then be reviewed by the full Board.


IT IS THEREFORE ORDERED that the Board hereby grants Licensee's Petition for Reconsideration of the Final Order and sets the matter for further proceedings.

IT IS FURTHER ORDERED that Board member Joel Hutchins, M.D. is hereby appointed as a Presiding Officer pursuant to K.S.A. 77-526, with authority to issue an Initial Order on Licensee's Petition for Reconsideration which shall then be reviewed by the full Board.

IT IS FURTHER ORDERED that a copy of all agency filings shall be served on the Presiding Officer at the Board offices to the attention of Stacy Bond, Assistant General Counsel.

IT IS SO ORDERED THIS 17th DAY OF FEBRUARY, 2015, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

KANSAS BOARD OF HEALING ARTS


Kathleen Selzer Lippert, Executive Director

CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that on this 17th day of February, 2015, a true and correct copy of the above and foregoing **ORDER GRANTING RECONSIDERATION OF FINAL ORDER AND APPOINTING BOARD MEMBER TO ISSUE INITIAL ORDER** was served by U.S. Mail, postage prepaid, to the following:

Randy J. Trout
Tracie R. England
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And the original was filed with the office of the Executive Director.



Cathy Brown, Executive Assistant