

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

In the Matter of)	
)	Docket No. 10-HA00088
CONNIE WHITE, P.A.)	OAH No. 10-HA0009
Kansas License No. 15-00384)	

CONSENT ORDER FOR SURRENDER OF LICENSE

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Associate Litigation Counsel, Lori D. Dougherty ("Petitioner"), and Licensee-Respondent Connie White, P.A. ("Licensee"), by and through her attorney, Mark R. Maloney of Gilliland and Hayes, and move the Board for approval of a Consent Order affecting Licensee's license to practice as a physician assistant in the State of Kansas. The Parties stipulate and agree to the following:

1. Licensee's last known mailing address as provided to the Board is: P.O. Box 367, Ashland, Kansas 67831.
2. Licensee is or has been entitled to engage in practice as a physician assistant in the State of Kansas, having been issued License No. 15-00384 on approximately February 13, 1993, and having last renewed such license on approximately January 8, 2010. Licensee's license is active, pending renewal by Licensee.
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 physician assistant. K.S.A. 65-28a01 *et seq.* and K.S.A. 65-28a02.
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 and 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

5. The Kansas Physician Assistant Licensure 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 her right to a hearing. Licensee voluntarily and knowingly waives her 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. Licensee waives her right to contest the allegations contained in the Petition and consents to a finding that there are grounds for the Board to pursue disciplinary action against her license.
9. Licensee admits no wrongdoing and further neither admits nor denies the allegations in the Petition. 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 Physician Assistant Licensure Act with respect to the above allegations. Licensee further waives her right to dispute or otherwise contest the allegations contained in the Petition in any future proceeding before this Board.

10. The Board has received information, investigated the same, and a Petition was filed with the Board in this matter on December 10, 2009, alleging grounds for disciplinary action under the Physician Assistant Licensure Act. The specific allegations are set forth therein and incorporated into this Consent Order as if fully stated herein.

12. Licensee's acts, if proven, constitute unprofessional conduct as set forth in K.S.A. 65-28a05:

- a. Licensee has violated K.S.A. 65-28a05(c), and further defined by K.A.R. 100-28a-7(a), in that Licensee has one or more instances involving failure to adhere to the applicable standard of care to a degree that constitutes gross negligence ;
- b. Licensee has violated K.S.A. 65-28a05(c), and further defined by K.A.R. 100-28a-7(b), in that Licensee has repeated instances involving failure to adhere to the applicable standard of care to a degree that constitutes ordinary negligence;
- c. Licensee has violated K.S.A. 65-28a05(a), and further defined by K.A.R. 100-28a-8(j), in that Licensee prescribed a drug in an excessive and improper manner;
- d. Licensee has violated K.S.A. 65-28a05(a), as further defined in K.A.R. 100-28a-8(r), in that Licensee has engaged in conduct likely to harm the public; and
- e. Licensee has violated K.S.A. 65-28a05(a), as further defined in K.A.R. 100-28a-8(u), in that Licensee has failed to keep written medical records that

accurately describe the services rendered to the patient.

13. Pursuant to K.S.A. 65-28a05, the Board may revoke, suspend, limit, or censure Licensee's license. Alternatively, Licensee may surrender her license while under investigation.
14. 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.
15. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 23 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.
16. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action on her license to engage in the practice of a physician assistant:

SURRENDER

- a. Licensee hereby surrenders her license to practice as a physician assistant, effective immediately. Such surrender shall be treated as a revocation for all purposes including reporting. Licensee agrees that an application for reinstatement of the license will be considered in accordance with the provisions of K.S.A. 65-28a03, K.S.A. 65-28a04, and K.A.R. 100-28a-16. Further, Licensee's application will be governed by *Vakas v. The Kansas Board of Healing Arts*, 248 Kan. 589 (Kan. 1991), and all applicable statutes, law, rules and regulations regarding qualifications for licensure and reinstatement.

- b. Licensee shall place her patients' records in the custody of a licensed physician or records maintenance facility in compliance with K.A.R. 100-24-2 and 100-24-3. Licensee shall notify the Board within ten (10) days of the filing of this Order of the specific measure taken and the appropriate contact information so that the Board can respond to questions from patients about the location of their medical records and how they can obtain them.
- c. Licensee shall ensure that all patients and any other person or entity authorized by law to obtain patient records have access to medical records. Specifically, Licensee will comply with K.S.A. 65-4970, 65-4971, 65-4972, 65-4973 and K.A.R. 100-22-1, 100-24-2 and 100-24-3 and all other applicable statutes, rules, or regulations.
- d. Licensee agrees that in the event she applies for reinstatement of her license, the allegations contained in this Consent Order will be considered as findings of fact and conclusions of law.

COSTS

- e. Licensee agrees to pay the costs incurred by the Board during the investigation. The costs include \$7,409.10 in investigation costs.
- f. Licensee shall remit the costs of \$7409.10 over a period of four (4) years, in forty-seven (47) equal payments of \$154.36. The 48th final payment shall be in the amount of \$154.18.
- g. Licensee shall send the payments to: Compliance Coordinator, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level Suite A, Topeka, Kansas 66612.

17. 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 Physician Assistant Licensure Act.
18. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Physician Assistant Licensure 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 Physician Assistant Licensure Act.
19. 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 Judicial Review Act, 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.
20. 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.

21. 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.
22. 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.
23. 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.
24. Licensee acknowledges that she has read this Consent Order and fully understands the contents. Licensee's desire to surrender her license as set forth herein is due, in large part, to her personal financial obligations, the expense associated with Professional Liability Insurance, and the cost of undergoing the evaluations requested by the Board.
25. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

26. All correspondence or communication between 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. After January 18, 2011, the address for the Board will be: 800 SW Jackson, Lower Level Suite A, Topeka, Kansas 66612.
27. Licensee shall obey all federal, state and local laws and rules governing the practice of a physician assistant 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.
28. 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.
29. This Consent Order constitutes disciplinary action.
30. 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:

SURRENDER

31. Licensee hereby surrenders her license to practice as a physician assistant, effective immediately. Such surrender shall be treated as a revocation for all purposes including reporting. Licensee agrees that an application for reinstatement of the

license will be considered in accordance with the provisions of K.S.A. 65-28a03, K.S.A. 65-28a04, and K.A.R. 100-28a-16. Further, Licensee's application will be governed by *Vakas v. The Kansas Board of Healing Arts*, 248 Kan. 589 (Kan. 1991), and all applicable statutes, law, rules and regulations regarding qualifications for licensure and reinstatement.

32. Licensee shall place her patients' records in the custody of a licensed physician or records maintenance facility in compliance with K.A.R. 100-24-2 and 100-24-3. Licensee shall notify the Board within ten (10) days of the filing of this Order of the specific measure taken and the appropriate contact information so that the Board can respond to questions from patients about the location of their medical records and how they can obtain them.
33. Licensee shall ensure that all patients and any other person or entity authorized by law to obtain patient records have access to medical records. Specifically, Licensee will comply with K.S.A. 65-4970, 65-4971, 65-4972, 65-4973 and K.A.R. 100-22-1, 100-24-2 and 100-24-3 and all other applicable statutes, rules, or regulations.
34. Licensee agrees that in the event she applies for reinstatement of her license, the allegations contained in this Consent Order will be considered as findings of fact and conclusions of law.

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35. Licensee agrees to pay the costs incurred by the Board during the investigation. The costs include \$7,409.10 in investigation costs.
36. Licensee shall remit the costs of \$7409.10 over a period of four (4) years, in forty-seven (47) equal payments of \$154.36. The 48th and final payment shall be in the

amount of \$154.18.

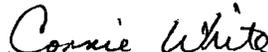
37. Licensee shall send the payments to: Compliance Coordinator, Kansas State Board of
Healing Arts

IT IS SO ORDERED on this 3 day of ~~February~~ ^{March}, 2011.

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

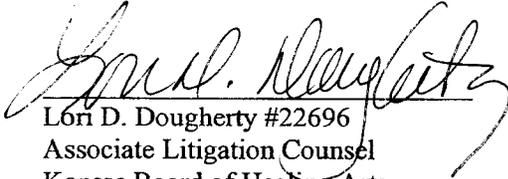

Kathleen Schizler Lippert ~~Executive Director~~ Gary L. Counselman, DC
V-Pres

3-3-2011
Date

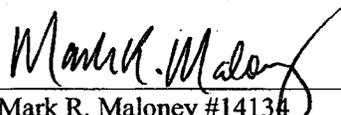

Connie White, P.A.
Licensee

3-3-2011
Date

PREPARED AND APPROVED BY:


Lori D. Dougherty #22696
Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson
Lower Level-Suite A
Topeka, Kansas 66612
785-368-8212

APPROVED BY:


Mark R. Maloney #14134
Gilliland & Hayes, P.A.
Attorney of Record for Licensee
1300 Epic Center
301 N. Main
Wichita, Kansas 67202-4813
316-264-7321

CERTIFICATE OF SERVICE

I, Lori D. Dougherty hereby certify that I served a true and correct copy of the Consent Order for Surrender of License by United States mail, postage prepaid, on this 3 day of ~~February~~ 2011, to the following:

~~Mark R.~~
Connie White, P.A.
Licensee
PO Box 367
Ashland, Kansas 67831

Mark R. Maloney
Gilliland & Hayes, P.A.
Attorney of Record for Licensee
1300 Epic Center
301 N. Main
Wichita, Kansas 67202-4813

And the original was hand-filed with:

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

And a copy was hand-delivered to:

Lori D. Dougherty
Associate Litigation Counsel
Katy Lenahan
Licensing Administrator
Melissa Massey
Compliance Coordinator
Kansas Board of Healing Arts
800 SW Jackson
Lower Level-Suite A
Topeka, Kansas 66612

