

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED *CAB*

AUG 27 2007

KS State Board of Healing Arts

In the Matter of)
William Whiteside, MD)
)
Kansas License No. 04-20629)
_____)

Docket No. 05-HA-0051

FINAL ORDER

NOW ON THIS 18th day of August, 2007, comes before the Kansas State Board of Healing Arts (“Board”) the Respondent’s Motion to Terminate Limitations or Stipulations on Medical License imposed by the Consent Order filed on February 22, 2006. Licensee W. Howard Whiteside, M.D. appears in person and by counsel, Michael Hepperly, Wichita, Kansas. Kelli J. Stevens, Litigation Counsel, appears for the Board.

Having the agency record before it, hearing the statements of counsel, and being duly advised in the premises, the Board finds, concludes and orders as follows:

1. The Board entered into a Consent Order with Licensee which was filed on February 22, 2006.
2. In the Consent Order, Licensee was to complete a boundaries course at Vanderbilt Medical Center. The Board finds that Licensee has completed such course.
3. In the Consent Order, Licensee’s license was limited by requiring a practice monitor to review the practices and procedures of Licensee’s office five (5) times during the course of one (1) year with reports to be submitted to the Board after each review.

4. The Board approved Terry L. Poling, M.D. to serve as Licensee's practice monitor.
5. Since the filing of the Consent Order, Dr. Poling has completed six (6) reviews of Licensee's practice. Dr. Poling's observations during those six (6) reviews are discussed in three (3) separate reports to the Board. Dr. Poling did not express any concerns with regard to Licensee's practice and procedures.
6. The Board finds that based on Licensee's successful completion of the six (6) reviews of his practice, the monitoring requirements should be terminated.
7. In the Consent Order, Licensee's license was further limited by requiring that he have a chaperone in the room at all times that he is with a patient for the period of at least one (1) year. The chaperones were to be adults agreed upon by the parties. The chaperones were to document their attendance in the patient records and they were to maintain daily patient logs identifying the patients seen and documenting their presence as a chaperone. Such patient logs were to be submitted to the Board each month.
8. The Board finds that since the filing of the Consent Order, Licensee has substantially complied with the chaperone requirements. The Board finds that Licensee sometimes used the parents of his minor patients, medical students and other office staff to serve as a chaperone. Even though such chaperones had not previously been identified and agreed upon by the parties, the use of such chaperones met the spirit of the chaperone requirement.
9. The Board finds that there were occasions when chaperones were briefly called away from the patient exam room to attend to the front office area, but when that

occurred the door to the patient exam room was left open and the chaperone was still within a close proximity and ear shot of the exam room. Even though the chaperones may have physically left the exam room briefly, Licensee met the spirit of the chaperone requirement.

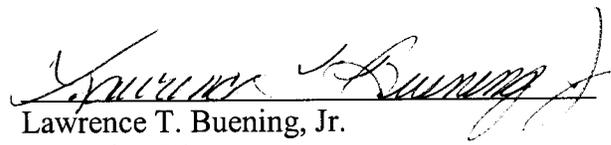
10. The Board finds that the chaperone requirement should be terminated, as Licensee has substantially complied and has met the spirit of the chaperone requirement.
11. In the Consent Order, Licensee's license was further limited from prescribing, ordering, dispensing or administering medications to any employee, family members, or any person with whom Licensee had an intimate relationship.
12. In the Consent Order, Licensee's license was further limited in that he was to prescribe, order, dispense or administer prescriptions only for persons with whom he had a physician-patient relationship and for whom he maintained a medical record.
13. In the Consent Order, Licensee's license was further limited from prescribing, ordering, dispensing or administering medications to himself.
14. The Consent Order requires a Board Order to terminate the above described limitations on Licensee's license.
15. The Board finds that Licensee has fulfilled the terms of his Consent Order.
16. The limitations imposed on Licensee's license by the Consent Order should have no further force or effect.

IT IS, THEREFORE, ORDERED that the limitations on Licensee's license 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.

Dated this 27th day of August, 2007.

Kansas State Board of Healing Arts


Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I certify that a true copy of the foregoing Final Order was served this 28th day of August, 2007, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

W. Howard Whiteside, M.D.
2903 E Central
Wichita, KS 67214

and

Michael D. Hepperly
The Quarters
310 W. Central, Suite #103
Wichita, KS 67202

and a copy was hand-delivered to the office of:

Kelli J. Stevens, Attorney
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

and the original was filed with the office of the Executive Director.

A handwritten signature in black ink, appearing to read "Sherrill L. Burroughs", written over a horizontal line.