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

KS State Board of Healing Arts

In the Matter of)	
)	Docket No. 15-HA00016
Greg Epperson, M.D.)	11-HA00001
Kansas License No. 04-29189)	

AMENDMENT TO AUGUST 20, 2012 CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, (“Board”), by and through Susan R. Gering, Associate Litigation Counsel, and Seth K. Brackman, Associate Litigation Counsel (“Petitioner”), and Greg Epperson, M.D. (“Licensee”), by and through Mark Stafford of Simpson, Logback, Lynch & Norris and Brian Niceswanger of McDowell, Rice, Smith, & Buchanan, and move the Board for approval of a Consent Order affecting Licensee’s license to practice medicine and surgery in the State of Kansas. The Parties stipulate and agree to the following:

PROCEDURAL HISTORY

1. On July 7, 2010, a Petition for discipline was filed against Licensee alleging four (4) separate counts where Licensee’s patient care fell below the standard of care and one (1) count where Licensee failed to disclose information on his June 2, 2010, renewal form for licensure.
2. Licensee attended the Center for Personalized Education for Physicians (“CPEP”) on October 20, 2010, through October 21, 2010, for a Clinical Skills Assessment. CPEP generated an Assessment Report based on the Clinical Skills Assessment and made the following recommendations:

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Confidential

3. Licensee entered into a disciplinary Consent Order in August 20, 2012 (“2012 Consent Order”), to resolve the Petition for discipline filed with the Board on July 7, 2010. The Consent Order included a limitation of Licensee’s license to practice medicine and surgery, additional continuing medical education, and assessment of costs.
4. On September 24, 2013, the Board received Licensee’s final payment toward the costs assessed in full satisfaction of the Costs requirement outlined in the 2012 Consent Order.

5. Licensee has completed the additional continuing medical education in full satisfaction of the "Probation: Education" requirements as outlined in the 2012 Consent Order.
6. On or about July 8, 2014, a Motion to Modify Consent Order was filed by Licensee's counsel requesting the Board to lift the probation and limitation terms placed on his license.
7. On August 1, 2014, a Summary Order was filed by the Board alleging Licensee violated the terms of his August 20, 2012, Consent Order by practicing without a Board-approved preceptor in place.
8. On August 5, 2014, Licensee's counsel filed a Motion for Continuance, Request for Formal Hearing, and Appointment of Presiding Officer in KSBHA Docket No. 11-HA00001. Licensee also filed a Motion to Consolidate and a Request for Hearing in KSBHA Docket No. 15-HA00016.
9. KSBHA Docket Nos. 11-HA00001 and 15-HA00016 were consolidated and a formal hearing was originally set on January 29, 2015.
10. On January 8, 2015, a Joint Motion for Continuance of Hearing was filed with the Board requesting the formal hearing be indefinitely continued to allow the parties to present the agreement contained within this Consent Order to the Board on February 13, 2015, settling this consolidated matter.

MODIFICATION

11. Paragraph 14 to 29 are hereby superseded by this Amendment to the 2012 Consent Order ("Amendment to the Consent Order"). This Amendment to the Consent

Order, however, does not replace the other remaining Paragraphs of the 2012 Consent Order, which shall remain in effect without modification.

12. All pending materials in KSBHA Docket Nos. 11-HA00001 and 15-HA00016 regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel No. 23. Disciplinary Panel No. 23 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.
13. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a 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 medicine and surgery 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 this Consent Order. 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 Healing Arts Act, K.S.A. 65-2801 *et seq.*
14. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Healing Arts Act, or to investigate complaints received under the Risk Management Law, K.S.A. 65-4921 *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 Healing Arts Act.

15. 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.
16. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.
17. 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.
18. 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.

19. 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.

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

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

22. 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, Lower Level-Suite A,
Topeka, Kansas 66612

23. Licensee shall obey all federal, state and local laws and rules governing the practice of medicine and surgery 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.

24. 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.
25. Licensee shall immediately notify the Board or its designee of any citation, arrest or charge filed against him or any conviction for any traffic or criminal offense.
26. Licensee shall immediately notify the Board or its designee of any complaint filed, or investigation opened, by the proper licensing authority of another state, territory, District of Columbia, or other country, or by a peer review body, a health care facility, a professional association or society, or by a governmental agency.
27. Licensee shall at all times keep Board staff informed of 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.
28. This Consent Order constitutes public, non-disciplinary action.
29. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.
30. 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 medicine and surgery:

EDUCATIONAL PRECEPTOR

31. Licensee shall have an educational preceptor at each practice location. The Board hereby designates the Disciplinary Panel's Appointed Member to approve or disapprove the proposed educational preceptor(s).

32. Licensee shall submit the initial request for approval of his educational preceptor within ten (10) days of signing this Consent Order to be approved by the Board. Further, Licensee shall submit each subsequent request for approval of a new or substitute educational preceptor prior to the departure of the previously Board-approved educational preceptor or unless otherwise Board-approved.

33. Licensee shall submit the following information with each request for approval :

- a. A current Curriculum Vitae of the proposed educational preceptor;
- b. Signed agreement or memorandum of understanding between Licensee and the proposed educational preceptor acknowledging:
 - i. Licensee provided a copy of the CPEP Assessment Report and a copy of this Consent Order to the proposed educational preceptor; and
 - ii. The proposed educational preceptor understands his/her duties and responsibilities.

34. The proposed educational preceptor shall be:

- a. A Kansas-licensed doctor of medicine and surgery or Kansas-licensed doctor of osteopathic medicine and surgery;
- b. A member of the same group, or employed by the same healthcare organization as Licensee, and practice at the same facility unless otherwise approved by the Disciplinary Panel's Appointed Member; and
- c. Board-approved prior to fulfilling the duties and responsibilities of a preceptor.

35. Licensee shall submit all requests for Board-approval of such educational preceptor(s) in writing and addressed to:

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

36. Once the educational preceptor is approved by the Board, the educational preceptor shall:

- a. Review at least ten (10) patient charts each month;
- b. Meet in person with Licensee at least one (1) time each month to discuss the patient charts that were reviewed. Such discussion should encompass what Licensee is doing well and what needs improvement;
- c. Submit quarterly reports (July 15th, October 15th, January 15th, and April 15th) to the Board on the form provided by Board staff. Such reports shall include the number of patient charts reviewed, a brief summary of Licensee's services rendered during each month, whether Licensee is appropriately documenting the medical record, and how Licensee is implementing the recommendations of the CPEP Assessment Report. The educational preceptor must immediately notify Board staff if he/she believes Licensee's services fall outside the standard of care.

37. Licensee is responsible for ensuring the educational preceptor's timely submission of the quarterly report.

38. All costs associated with this educational preceptorship requirement shall be at Licensee's own expense.

BOARD COSTS

39. Licensee is hereby ordered to pay the Board's incurred COSTS in conducting these proceeding under the Kansas Administrative Procedure Act in the amount that is put forth by the Board in a Statement of Costs. These costs shall be paid in full prior to the Board's consideration to terminate Licensee's Educational Preceptorship requirement.
40. Licensee shall make all payments, which shall be in the form of cashier's check or money order, to the "Kansas State Board of Healing Arts" and send all payments to the attention of:

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

TIMEFRAME

41. The above educational preceptorship provision is not self-terminating.
42. After a period of one (1) year, Licensee may request modification or termination of the provision requiring an education preceptor.
43. For any period of time that Licensee is not actively practicing medicine and surgery in the state of Kansas, the educational preceptorship provision will remain in effect but will not be tolled and not counted towards reducing the one (1) year timeframe.

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

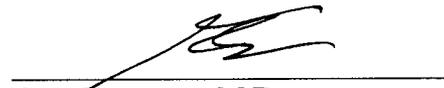
IT IS SO ORDERED on this 25 day of Feb, 2015.

Consent Order
Greg Epperson, M.D.

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

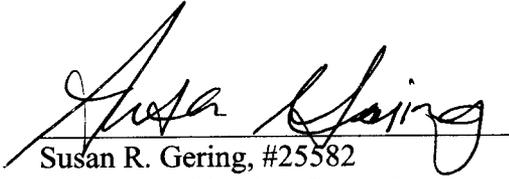

Kathleen Selzler Lippert
Executive Director

2/25/15
Date


Greg Epperson, M.D.
Licensee

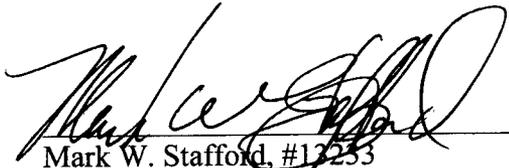
Date

PREPARED AND APPROVED BY:

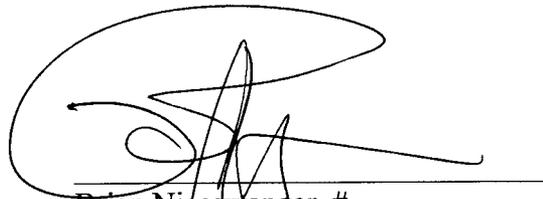


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CERTIFICATE OF SERVICE

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 26th day of February, 2015, to the following:

Greg Epperson, M.D.
Licensee
Confidential
Kansas City, Kansas 66109

Mark Stafford
Licensee's Attorney
107 SW 6th Avenue, Ste. 210
Topeka, Kansas 66603

Brian Niceswanger
Licensee's Attorney
605 West 47th Street
Kansas City, Missouri 64112

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:

Susan R. Gering
Associate Litigation Counsel
Seth Brackman
Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Compliance Coordinator
Kansas Board of Healing Arts
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