FILED
JUN 22 2016
KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
CONSTANTINE FOTOPOULOS, M.D.	)	
	)	
	)	**KSBHA Docket No. 15-HA00014**
Kansas License No. 04-25099	)	
	)	

FINAL ORDER TERMINATING PROBATION
AND CONSENT ORDER REQUIREMENTS

NOW on this 10th day of June, 2016, comes before the Kansas State Board of Healing Arts ("Board") the request of Constantine Fotopoulos, MD ("Licensee") for termination of the probation in his Consent Order filed on April 15, 2015. Licensee appears in person and through counsel, Mark Lynch of Simpson, Logback, Lynch, Norris, P.A. Jane Weiler, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to Board by K.S.A. 65-2801 *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 *et seq.*, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the agency record, hearing the statements and arguments of the parties, receiving evidence, and being otherwise advised in the premises, the Board makes the following findings, conclusions and order:

1. On April 15, 2015, Licensee entered into a Consent Order to resolve allegations of unprofessional conduct.

2. The Consent Order suspended Licensee's license from April 10, to June 9, 2015.

3. The Consent Order also placed Licensee's license under Probation for at least a year with the following requirements:

a. Attend and complete the "Intensive Course in Medical Record Keeping with Individual Preceptorships" and "Maintaining Proper Boundaries" educational courses;

b. Consult, examine, or treat female patients only when there is a Board approved chaperone present in the room; and

c. Have a Board-approved practice monitor review the practices and procedures of his office to ensure compliance with community and ethical standards for patient conduct.

4. Additionally, the Consent Order required Licensee to pay the Board's costs of the proceedings.

5. On, April 26, 2016, Licensee filed a Motion to Terminate Probation.

6. On May 19, 2016, Associate litigation Counsel filed a Response to Petition to Terminate Practice Restrictions and Monitoring.

7. The evidence presented demonstrates Licensee's compliance with the Consent Order as follows:

a. On April 28, 2016, Licensee paid the required costs in the amount of $470.

b. On January 16, 206, Licensee submitted evidence of completion of the required educational courses.

c. From July 13, 2015 through May 12, 2016, Licensee's approved chaperones submitted eleven (11) monthly reports as evidence that a chaperone was present any time a the Licensee consulted, examined, or

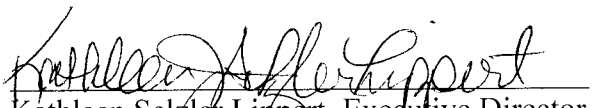
treated a female patient. On December 31, 2015, Licensee treated a female patient without a Board-approved chaperone present. However, another staff person was present in the room with Licensee and the patient. Licensee self-reported his non-compliance. The Board issued a public censure against Licensee's license for this incident in KSBHA Docket No. 16-HA00077.

d. From September 17, 2015 through April 15, 2015, Licensee's Board-approved practice monitor submitted four (4) quarterly reports regarding Licensee's practice and procedures.

8. The Board finds that Licensee has satisfactorily met all requirements of the Consent Order and concludes that termination of the Probation and all other requirements of the Consent Order are warranted in the circumstances.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that the requirements of the Consent Order filed on April 15, 2015, including the **PROBATION** of Licensee's license, are hereby **TERMINATED** and that Licensee shall have no further obligation for compliance.

IT IS SO ORDERED THIS 22 DAY OF JUNE, 2016, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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 Kathleen Selzler Lippert, Executive Director, at 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing **Final Order Terminating Probation and Consent Order Requirements** was served this 22nd day of June, 2016 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Constantine Fotopoulos, MD
Confidential
Olathe, KS 66062

Mark Lynch
Simpson, Logback, Lynch, Norris, P.A.
7400 W. 110th Street, Suite 600
Overland Park, KS 66210

And a copy was delivered to:

Jane Weiler, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612

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

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

Cathy A. Brown

Cathy Brown, Executive Assistant