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KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS OF THE STATE OF KANSAS

In the Matter of
Robert J. Haskins, M.D.
Kansas License No. 04-16047

Docket No. 15 M-HA 00020

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Anne Barker Hall, Associate Litigation Counsel ("Petitioner"), and Robert J. Haskins, M.D. ("Licensee"), and moves 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:

- 1. Licensee's present mailing address is: Confidential Chanute, Kansas, 66720.
2. Licensee is or has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-16047 on approximately January 2, 1975. Licensee's license is active.
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 medicine and surgery. K.S.A. 65-2891 et seq. and K.S.A. 65-2869.
4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into this 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.

Consent Order
Robert J. Haskins, M.D.

5. The Kansas Healing Arts Act is constitutional on its face and as applied in this 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 his right to a hearing. Licensee is represented by legal counsel and hereby voluntarily and knowingly waives his 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 those 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. The Board has received information and investigated the same, and has reason to believe that there may be grounds pursuant to K.S.A. 65-2836, to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.*
9. On or about January 16, 2013, Licensee consumed alcohol after attending a meeting at the University of Kansas School of Medicine in Kansas City,

Consent Order
Robert J. Haskins, M.D.

Kansas. Thereafter, Licensee operated a motor vehicle while under the influence of alcohol, and was involved in a non-injury motor vehicle accident which he failed to stop for, and was ultimately was stopped by law enforcement at or about Southbound I-35 at 95th Street in Lenexa, Kansas. As a result, Licensee was charged in the District Court of Johnson County, Kansas with one count of driving under the influence, (first offense), a Class B misdemeanor, and with leaving the scene of a non-injury accident, an unclassified misdemeanor. Ultimately, on June 26, 2013, Licensee plead no contest to both charges, was found guilty of both counts, and was sentenced by the Court in accordance with the Journal Entry of Judgment, attached hereto as Exhibit "A".

10. Licensee served 48 hours of incarceration in the Johnson County Weekend Intervention Program (a/k/a "CWIP"), which included his successful completion of Levels I and II alcohol drug information school (hereafter "ADIS") education and the DUI Victim Impact Panel.
11. Licensee was also ordered by the Court to serve misdemeanor probation for the period of one year, beginning on June 26, 2013. (See Exhibit "A"). Licensee is under a Court Order to abstain from using alcohol and he remains on said probation which subjects him to continued drug and alcohol monitoring until June 26, 2014.

12. Confidential

Consent Order
Robert J. Haskins, M.D.

Confidential

13. Confidential

14. Licensee recognizes that if a formal hearing proceeding were conducted, and if Licensee presented no exhibits, witnesses, or other evidence, the Board would likely have sufficient evidence to prove that Licensee had violated the Kansas Healing Arts Act with respect to engaging in conduct which is likely to harm the public, contrary to K.S.A. 65-2836(b), as set forth in K.S.A. 65-2837(b)(12).

15. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

16. A protective order is hereby entered to protect all confidential information contained herein, pursuant to 42 CFR Part II, K.S.A. 65-2836(i), and K.S.A. 65-4925.

17. Licensee recognizes that pursuant to K.S.A. 65-2836, the Board may revoke, suspend, limit, censure or place under probationary conditions Licensee's license, and pursuant to K.S.A. 65-2863a, the Board has the authority to impose administrative fines for any violation of the Kansas Healing Arts Act.

Consent Order
Robert J. Haskins, M.D.

18. According to K.S.A.65-2838(b) and K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.
19. All pending investigation materials in KSBHA Investigation number 14-00071 regarding Licensee, were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel No. 28, Disciplinary Panel No. 28 authorized and directed the Board's legal counsel to seek a settlement of this matter with the provisions contained in this Consent Order.
20. 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.*

21. 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 any other known or unknown allegations of violations of the Kansas Healing Arts Act.
22. 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 alleging 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.
23. 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 this Consent Order.

Consent Order
Robert J. Haskins, M.D.

24. 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.
25. 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.
26. 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.
27. Licensee acknowledges that he has read this Consent Order and fully understands the contents.
28. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

Consent Order
Robert J. Haskins, M.D.

29. All correspondence or communication between Licensee 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, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.
30. 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.
31. 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 Final Order when filed with the office of the Executive Director for the Board and no further Order is required.
32. This Consent Order constitutes public non-disciplinary action.
33. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.
34. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following non-disciplinary action on his license to engage in the practice of medicine and surgery:
- NON-DISCIPLINARY MONITORING**
35. Licensee agrees to continue with his Court-imposed probation monitoring, which includes random drug and alcohol testing as administered through the

Consent Order
Robert J. Haskins, M.D.

Johnson County District Court, until such time as Licensee is deemed to have successfully completed all the terms and conditions of his Court-Ordered probation.

36. Licensee agrees to follow all recommendations by his probation officer to include, but not limited to, alcohol and drug testing and his continued obligations regarding reporting, etc.
37. Licensee further agrees to immediately notify the Board of any allegation that he has violated the terms and conditions of his Court-Ordered probation, including, but not limited to, any positive test for drugs/alcohol, any Motion to Revoke Probation filed by the prosecution, or should he be charged with any new criminal offense (something other than a minor traffic infractions), any of which might potentially impact Licensee's Court-Ordered probation status.
38. Confidential

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42. Confidential

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43. Licensee agrees to immediately notify a Board representative if he experiences a relapse or otherwise fails to comply in any manner with any term or condition of his Court-Ordered probation Confidential
44. Licensee will furnish a copy of this Consent Order to each and every state in which he holds licensure or applies for licensure.
45. Licensee shall immediately notify the Board or its designee of any citation, arrest or charge filed against him, or of any conviction for any criminal or traffic misdemeanor or felony offenses.
46. Licensee shall at all times keep Board staff informed of all his current practice locations, addresses and telephone numbers. Licensee shall provide the above information in writing to the Board within ten (10) calendar days of any such change.

TIMEFRAME

47. The above monitoring provisions are not self-terminating. After the period of one (1) year, Licensee may request modification or termination of the provisions. For any period of time that Licensee is not actively practicing medicine and surgery in Kansas, the monitoring provisions will remain in effect but will be tolled.

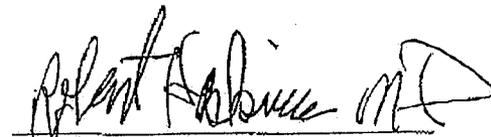
IT IS THEREFORE ORDERED that the Consent Order, agreement and release of the parties contained herein is hereby adopted by the Board as its own findings of fact, conclusions of law, and as a Final Order of the Board.

IT IS SO ORDERED on this 15 day of Aug, 2014.

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

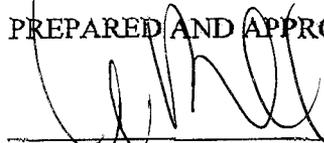

Kathleen Selzler Lippert
Executive Director

8/15/14
Date


Robert Haskins, M.D.
Licensee

6-13-14
Date

PREPARED AND APPROVED BY:


Anne Barker Hall #23672
Associate Litigation Counsel
Kansas Board of Healing Arts
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10111 W. 87th Street
Overland Park, KS 66212
913-888-1000

Consent Order
Robert J. Haskins, M.D.

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 15th day of - August, 2014, to the following:

Robert Haskins, M.D.
Confidential
Chanute, Kansas, 66720.
Licensee

Kevin D. Weakley
Wallace Saunders Law Firm
10111 W. 87th Street
Overland Park, Kansas 66212
Attorney for Licensee

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:

Anne Barker Hall
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
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Consent Order
Robert J. Haskins, M.D.

Katy Lenahan
Licensing Administrator
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
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Cathy A. Brown

Consent Order
Robert J. Haskins, M.D.