FILED

FEB 12 2016

KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
	)	**KSBHA Docket No. 16-HA00059**
Steven R. Henson, M.D.	)	**OAH Docket No. 16-HA0007**
Kansas License No. 04-23263	)	

EX PARTE EMERGENCY ORDER OF SUSPENSION OF LICENSE

NOW on this 12th day of February, 2016, comes before Administrative Law Judge/Presiding Officer, Michele Tunnell, the Kansas Board of Healing Arts' (Petitioner) Motion for *Ex Parte* Emergency Order of Suspension and for Emergency Proceedings filed against the license of Steven R. Henson, M.D. ("Licensee") by the Petitioner.

The Presiding Officer has reviewed the agency record in Docket No. 16-HA00059, including the Petition filed February 4, 2016, the Amended Petition filed February 8, 2016, and the Petitioner's Motion for *Ex Parte* Emergency Order of Suspension and for Emergency Proceedings ("Motion") filed February 8, 2016, against Licensee's license. The Motion requests an emergency suspension of Licensee's license, requests emergency proceedings and seeks a protective order regarding certain privileged and confidential information. The Presiding Officer has also reviewed Board Exhibits 1 through 8 that are attached to the Motion. Based upon due consideration of the pleadings and exhibits in the agency record, the Presiding Officer finds, concludes and orders as follows:

1. The Motion requests an order be issued pursuant to K.S.A. 65-2838(c) and K.S.A. 77-536(a)(1). Under those statutes, the Administrative Law Judge/Presiding Officer may issue an order without notice and hearing and may temporarily limit or suspend a license if the Administrative Law Judge/Presiding Officer finds an imminent danger to the public health and safety.

2. Licensee's last known mailing address to the Board is: Confidential

Confidential Wichita, Kansas 67205.

3. Licensee is or has been entitled to practice medicine and surgery in the State of Kansas, having been issued License No. 04-23263 on approximately July 1, 1990, and having renewed such license on or about June 4, 2015. Licensee's license status is currently active.

4. On February 4, 2016, a Petition was filed in this matter with three counts generally alleging that Licensee was inappropriately prescribing controlled substances to Patient 1, Patient 2, and Patient 3. The Petition alleged Licensee violated K.S.A. 65-2836(b), K.S.A. 65-2837(a)(1), K.S.A. 65-2837(a)(2), K.S.A. 65-2837(a)(3), K.S.A. 65-2837(b)(12), K.S.A. 65-2837(b)(23), K.S.A. 65-2837(b)(24), K.S.A. 65-2837(b)(25), K.S.A. 65-2836(f), K.S.A. 65-2836(k), and K.S.A. 65-2836(p).

5. On February 8, 2016, Petitioner filed an Amended Petition to include the previous three counts from the Petition filed on February 4, 2016, as well as one additional count generally alleging that Licensee voluntarily surrendered his controlled substances privileges on or about August 7, 2015. On or about August 19, 2015, Licensee prescribed controlled substances to Patient 4. On or about August 20, 2015, Licensee again prescribed Patient 4 a controlled substance. The Petition alleged Licensee violated K.S.A. 65-2836(f).

6. The Motion incorporates the allegations contained in the Petition, as well as the Amended Petition, and also includes Exhibits 1 through 8. Exhibit 1 and Exhibit 2 are the Petition, and the Amended Petition.

7. Exhibit 3 is Licensee's Voluntary Surrender of Controlled Substances Privileges that he signed on August 7, 2015.

8. Exhibit 4 is a copy of the August 19, 2015, prescription given to Patient 4.

9. Exhibit 5 is a copy of the August 20, 2015, prescription given to Patient 4.

10. Exhibit 6 is a copy of the Board's expert's reports for Patient 1, Patient 2 and Patient 3.

11. Exhibit 7 is an Affidavit of Confidential

Confidential

The affidavit generally summarizes Confidential knowledge regarding the prescription written by Licensee on August 19, 2015.

12. Exhibit 8 is an Affidavit of Confidential

Confidential

The affidavit generally summarizes Confidential knowledge regarding the prescription written by Licensee on August 20, 2015.

13. The Administrative Law Judge/Presiding Officer concludes that the evidence demonstrates that there is cause to believe that Licensee presently has the inability to practice medicine and surgery with reasonable skill and safety due to his continued prescribing of controlled substances following the voluntary surrender of his controlled substance privileges in violation of K.S.A. 65-2836(f).

14. The Administrative Law Judge/Presiding Officer may also conclude there is cause to believe that Licensee may have violated K.S.A. 65-2836(b), K.S.A. 65-2837(a)(1), K.S.A. 65-2837(a)(2), K.S.A. 65-2837(a)(3), K.S.A. 65-2837(b)(12), K.S.A. 65-2837(b)(23), K.S.A. 65-2837(b)(24), K.S.A. 65-2837(b)(25), K.S.A. 65-2836(k), and K.S.A. 65-2836(p), and those violations are grounds to discipline Licensee's license.

15. The Administrative Law Judge/Presiding Officer finds that Licensee's continuation in active practice constitutes an immediate danger to the public health, safety or

welfare and that such license should be emergently suspended pursuant to K.S.A. 65-2838(c) and K.S.A. 77-536.

IT IS THEREFORE ORDERED that the license of Steven R. Henson, M.D., to practice medicine and surgery in the State of Kansas is hereby emergently SUSPENDED. Such suspension is effective when this Order is rendered.

IT IS SO ORDERED THIS 12th DAY OF FEBRUARY, 2016, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

Any party may file a petition for judicial review of this *Ex Parte* Emergency Order of Suspension of License with the appropriate District Court pursuant to K.S.A. 77-536 and K.S.A. 77-601, *et seq.*

Michele Tunnell
Administrative Law Judge/Presiding Officer

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the ***EX PARTE*** **EMERGENCY ORDER OF SUSPENSION OF LICENSE** by (X) placing the same in the U.S. mail, postage prepaid, (___) facsimile to the phone numbers listed below, and that the transmission was reported as complete and without error and that the facsimile machine complied with Supreme Court Rule 119(b)(3), or (___) hand delivery, on this the 12th day of February, 2016, to the following:

Steven R. Henson, M.D.
Licensee
Confidential

Wichita, Kansas 67205

Joseph S. Behzadi
Associate Litigation Counsel
Reese H. Hays
Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson
Lower Level-Suite A
Topeka, Kansas 66612

Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson
Lower Level-Suite A
Topeka, Kansas 66612

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

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

Hesta H. Workmen
Staff Member