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KS State Board of Healing Arts

BEFORE THE BOAR OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
	)	Docket No. 07-HA-00088
MILA MEANS, M.D.	)	
Kansas License No. 04-20313	)	
	)	

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Diane L. Bellquist, Associate Counsel ("Petitioner"), and Mila Means, M.D. ("Licensee"), *pro se,* 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:

1. Licensee's last known mailing address to the Board is: Confidential Valley Center, Kansas 67147. Confidential

2. Licensee has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-20313 on approximately December 9, 1983. Licensee's license status is currently 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. 65-2801 *et seq.*

4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 65-2838.

5. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

6. The Kansas Healing Arts Act is constitutional on its face and as applied in this case.

7. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

8. Licensee voluntarily and knowingly waives her right to a hearing. Licensee voluntarily and knowingly waives her 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.

9. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these 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.

10. Licensee's specialty is family practice.

11. In about 2001, Licensee began providing medical care and treatment to "Patient A," who also happened to be a family friend.

12. Patient A had previously been diagnosed with bipolar depression.

13. Later that same year, Licensee began providing medical care and treatment to "Patient B," who was the grandmother of patient A.

14. In about 2002, Licensee began providing medical care and treatment to "Patient C," Confidential

15. Patient C had previously been diagnosed with bipolar depression.

16. Confidential

17. Confidential

18. On or about April 11, 2006, Patient B, Confidential

Confidential , passed away.

19. Licensee assigned the cause of death on the death certificate in part due to "realizing children character disorders."

20. Confidential

21.

22.

23.

24.

Confidential

25. The Board has grounds to take disciplinary action against Licensee's license pursuant to K.S.A. 65-2836(b), for unprofessional conduct which is further defined by K.S.A. 65-2837(b)(16), as the "commission of any act of sexual abuse, misconduct or exploitation related to the licensee's professional practice."

26. The Board has grounds to take disciplinary action against Licensee's license pursuant to K.S.A. 65-2836(b), for unprofessional and/or dishonorable conduct for the manner in which Licensee completed her grandmother-in-law's death certificate.

27. Pursuant to K.S.A. 65-2863a(a), the Board has grounds to assess a fine against Licensee's license for such violation of the Healing Arts Act.

28. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against her license to engage in the practice of medicine and surgery:

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a.

CONTINUING EDUCATION

b. Licensee shall successfully complete the PRIM-E course regarding professional boundaries on or before September 9, 2007. Licensee shall

submit proof of completion of such course to the Board on or before October 15, 2007. Licensee is responsible for all expenses associated with this requirement;

c. Licensee shall successfully complete the American Academy of Family Physicians' continuing medical education course "Avoiding Pitfalls in Diagnosing and Managing Major Depression" which addresses the use of psychiatric consultations in relation to family practice. Licensee shall submit proof of completion of such course to the Board on or before October 15, 2007. Licensee is responsible for all expenses associated with this requirement; and

MONITORING

Confidential

d.

29. Licensee's failure to comply with the provisions of the Consent Order may result in the Board taking further disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act and Kansas Healing Arts Act.

30. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Healing Arts Act, or to investigate complaints received under the Risk Management Law, K.S.A. 64-4921 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 Healing Arts Act.

31. 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 Act for Judicial Review and Civil Enforcement of Agency Actions, 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.

32. Licensee further understands and agrees that upon signature by Licensee this document shall be deemed a public record and shall be reported to the National Practitioner Databank, Federation of State Medical Boards, and any other entity authorized to receive disclosure of this Consent Order.

33. 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.

34. 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.

35. Licensee by signature to this document, waives any objection to the participation of General Counsel and the Board members, including the Disciplinary Panel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of General Counsel or any Board member in any future proceedings on the basis that General Counsel or the Board member has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

36. Licensee acknowledges that she has read this Consent Order and fully understands the contents. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

37. 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, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

38. 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.

39. 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.

40. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

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

IT IS FURTHER ORDERED that:

Confidential

a.

CONTINUING EDUCATION

b. Licensee shall successfully complete the PRIM-E course regarding professional boundaries on or before September 9, 2007. Licensee shall submit proof of completion of such course to the Board on or before October 15, 2007. Licensee is responsible for all expenses associated with this requirement;

c. Licensee shall successfully complete the American Academy of Family Physicians' continuing medical education course "Avoiding Pitfalls in Diagnosing and Managing Major Depression" which addresses the use of psychiatric consultations in relation to family practice. Licensee shall submit proof of completion of such course to the Board on or before October 15, 2007. Licensee is responsible for all expenses associated with this requirement; and

MONITORING

Confidential

d.

Confidential

IT IS SO ORDERED on this 23rd day of April 2007.

FOR THE KANSAS STATE BOARD OF HEALING ARTS:

Lawrence T. Buening, Jr.
Executive Director

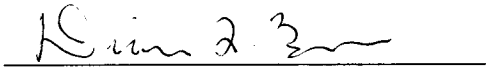
April 23, 2007
Date

AGREED TO BY:

Mila Means, M.D.
Licensee

4-3-07
Date

PREPARED AND APPROVED BY:



Diane L. Bellquist #20969
Associate Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068
(785) 294-7413
Attorney for Petitioner

CERTIFICATE OF SERVICE

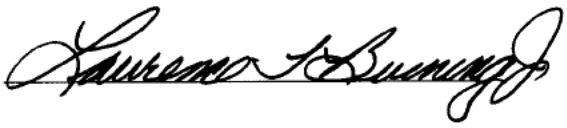
I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 23rd day of April, 2007, to the following:

Mila Means, M.D.
Confidential

Valley Center, Kansas 67147 Confidential

and the original was hand-filed with:

Lawrence T. Buening, Jr.
Executive Director
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

and a copy was hand-delivered to:

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