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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	)	
	)	Docket No. 16-HA00030
Kehinde Ade Morohunfola, M.D.	)	
Kansas License No. 04-24823	)	

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Susan R. Gering, Associate Litigation Counsel ("Petitioner"), and Kehinde Ade Morohunfola, M.D. (" Licensee"), by and through his attorney, Brent Wright, Horn Aylward & Bandy, LLC, 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 eawood, Kansas 66224.
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. 04-24823 on approximately October 9, 1993. 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. 65-2801 *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 the 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.

5. The Kansas Healing Arts Act is constitutional on its face and as applied in the 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 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 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.
8. The Board has received information and investigated the same, and has reason to believe that there may be grounds to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*
9. On May 10, 2013, the Board received a complaint alleging a medical spa was practicing medicine without a license and providing Viora Reaction Radiofrequency skin treatments and Lipo B12 injections. In addition, the complainant alleged inappropriate physician supervision by Licensee for medical services provided.
10. Licensee entered into a contract to serve as the Medical Director for Bouari Clinic located in Overland Park, Kansas on January 11, 2013.

11. Under the terms of the contract Licensee would receive FIVE HUNDRED DOLLARS AND ZERO CENTS ($ 500.00) per month per clinic that he served as the Medical Director at. His duties and responsibilities as agreed to in the signed contract included, but were not limited, to the following:
    a. Maintain malpractice insurance during the full term of the agreement;
    b. Review and endorse patients charts, as needed; and
    c. Maintain and operate a professional and ethical diet and weight loss practice.
12. Licensee received checks for serving as the Medical Director for the months of April, May, June, and July of 2013. His total compensation received from Bouari Clinic was TWO THOUSAND DOLLARS AND ZERO CENTS ($2,000.00).
13. All of the treatments offered by Bouari Clinic were provided by employees other than Licensee. These individuals did not have a medical and/or nursing license. Licensee provided none of the offered treatments while serving as the Medical Director of the Overland Park Bouari Clinic.
14. During the investigation, the Board requested six (6) patient records all within the time frame in which Licensee served as Medical Director for the Overland Park office.
15. All of six (6) of the patient records have no identification of who created the medical record or performed the services rendered. Also, there is no signature or evidence of review by Licensee anywhere in the patient records.
16. Licensee admits that he did not supervise the performance of any medical services by any staff at Bouari Clinic, nor saw any patient at the clinic.
17. In approximately November 2013, Bouari Clinic in Overland Park, Kansas cease to exist.

18. As of July 15, 2014, Bouari Clinic was forfeited in Kansas for failure to timely file an annual report.

19. Licensee acknowledges that if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses, or other evidence, the Board has sufficient evidence to prove that Licensee has violated the Kansas Healing Arts Act with respect to the above allegations. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

20. Licensee's acts, if proven, constitute unprofessional conduct and/or dishonorable conduct as set forth in K.S.A. 65-2836.

21. Licensee violated K.S.A. 65-2836(b), as set forth in K.S.A. 65-2837(b)(12), in that Licensee's conduct is likely to harm the public.

22. Licensee violated K.S.A. 65-2836(b), as set forth in K.S.A. 65-2837(b)(14), in that Licensee aided and abetted the practice of the healing arts by an unlicensed, incompetent or impaired person.

23. Licensee violated K.S.A. 65-2836(b), as set forth in K.S.A. 65-2837(b)(25), in that Licensee failed to keep written medical records which accurately describe the services rendered to the patient, including patient histories, pertinent findings, examination results and test results.

24. Licensee violated K.S.A. 65-2836(b), as set forth in K.S.A. 65-2837(b)(30), in that Licensee failed to properly supervise, direct or delegate acts which constitute the healing arts to persons who perform professional services pursuant to such licensee's direction, supervision, order, referral, delegation or practice protocols.

25. 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 violations of the Kansas Healing Arts Act.
26. 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.
27. All pending investigation materials in KSBHA Investigation Number 14-00162 regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel No. 30. Disciplinary Panel No. 30 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.
28. 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.*

29. 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.
30. 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.
31. 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.
32. 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.
33. 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.

34. 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.

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

36. 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:

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

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. 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 excluding speeding and/or parking violations.
41. 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.
42. 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.
43. This Consent Order constitutes **public disciplinary action.**
44. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.
45. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against his license to engage in the practice of medicine and surgery:.

LIMITATION

46. Licensee shall not serve as a Medical Director for any medical specialties in which he has not received proper medical training.

47. The above limitation provision is not self-terminating. Licensee must request any modification or termination of the limitation provision by making a written request to the Board or its designee.

PROBATION: FINE

48. Licensee agrees to pay a FINE in the amount of FIVE HUNDRED DOLLARS AND ZERO CENTS, ($ 500.00).

49. Such fine shall be paid in the form of a Cashier's Check or Money Order to the "Kansas State Board of healing Arts" in full on or before October 30, 2015.

50. All monetary payments to the Board relating to this Consent Order shall be mailed to the Board by certified mail addressed to:

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

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 2 day of Nov, 2015.

FOR THE KANSAS STATE BOARD OF HEALING ARTS:

Kathleen Selzler Lippert
Executive Director

11/2/15
Date

Kehinde Ade Morohunfola, M.D.
Licensee

9/9/15
Date

PREPARED AND APPROVED BY:

Susan R. Gering, #25582
Associate Litigation Counsel
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APPROVED BY:

Brent G. Wright, # 16297
Attorney for Licensee
Horn Aylward & Bandy, LLC
2600 Grand Boulevard, Suite 1100
Kansas City, Missouri 64108
bwright@hab-law.com

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 2nd day of Nov., 2015, to the following:

Kehinde Ade Morohunfola, M.D.
Licensee
Confidential
Leawood, Kansas 66224

Brent G. Wright
Attorney for Licensee
Horn Aylward & Bandy, LLC
2600 Grand Boulevard, Suite 1100
Kansas City, Missouri 64108

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
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

Cathy A. Brown