

**EFFECTIVE AS A
FINAL ORDER**

DATE: 5/19/15

FILED *CAB*
APR 30 2015

**BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS**

KS State Board of Healing Arts

In the Matter of)
)
Ania G. Pollack, M.D.) **KSBHA Docket No. 15-HA 00106**
)
Kansas License No. 04-31441)
)
_____)

SUMMARY ORDER

NOW ON THIS 30 day of April, 2015, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A 77-537.

Pursuant to K.S.A 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for hearing is made within fifteen (15) days of service.

Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law, and order are made for and on behalf of the Board:

Findings of Fact

1. Ania G. Pollack, M.D. ("Licensee") was originally issued license number 04-31441 to practice medicine and surgery in the state of Kansas on August 13, 2005. Licensee's current license designation is active, and such license was last renewed on or about June 2, 2014.
2. Licensee's last known mailing address to the Board is: **Confidential** Dayton, Ohio 45440.
3. On June 11, 2013, Licensee indicated on her application for renewal that she possessed medical malpractice insurance, Policy Number SELFINSURED 1, through KU Foundation with an expiration date of June 30, 2013.

4. The Kansas Health Care Stabilization Fund showed Licensee's actual termination date to be December 31, 2012.
5. On September 30, 2013, Licensee was notified of an investigation into the discrepancy, and Licensee was asked to provide her current practice address, information as to why the insurance was terminated, and "all supporting documentation, including related correspondence" to assist the board in review of the complaint.
6. Licensee responded on December 13, 2013, stating she separated from the University of Kansas Medical Center on December 31, 2012, that the separation agreement included tail insurance, and that she assumed the tail insurance was active.
7. Licensee provided no documentation in support, and there is no evidence Licensee did in fact have tail insurance.
8. Licensee's 2014 renewal listed Licensee as having coverage with Medical Protective Co. from February 7, 2014, but there is no expiration date listed.
9. The Kansas Health Care Stabilization Fund still lists Licensee as not being in compliance since December 31, 2012.
10. Also, in her 2014 renewal application, Licensee disclosed having an active medical license in Illinois and Missouri, but Licensee failed to list that she also has active medical licenses in Ohio and Wyoming.
11. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board's Disciplinary Panel No. 29. The Disciplinary Panel authorized and directed the issuance of this Summary Order and the specific disciplinary sanctions.

Applicable Law

12. K.S.A. 65-2809(c) of the Kansas Healing Arts Act states in pertinent part:

The board, prior to renewal of a license, shall require the licensee, if in the active practice of the healing arts within the state, to submit to the board evidence satisfactory to the board that the licensee is maintaining a policy of professional liability insurance as required by K.S.A. 10-3402.

13. K.S.A. 65-2836 of the Kansas Healing Arts Act states in pertinent part:

A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately censured or placed under probationary conditions, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

(a) The licensee has committed fraud or misrepresentation in applying for or securing an original, renewal, or reinstated license.

(b) The licensee has committed an act of unprofessional and/or dishonorable conduct and/or professional incompetency.

(r) The licensee has failed to furnish the board, or its investigators or representatives, any information legally requested by the board.

(y) The licensee has failed to maintain a policy of professional liability insurance as required by K.S.A. 40-3402 or 40-3403a, and amendments thereto.

14. K.S.A. 65-2837(b) of the Kansas Healing Arts Act states in pertinent part:

(12) Licensee has committed conduct likely to deceive, defraud or harm the public.

Conclusions of Law

15. The Board finds that Licensee violated K.S.A. 65-2836(a) in that Licensee committed fraud and/or misrepresentation when she listed policy number SELFINSURED1 knowing she did not have active malpractice insurance, and she entered the false information in order to renew her application.

16. The Board finds that Licensee violated K.S.A. 65-2836(r) in that Licensee failed to furnish the Board, or its investigators or representatives, information it legally requested from her. Specifically, Licensee provided a false insurance policy number in her June 2013 renewal application; thereby failing to provide information legally requested by the Board. Furthermore, Licensee failed to provide “all supporting documentation, including related correspondence” regarding her malpractice insurance since December 31, 2012, as was legally requested by the Board in its September 30, 2013, letter to her.
17. The Board further finds that Licensee violated K.S.A. 65-2836(y) in that Licensee has failed to maintain a policy of professional liability insurance since January 1, 2013, as is required for Kansas licensees who have an active license to practice medicine and surgery.
18. The Board finds that Licensee has violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(12), in that Licensee has committed conduct likely to deceive, defraud, or harm the public by providing inaccurate and/or false information on her 2013 and 2014 renewal applications.
19. The Board finds that Licensee’s failure to provide accurate and complete information on her 2013 and 2014 applications for renewal is conclusive evidence of Licensee’s aforementioned violation of the Kansas Healing Arts Act.
20. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
21. Based on the facts and circumstances set forth herein, the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-

537(a) in that the use of summary proceedings does not violate any provision of law and the protection of the public interest does not require the Board to give notice and opportunity to participate to person other than Licensee.

IT IS, THEREFORE, ORDERED that Licensee is **PUBLICLY CENSURED** for violating K.S.A. 65-2836(a), K.S.A. 65-2836(b), K.S.A. 65-2836(r), K.S.A. 65-2836(y), and K.S.A. 65-2837(b)(12) of the Kansas Healing Arts Act.

IT IS FURTHER ORDERED that Licensee is **FINED** Five Hundred Dollars and Zero Cents (\$ 500.00) for violating K.S.A. 65-2836(a), K.S.A. 65-2836(b), K.S.A. 65-2836(r), K.S.A. 65-2836(y), and K.S.A. 65-2837(b)(12) of the Kansas Healing Arts Act. Such fine shall be paid to the "Kansas State Board of Healing Arts" in full on or before September 1, 2015. All monetary payments, which shall be in the form of cashier's check or money order, relating to this Summary Order shall be mailed to the Board certified mail addressed to: Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level, Suite A, Topeka, Kansas 66612.

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 30 day of April, 2015.

KANSAS STATE BOARD OF HEALING ARTS


Kathleen Selzler Lippert,
Executive Director

FINAL ORDER NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. 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, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **FINAL ORDER** was served this 19th day of May, 2015 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Ania G. Pollack, MD
Confidential
Dayton, OH 45440

And a copy was hand-delivered to:

Susan Gering Associate 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

Office of the General Counsel
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.



Cathy Brown, Executive Assistant