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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)
)
Karen R. Strecker, M.D.)
Kansas License No. 04-29339)

Docket No. 14-HA 00129

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Seth K. Brackman, Associate Litigation Counsel ("Petitioner"), and Karen R. Strecker, M.D ("Licensee"), by and through James Z. Hernandez of Woodward, Hernandez, Roth and Day, L.L.C., 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 last known mailing address to the Board is: 1855 N. Webb Road, Wichita, Kansas 67206.
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. 04-29339 on or about August 18, 2001. Licensee's license 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.* 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

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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. A protective order is hereby entered to protect all confidential information under 42 CFR Part II, and K.S.A. 65-4925.
7. 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 substantive and procedural motions and defenses that could be raised if an administrative hearing were held.
8. 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.
9. 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(b), K.S.A. 65-2836(s), K.S.A. 65-2837(b)(12), K.S.A. 65-2837(b)(25), and K.S.A. 65-

2837(b)(30) to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.*

10. On or about March 18, 2012, Patient 1, a twenty (20) year old female, presented to Wesley Medical Center at approximately 1213 with complaints of contractions and bleeding. Patient 1 was approximately 27.6 weeks gestation.
11. Licensee was notified by telephone at approximately 1214 of Patient 1's status. At that time Licensee requested a maternal fetal medicine consultation.
12. At approximately 1249, Licensee was notified by resident that Patient 1 was having fetal heart tone decelerations. During this conversation, resident also notified Licensee that delivery was suspected to be imminent, but Licensee does not recall being told this additional information at 1249.
13. At approximately 1305, Licensee was notified that Patient 1 was dilated to a 7, was 90% effaced and at -2 station with fetal heart tones at 140 with variable deceleration with contractions.
14. At approximately 1359, the resident placed an intrauterine pressure catheter and attempted to notify Licensee of what had been done, but Licensee did not answer the telephone call.
15. At approximately 1415, Patient 1 continued to have deep variables, and the resident attempted to contact Licensee a second time. The resident left a message informing Licensee that she was starting the amnioinfusion.
16. At approximately 1427, the resident informed Licensee of deep variables and that they were getting Patient 1's consent for a cesarean section. The resident recommended that Licensee "head to the hospital." Licensee stated that she was

headed to another hospital first to evaluate a possible ectopic pregnancy and that the resident should watch Patient 1 for ten more minutes before Licensee would decide how to proceed.

17. At approximately 1431, the resident contacted Licensee and recommended that she head to the hospital immediately. Licensee told the resident that she had just reached the other hospital and that she needed to lay hands on the patient. Licensee would then call the resident back.

18. At approximately 1450, the resident received a telephone call from Licensee stating that she was starting a procedure in the operating room at another facility, but would be on her way.

19. At approximately 1452, Patient 1 delivered a male infant with the in-house attending physician present for the caesarean section.

20. At approximately 1516, the resident received a phone call from Licensee stating she was scrubbed in at another facility.

21. Confidential

22. On approximately March 18, 2012, at 1730, Licensee documented "agree" in the resident's history and physical for Patient 1.

23. Confidential

24. Confidential

Confidential

25.

26.

27.

28.

29. Confidential

30. On or about April 12, 2013, Travis W. Stenbridge, M.D., Director of the OB/GYN Residency Program verified Licensee and her partners were removed from the faculty of the residency program Confidential

31. 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 her right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

32. 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.

33. 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.

34. All pending investigation materials in KSBHA Investigation Number 13-00186 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 Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

35. 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 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 her 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.*

36. 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.

37. 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.

38. 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.
39. 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.
40. 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.
41. 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.

42. Licensee acknowledges that she has read this Consent Order and fully understands the contents.
43. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
44. 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.
45. 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.
46. 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.
47. This Consent Order constitutes disciplinary action.

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

49. 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 State of Kansas license to engage in the practice of medicine and surgery:

SUSPENSION

50. Licensee's license to practice medicine and surgery in the State of Kansas shall be suspended for a period of fifty (50) consecutive days. The suspension shall begin August 14, 2014.

51. The above provision is self-terminating. On October 3, 2014, Licensee's license shall be reinstated to full active status.

CENSURE

52. Licensee is **publicly censured** for violating the Kansas Healing Arts Act.

EDUCATION

53. Licensee shall attend and successfully complete the in-person ProBE Program presented by the Center for Personalized Education for Physicians (CPEP) on or before November 30, 2014, unless otherwise approved by the Board.

54. All costs associated with such program shall be at Licensee's own expense to include, but not be limited to, the cost of the program, the cost of travel to and from the program, and the cost of accommodations while attending the program.

55. These hours shall be in addition to those hours required for renewal of licensure.

56. On or before April 30, 2014, Licensee shall notify the Compliance Coordinator in writing of which course date Licensee has registered to attend.

57. Licensee shall provide proof of successful completion of the ProBE program to the Compliance Coordinator within thirty (30) days of successfully completing the program.

58. These hours shall be in addition to those hours required for renewal of licensure.

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 22nd day of April, 2014.

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

Kathleen Selzler Lippert ^{by KGS}
Kathleen Selzler Lippert
Executive Director

4/22/14
Date

Karen R. Strecker MD
Karen R. Strecker, M.D.
Licensee

4-17-2014
Date

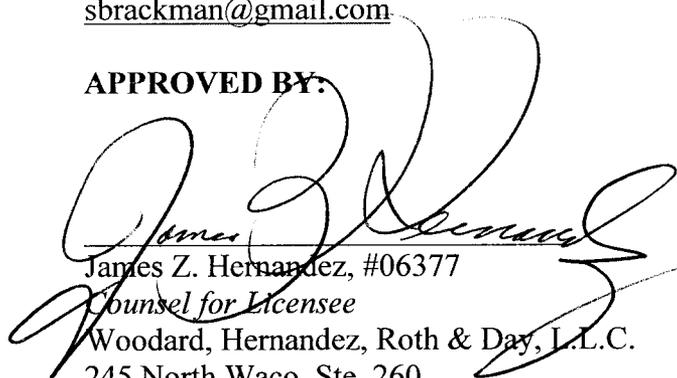
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Karen R. Strecker, M.D.

PREPARED AND APPROVED BY:



Seth K. Brackman, #23726
Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612
P: 785-368-7257
F: 785-368-8210
sbrackman@gmail.com

APPROVED BY:



James Z. Hernandez, #06377
Counsel for Licensee
Woodard, Hernandez, Roth & Day, L.L.C.
245 North Waco, Ste. 260
Wichita, Kansas 67202
P: 316-263-4958
F: 316-263-0125
jimh@woodard-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 22nd day of April, 2014, to the following:

Karen R. Strecker, M.D.
Licensee
1855 N. Webb Road
Wichita, Kansas 67206

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 delivered to:

Seth K. Brackman
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

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

