

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

In the Matter of)
)
TRENT J. TIMSON, D.P.M.) Docket No. 15-HA 00047
)
Kansas License No. 12-00301)

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, (“Board”), by and through Seth K. Brackman, Associate Litigation Counsel (“Petitioner”), and Trent J. Timson, D.P.M., (“Licensee”), by and through Bradley W. Dowd of Horn Aylward and Bandy, LLC, and move the Board for approval of a Consent Order affecting Licensee’s license to practice podiatry in the State of Kansas. The Parties stipulate and agree to the following:

1. Licensee’s last known mailing address to the Board is: 316 West 4th Street, McPherson, Kansas 67460.
2. Licensee is or has been entitled to engage in the practice of podiatry in the State of Kansas, having been issued License No. 12-00301 on or about August 15, 1998. 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 podiatry. K.S.A. 65-2001, *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. 77-505 . Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board’s Final Order.

Consent Order
Trent Timson, D.P.M.

5. The Kansas Podiatry 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 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 there are grounds, pursuant to K.S.A. 65-2006(a)(2), K.S.A. 65-2006(c), and K.S.A. 65-2837(b)(25) to take action with respect to Licensee's license under the Kansas Podiatry Act , K.S.A. 65-2001, *et seq.*
9. On or about August 17, 2007, Patient 1, a thirty-six (36) year old female, presented to Licensee's office with complaints of pain to the sides of both feet as well as the 5th digits on both feet. Patient 1 also reported having arch pain.

10. Licensee discussed surgical options with Patient 1, and surgery was scheduled for November 16, 2007.
11. On or about November 16, 2007, Patient 1 underwent surgery to include bilateral derotational 5th hammertoe repair and Tailor's bunionectomy bilaterally.
12. Patient 1 had postoperative follow-up visits on December 4, 2007, December 13, 2007, January 3, 2008, February 4, 2008, March 18, 2008, March 25, 2008 and June 13, 2008.
13. At the February 4, 2008, follow-up visit, Licensee noted that the 5th toes were "somewhat dorsiflexed and seemed to be somewhat subluxed off the 5th metatarsal heads, and she is having some pain on the side of the left 5th metatarsal head." Licensee and Patient 1 discussed having Patient 1 do some home therapy, manipulation of the toes, and the left 5th metatarsal head was padded. Operative options for the 5th toe concerns were also discussed.
14. At the March 18, 2008, follow-up visit, Patient 1 reported relief of the symptoms in the left 5th lateral metatarsal head area. Patient 1 had expressed concerns that the 5th toes remained subluxed dorsally. Revisional surgery for lengthening the extensor tendons was discussed and later scheduled for June 13, 2008.
15. On or about June 13, 2008, Licensee performed revisional hammertoe repair, bilateral 5th digits, resect exostosis left 5th metatarsal head.
16. Patient 1 had postoperative visits on June 20, 2008, and June 27, 2008.
17. At the June 27, 2008 postoperative visit, Patient 1 expressed concerns that the toes may be "starting to come up again." Licensee documented that the 5th toes were in "very good rectus alignment," but he did splint her toes.

18. Patient 1 also indicated that she had moved to Wichita, and had requested that she be able to follow-up in one month instead of one week. Licensee agreed that Patient 1 could come back in one month as long as she reported any problems or concerns between appointments.
19. On or about August 28, 2008, Patient 1 saw Paul Bassi, D.P.M., of Central Kansas Podiatry Associates for pain at the left more than the right plantar metatarsal head.
20. Dr. Bassi's examination noted more pain on the left than the right 5th metatarsal head and dorsally contracted 5th toes.
21. X-rays were taken at this visit and indicated "dislocated 5th digit noted on the left foot at the metatarsophalangeal joint. Deviated 5th digits noted on the right foot at the metatarsophalangeal joint."
22. Dr. Bassi gave Patient 1 several options for treatment, including: 1) palliation, 2) orthotics, 3) physical therapy, 4) injections, 5) padding, 6) strapping, as well as revisional procedures.
23. On or about December 30, 2008, Patient 1 was seen by Naomi Shields, M.D., for bilateral foot pain, mostly at the 5th toes. Dr. Shields impression was "bilateral fifth MTP pain with MTP subluxation status post incomplete metatarsal head resection, cock up fifth toe deformities with scar contracture."
24. Dr. Shields took x-rays at the December 28th visit, which revealed the left 5th toe subluxed and almost dislocated medially. Operative options were discussed with Patient 1.
25. On or about February 6, 2009, Patient 1 was seen by Dr. Shields for an operative consult, but postponed an operative course due to Patient 1's work load.
26. On or about September 7, 2010, Patient 1 presented to Dr. Shields for a pre-operative consultation.

27. On or about October 25, 2010, Patient 1 underwent a right partial proximal phalanx excision, right fifth Z-plasty, right fourth and fifth syndactylization, left 5th metatarsal osteotomy, left extensor digitorum lengthening, left fifth toe Z-plasty, left fourth and fifth syndactylization.
28. 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 Podiatry Act with respect to the above allegations as follows:
- a. Licensee violated K.S.A. 65-2006(a)(2), for having engaged in professional incompetency to the degree of ordinary negligence; and
 - b. Licensee violated K.S.A. 65-2006(c), as further defined by K.S.A. 65-2837 *et. seq.* and amendments thereto, to include, but not be limited to K.S.A. 65-2837(b)(25) for failing to keep written medical records which accurately describe the service rendered to the patient, including patient histories, pertinent findings, examination results and test results.
29. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.
30. Pursuant to K.S.A. 65-2006, the Board has grounds to deny, revoke, suspend, limit, or censure Licensee's license, and pursuant to K.S.A. 65-2007, the Board has the authority to impose administrative fines for violations of the Kansas Podiatry Act.
31. According to K.S.A.77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

32. All pending investigation materials in KSBHA Investigative Case Number 11-00154 regarding Licensee were fully reviewed and considered by the Board member(s) who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 27 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.
33. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for 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 podiatry 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 as 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 Podiatry Act, K.S.A. 65-2001, *et seq.*
34. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Podiatry 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 Kansas Podiatry Act.

35. 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.
36. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any reporting entities authorized to receive disclosure of the Consent Order.
37. 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.
38. 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.

39. 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.

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

41. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

42. 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 Street, Lower Level-Suite A
Topeka, Kansas 66612

43. Licensee shall obey all federal, state and local laws and rules governing the practice of podiatry 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.

44. Licensee shall immediately notify the Board or its designee of any citation, arrest or charge filed against him or of any conviction for any traffic or criminal offense.

45. Licensee shall at all times keep Board staff informed of all 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.
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 in regard to 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 his license to engage in the practice of podiatry:

PUBLIC CENSURE

50. Licensee is hereby PUBLICLY CENSURED for violations of the Kansas Podiatry Act.

PROBATION: EDUCATION

51. Licensee shall attend and successfully complete one of the three following programs on the days listed, unless otherwise approved by the Board:

- a. Case Western Reserve University School of Medicine (“Case Western”)
 - i. Intensive Course in Medical Record Keeping with Individual Preceptorships
 - 1. November 6-7, 2014, in Beachwood, Ohio (Cleveland)
 - ii. Must participate in six (6) month post-program feedback.
- b. Physician Assessment and Clinical Education Program (PACE)
 - i. Medical Record Keeping Course
 - 1. October 23-24, 2014, in San Diego, California
 - 2. January 2015 in San Diego, California
 - ii. Must participate in six (6) month post-program feedback. *not included in course, but PACE will work with you to create a monitoring program wherein you provide records at 2, 4, & 6 months or at 3 and 6 months for review.
- c. The Center for Personalized Education for Physicians (CPEP)
 - i. Medical Record Keeping Seminar
 - 1. September 27, 2014, in Louisville, Kentucky
 - 2. December 5, 2014, in Denver, Colorado
 - ii. Must participate in the six (6) month Personalized Implementation Program (PIP).

52. 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.

53. These hours shall be in addition to those continuing education hours required for renewal of licensure.

54. On or before September 15, 2014, Licensee shall notify the Compliance Coordinator in writing of which course date Licensee has registered to attend.

55. Licensee shall provide proof of successful completion of the following to the Compliance Coordinator within thirty (30) calendar days of successfully completing the program:

- a. Certificate of completion of the record keeping course;
- b. Certificate of completion of the post-program feedback or PIP.

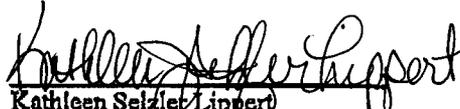
56. Proof of completion of the education requirements shall be submitted by sending the same to:

Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Ste. A
Topeka, Kansas 66612

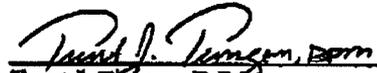
IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

IT IS SO ORDERED on this 16 day of Dec, 2014.

FOR THE KANSAS STATE BOARD OF
HEALING ARTS:


Kathleen Seizler Lippert
Executive Director

12/16/14
Date

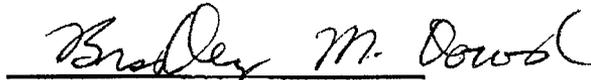

Trent J. Timson, D.P.M.
Licenses

8/5/14
Date

PREPARED AND APPROVED BY:


Seth K. Brackman, #23726
Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson Street, Lower Level-Suite A
Topeka, Kansas 66612
785-368-7257 (phone)
785-368-8210 (fax)

AGREED TO BY:


Bradley M. Dowd, #18659
Horn Aylward & Bandy, L.L.C.
2600 Grand Boulevard
Suite 1100
Kansas City, Missouri 64108
Attorney for Licenses

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the **CONSENT ORDER** via United States mail, first class, postage prepaid, on the 17th day of December, 2014, to the following:

Trent J. Timson, D.P.M.
Licensee
316 West 4th Street
McPherson, Kansas 67460

Bradley M. Dowd
Horn Aylward & Bandy, L.L.C.
2600 Grand Boulevard, Ste. 1100
Kansas City, Missouri 64108

and the original was filed with the Office of the Executive Director:

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

and a copy was delivered to:

Seth K. Brackman
Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson Street, Lower Level-Suite A
Topeka, Kansas 66612

Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson Street, 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



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