FILED

JUN 2 3 2008

KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
	)	Docket No. 08-HA-00234
Bryan S. Van Meter, P.A.	)	
Kansas License No. 15-00697	)	

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Kathleen Selzler Lippert, Associate Counsel ("Petitioner"), and Bryan S. Van Meter, P.A. ("Licensee"),by and through his counsel, Steve Schwarm, and move the Board for approval of a Consent Order affecting Licensee's license to practice as a physician assistant 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 Overland Park, Kansas 66210.
2. Licensee is or has been entitled to engage in the practice as a physician assistant in the State of Kansas, having been issued License No. 15-00697 on approximately February 12, 2000. 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 as a physician assistant. K.S.A. 65-28a01 et seq. and K.S.A. 65-28a02.
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 Physician Assistant Licensure Act is constitutional on its face and as applied in the case.
6. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
7. 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.
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 there are grounds pursuant to K.S.A. K.A.R. 100-28a-8(g), to take action with respect to Licensee's license under the Physician Assistant Licensure Act, K.S.A. 65-28a01, *et seq*. Further, the Board has received information and

investigated the same and has reason to believe Licensee engaged in unprofessional conduct and violated the Physician Assistant Licensure Act.

10. Confidential

11. Confidential

Confidential Licensee's conduct constituted distribution or administration in an improper manner or quantity, or not in the course of the licensee's professional practice.

12. Confidential

13. Confidential

14. 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 Physician Assistant Licensure 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.

15. A protective order is hereby entered to protect all confidential information under 42 CFR Part II and K.S.A. 65-2836(i).

16. Licensee's acts, if proven, constitute unprofessional conduct as set forth in K.S.A. 65-28a05.

    a. K.S.A. 65-28a05(a) as further defined by K.A.R. 100-28a-8(g), in that Licensee practiced as a physician assistant without reasonable skill and

safety to patients Confidential

Confidential

b. K.S.A. 28a05(a) as further defined by K.A.R. 100-28a-8(j), in that Licensee prescribed, dispensed, administered or distributed a prescription drug or substance, including a controlled substance, in an excessive, improper, or inappropriate manner or quantity, or not in the course of the licensee's professional practice.

17. Pursuant to K.S.A. 65-28a05 the Board has grounds to revoke, suspend, limit, or censure Licensee's license.

18. According to K.S.A.65-2838(b), the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

19. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board member(s) who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 23 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

20. 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 as a physician assistant:

CENSURE

a. Licensee is publicly censured for violating the Physician Assistant Licensure Act.

MONITORING

b. Confidential

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i. Licensee will furnish a copy of this Consent Order to each and every supervising physician.

j. Licensee will furnish a copy of this Consent Order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.

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

l. Licensee shall at all times keep Board staff informed of all her 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.

m. Licensee is prohibited from ordering, prescribing, dispensing or administering medications to any employee, family members, significant others or any person with whom Licensee has a personal relationship.

n. Licensee shall only prescribe, order, dispense or administer prescriptions for person with whom he has a physician-patient relationship and for whom he maintains a medical record.

Confidential

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MONITORING TIMEFRAME

p. The above monitoring provisions are not self-terminating. After a period of five (5) years, Licensee may request modification or termination of the provisions. For any period of time that Licensee is not actively practicing as a physician assistant in Kansas, the monitoring provisions will remain in effect but will be tolled and not counted towards reducing the five (5) year timeframe.

21. 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.

22. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Physician Assistant Licensure 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 Physician Assistant Licensure Act.
23. 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.
24. 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.

25. 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.

26. 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.

27. 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.

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

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

30. 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.

31. Licensee shall obey all federal, state and local laws and rules governing the practice of as a physician assistant 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.

32. 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.

33. This Consent Order constitutes disciplinary action.

34. 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:

CENSURE

a. Licensee is publicly censured for violating the Physician Assistant Licensure Act.

MONITORING

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b.

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d.

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i. Licensee will furnish a copy of this Consent Order to each and every supervising physician.

j. Licensee will furnish a copy of this Consent Order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.

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

l. Licensee shall at all times keep Board staff informed of all her 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.

m. Licensee is prohibited from ordering, prescribing, dispensing or administering medications to any employee, family members, significant others or any person with whom Licensee has a personal relationship.

n. Licensee shall only prescribe, order, dispense or administer prescriptions for person with whom he has a physician-patient relationship and for whom he maintains a medical record.

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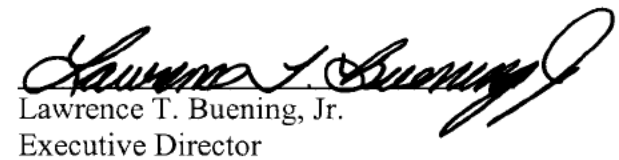
IT IS SO ORDERED on this 21st day of June, 2008.

FOR THE KANSAS STATE BOARD OF HEALING ARTS:



Lawrence T. Buening, Jr.
Executive Director

6/23/08
Date

Bryan S. Van Meter, P.A.
Licensee

5/24/2008
Date

PREPARED AND APPROVED BY:

Kathleen Selzley Lippert #17987
Associate Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068
785-296-0961

APPROVED BY:

Steve A. Schwarm, #13232
Attorney for Licensee
Polsinelli, Shalton, Welte & Suelthaus, P.C.
555 Kansas Avenue, Suite 301
Topeka, Kansas 66603-3443
785-233-1446

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 24th day of June, 2008, to the following:

Bryan S. Van Meter, P.A.
Licensee
Confidential

Overland Park, Kansas 66210

Steve A. Schwarm, #13232
Attorney for Licensee
Polsinelli, Shalton, Welte & Suelthaus, P.C.
555 Kansas Avenue, Suite 301
Topeka, Kansas 66603-3443

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:

Kathleen Selzler Lippert #17957
Associate Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068