

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. The facts underlying these violations of the Kansas Healing Arts Act are:

- a. During the time frame alleged in this Consent Order, Licensee was the supervising physician at HRC Medical Centers responsible for supervising all treatment;
- b. The Board received a complaint on April 23, 2012, alleging that there is/was no evidence of a physician on site at HRC Medical Centers and that there is/was no evidence for the effectiveness of the therapy other than the testimonials on HRC Medical Centers' website. The Board opened Investigation No. 12-00554;
- c. The Board received a second complaint on August 13, 2012, alleging that HRC Medical Centers advertises as a physician-based bio-identical hormone replacement clinic, but nurses and ARNPs perform all of the medical work, lab analysis, and consultations with no doctor oversight. The Board opened Investigation No. 13-00084;
- d. The results of the Board's investigations found the following:
 - i. Licensee is not properly supervising his ARNPs or nurses;
 - ii. The treatment providers that Licensee is required to supervise failed to diagnose and treat patients properly. Specifically:
 1. No patients received physical exams prior to treatment;
 2. Hormones were prescribed inappropriately and in doses that exceeded generally accepted practice guidelines;
 3. Diagnoses of hypogonadism was not consistent with generally accepted practices;

4. There is no scientific evidence that sex hormone replacement therapy actually reduced morbidity or mortality in patients who present with normal level of sex hormones as the patients reviewed by the Board presented;
5. None of the patients reviewed by the Board had a vitamin B-12 deficiency, yet they were given vitamin B-12 injections.

10. Licensee has violated the Kansas Healing Arts Act, specifically:

- a. K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(30), in that Licensee failed to properly supervise his nurses and nurse practitioners;
- b. K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(12), in that Licensee has committed acts that are likely to cause public harm in his failure to adequately supervise his nurses and nurse practitioners who were treating patients improperly;
- c. K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(a)(2), in that during the care and treatment of the patients reviewed by the Board, Licensee committed repeated instances involving failure to adhere to the standard of care to a degree that constitutes ordinary negligence; and
- d. K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(a)(3), in that Licensee has engaged in a pattern of practice that demonstrates a manifest incapacity or incompetence to practice the healing arts in his care and treatment of the patients reviewed by the Board.

11. 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.

12. Pursuant to K.S.A. 65-2836, the Board may revoke, suspend, limit, privately or publicly 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.
13. 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.
14. All pending investigation materials in KSBHA Investigative Case Numbers 12-00554 and 13-00084 regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel and/or their appointed member for this matter. Disciplinary Panel No. 29 authorized and directed Board counsel, through their appointed member for this matter, to seek settlement of this matter with the provisions contained in this Consent Order.
15. 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.*

16. 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.

17. 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.

18. 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.
19. 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.
20. 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.
21. 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.
22. Licensee acknowledges that he has read this Consent Order and fully understands the contents.
23. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

24. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to the following:

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

25. 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.

26. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become a Final 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.

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

28. 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.

29. 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.

30. This Consent Order constitutes public disciplinary action.

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

32. 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:

PUBLIC CENSURE

33. Licensee is hereby publicly censured for violations of the Healing Arts Act as follows:

- a. His failure to adequately supervise his nurses and nurse practitioner in violation of K.S.A. 65-2836(b) as defined by K.S.A. 65-2837(b)(30);
- b. His repeated inappropriate treatment and prescribing with regards to hormone replacement in violation of K.S.A. 65-2836(b) as defined by K.S.A. 65-2837(a)(2) and (3); and
- c. His failure to supervise and inappropriate treatment using hormone replacement therapy is likely to cause public harm in violation of K.S.A. 65-2836(b) as defined by K.S.A. 65-2837(b)(12).

SUPERVISION OF NURSE PRACTITIONERS

34. Licensee shall not supervise, direct, or enter into a collaborative agreement with any advanced practice registered nurse effective upon approval of this Consent Order with the Board.

35. If Licensee ever wishes to supervise, direct or enter into a collaborative agreement with an advanced practice registered nurse again, he may petition the Board for modification of this Consent Order.
36. Licensee agrees to immediately surrender his license if he fails to comply with this aforementioned limitation of supervision privileges in any manner.

LIMITATION ON PRACTICE

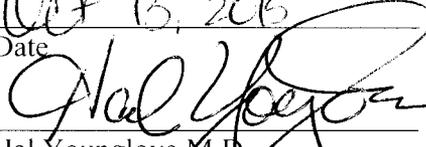
37. Licensee shall not practice in the area of bio-identical hormone replacement therapy as addressed in this Consent Order effective upon approval of this Consent Order with the Board.
38. Licensee can only provide hormone replacement therapy as necessary within the scope of his obstetrics and gynecology practice.
39. If Licensee ever wishes to expand his practice in the area of hormone replacement therapy again, he may petition the Board for modification of this Consent Order.
40. Licensee agrees to immediately surrender his license if he fails to comply with this aforementioned limitation on practice in any manner.
41. All proceedings conducted on this limitation shall be in accordance with the provisions of the Kansas Administrative Procedure Act and shall be reviewable in accordance with the Kansas Judicial Review Act.

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.

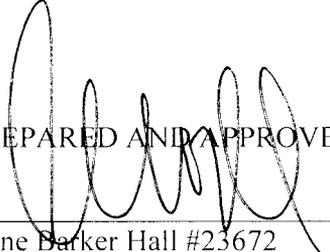
IT IS SO ORDERED on this 13 day of Oct, 2015.

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

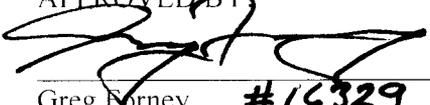

Kathleen Selzler Lippert
Executive Director

Oct 13, 2015
Date

Hal Younglove M.D.
Licensee
7/2/15
Date

PREPARED AND APPROVED BY:


Anne Barker Hall #23672
Associate Litigation Counsel
Kansas Board of Healing Arts
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Consent Order
Hal Younglove, M.D.

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 13th day of October, 2015, to the following:

R. Hal Younglove
Licensee
10550 Quivera Road
Overland Park, Kansas 66215

Greg Forney
Attorney for Licensee
Shaffer Lombardo Shurin
2001 Wyandotte Street
Kansas City, MO 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 delivered to:

Anne Barker Hall
Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

General Counsel's Office
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

Consent Order
Hal Younglove, M.D.

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

Cathy A. Brown