



**KANSAS STATE BOARD OF HEALING ARTS:  
COMPLAINTS**

*UNDERSTANDING THE KSBHA'S COMPLAINT PROCESS*

M. KATIE BAYLIE, JD – DEPUTY DISCIPLINARY COUNSEL

SEPTEMBER 15, 2020

# DISCLAIMER

The Kansas State Board of Healing Arts does not render legal advice or services to private individuals or entities. All statements are intended as general guidance and do not necessarily represent the position of the Board. No warranties or representations are made regarding the completeness or adequacy of the information provided. You should not construe this general guidance as legal advice or the establishment of an attorney-client relationship. It is necessary that you obtain independent legal counsel for an application of the law to your particular situation.

# ROADMAP



Complaints generally and KSBHA jurisdiction



KSBHA complaints



Resources



## HOW COMPLAINTS HELP KSBHA PROTECT THE PUBLIC

- Brings possible misconduct to the Board's attention
- Helps ensure healthcare professions we regulate are held accountable
- Helps ensure similar misconduct does not occur in the future



# **JURISDICTION**

Under Kansas law, KSBHA is authorized to investigate and discipline only the healthcare professionals it licenses.

# WHO WE DO LICENSE AND REGULATE:

MD/DO

DC

DPM

PA

PT/PTA

OT/OTA

RT

AT

LRT

LAc

ND

CNM-I

CLD

CPM

# WHO WE **DON'T** LICENSE & REGULATE:

Nurses

Dentists

Optometrists

Pharmacists

Speech  
Pathologists

Social Workers

Hospitals

Healthcare  
facilities

Other healthcare  
professions not  
listed on previous  
slide

# WHO SHOULD SUBMIT A COMPLAINT?

- Anyone
- You do not have to be the patient to submit a complaint
- Some individuals or facilities may have a legal duty to submit a complaint in certain circumstances. K.S.A. 65-28,122; K.S.A. 65-28,121.
- Can submit anonymously, but...



## COMMON COMPLAINT SOURCES

---

Patients

---

Patient family members

---

Other licensees

---

Law enforcement

---

Hospitals

---

Other state Boards



No person, or state, regional or local association composed of persons licensed to practice a profession by the Board, who reports in good faith any information such person may have relating to alleged incidents of malpractice, or the qualifications, fitness or character of, or disciplinary action taken against shall be subject to a civil action for damages as a result of reporting such information, and such person reporting shall be immune from any civil liability that might otherwise be incurred in an action resulting from reporting such information. K.S.A. 65-2898.

**IMMUNITY  
FOR  
REPORTING  
IN GOOD  
FAITH**



## LICENSEE'S DUTY TO REPORT

K.S.A. 65-28,122(a):

“...Any person licensed, registered or certified to practice any profession regulated by the board who possesses knowledge not subject to the physician-patient privilege that another person so licensed, registered or certified has committed any act enumerated under any practice act administered by the board which may be ground for disciplinary action shall immediately report such knowledge, under oath, to the state board of healing arts.”

# I AM A LICENSEE, DO I SELF- REPORT?

- Licensees should self-report if they believe they have engaged in a violation of their applicable practice act.
- Failure to self-report may result in disciplinary action.
- When?
  - ASAP
  - Renewal application



# MEDICAL CARE FACILITIES DUTY TO REPORT

- Medical care facilities licensed under K.S.A. 65-425 *et seq.*, **must** report to the Board any information such facility has which appears to show that a person licensed to practice the healing arts has committed an act which may be grounds for disciplinary action.
- Medical care facilities **must** report when practice privileges of any person licensed to practice the healing arts are terminated, suspended or restricted, or voluntarily surrendered or limited for reasons relating to professional competence.
- See K.S.A. 65-28,121

# FILING A COMPLAINT WILL NOT HELP TO:



Resolve disputes with healthcare professionals



Persuade a healthcare professional to change his or her mind about treatment



Obtain a financial settlement



Prepare or file a lawsuit against a healthcare provider



## WHEN TO SUBMIT A COMPLAINT

- KSBHA is best able to obtain accurate and complete information when a complaint is submitted ASAP after the alleged conduct
- No statute of limitations
- But medical care facilities must report within 30 days after receipt of information required to be reported under K.S.A. 65-28,121

# SUBMITTING A COMPLAINT TO KSBHA

- Complaint form online with instructions
- In writing
- Complaint Coordinator can help navigate through process of submitting complaint

## Complaint Coordinator Contact

Mail:

**Attn: Complaint Coordinator**  
**800 SW Jackson, Lower Level – Suite A**  
**Topeka, Kansas 66612**

Email: [KSBHA\\_complaints@ks.gov](mailto:KSBHA_complaints@ks.gov)

Phone: **(785) 296-1788**



**WHAT?**

**WHERE?**

**WHO?**

**WHEN?**

**WHY?**

**HOW?**



## COMMON TYPES OF COMPLAINTS

---

Negligence

---

Unprofessional conduct

---

Impairment

---

Sexual misconduct

---

Advertising

---

Dishonesty

---

Practicing outside scope of license

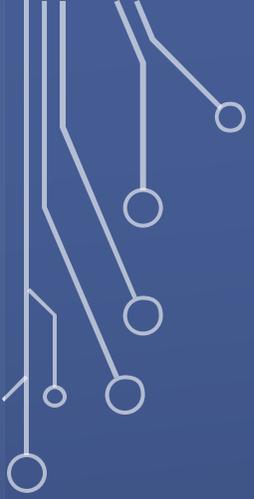
---

Unlicensed practice

## WILL MY COMPLAINT BE TAKEN SERIOUSLY?

- Each complaint is thoroughly evaluated to determine if a possible violation of state law has occurred.
- If there is a possible violation of the applicable practice act, an investigation is opened.



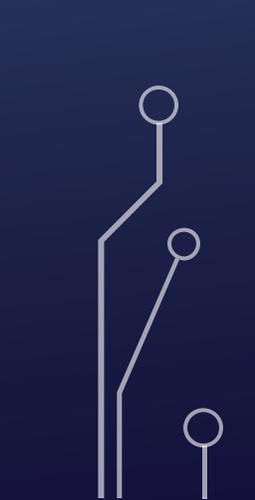


## **CONFIDENTIALITY OF COMPLAINTS & INVESTIGATIONS**



K.S.A. 65-2898a(a):

“ Any complaint or report, record or other information relating to a complaint which is received, obtained or maintained by the board shall be confidential and shall not be disclosed by the board or its employees in a manner which identifies or enables identification of the person who is the subject or source of the information...”



# AFTER I SUBMIT A COMPLAINT TO KSBHA, WHAT CAN I EXPECT?



QUARTERLY STATUS LETTERS



CLOSURE LETTER



COMMUNICATION WITH THE  
INVESTIGATOR DURING THE  
INVESTIGATION



## KEY CONSIDERATIONS

KSBHA has authority to take disciplinary actions against a license only when it determines a violation of applicable practice act has occurred.

Licensee's complaint history is confidential by law.

Are there other agencies I should also submit my complaint to?

# OTHER AGENCIES TO CONTACT



ATTORNEY GENERAL'S  
OFFICE



KANSAS BOARD OF  
NURSING



BEHAVIORAL  
SCIENCES  
REGULATORY BOARD



KANSAS DENTAL  
BOARD



KANSAS BOARD OF  
COSMETOLOGY



KANSAS DEPARTMENT  
OF HEALTH AND  
ENVIRONMENT



KANSAS BOARD OF  
PHARMACY

# KSBHA RESOURCES

- Practice Handbooks
- Policies
- [KSBHA\\_complaints@ks.gov](mailto:KSBHA_complaints@ks.gov)
- [KSBHA\\_LegalQuestions@ks.gov](mailto:KSBHA_LegalQuestions@ks.gov)
- Education & Outreach – Presentations
  - Licensing, Professionalism, Investigations, General Overview
  - Other topics
  - Email [Courtney.Cyzman@ks.gov](mailto:Courtney.Cyzman@ks.gov)

ANY  
QUESTIONS

?

# CONTACT INFORMATION

M . Katie Baylie, J.D.

Deputy Disciplinary Counsel

Kansas State Board of Healing Arts

800 SW Jackson Lower Level – Suite A

Topeka, KS 66612

[Katie.Baylie@ks.gov](mailto:Katie.Baylie@ks.gov)

Phone: (785) 296-1479