



# KSBHA: INVESTIGATIONS

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Disciplinary & Litigation Overview

Investigations

Potential Outcomes

Prevention & Resources

ROADMAP



## THE BOARD'S MISSION

- To protect the public by authorizing only those persons who meet and maintain certain qualifications to be licensed in the healthcare professions regulated by the Board.
- To protect the public from incompetence or unprofessional conduct by persons who have been licensed to practice in Kansas and from unauthorized practice by persons and entities who have not been licensed to practice in Kansas.



Board meeting  
second Friday of  
every other month



Next Board  
meeting is June 11,  
2021



15 Board members,  
appointed by the  
Governor



Councils



33,000+ licensees

# KSBHA LOGISTICS

# DISCIPLINARY DEPARTMENT



Complaints



Investigations



LITIGATION



MONITORING

LITIGATION



# GENERAL OVERVIEW OF DISCIPLINARY PROCESS



Clients

Investigations

Su

818

8 Investigators, 1 Investigator  
Supervisor

Opened → Investigator assigned

Investigative plan, begins process  
of investigating allegations in the  
complaint

INVESTIGATION -  
OPENED

# INVESTIGATION PROCESS, GENERALLY

- Request records
- Conduct interviews of relevant parties
- Interview licensee under investigation
- Issue subpoenas
- Visit the scene



# DUTY TO PROVIDE INFORMATION

- “...Every licensee, registrant, permit holder or certificate holder in this state, including members of the board, shall furnish the board such evidence as such person may have relative to any alleged violation which is being investigated...” K.S.A. 65-2864
- A licensee’s license may be disciplined for failing to furnish the board, or its investigator any information legally requested by the Board. K.S.A. 65-2836(r).
- Considered unprofessional conduct, and grounds for disciplinary action, to obstruct a Board investigation by falsifying or concealing a material act; knowingly making or causing to be made any false or misleading statement or writing; or other acts or conduct likely to deceive or defraud the Board. K.S.A. 65-2837(34).

# HOW LONG DO INVESTIGATIONS TAKE?

- Varies
- Average 6 months – 1 year
- Variety of factors that impact length:
  - Waiting for information from 3<sup>rd</sup> parties
  - Waiting for information from Licensee
  - Cooperation
  - Waiting for Review Committee/Council for review



Negligence

Unprofessional conduct

Impairment

Boundary violations

Conduct violations

Practicing outside scope of license

Unlicensed practice

# COMMON INVESTIGATIONS

# INVESTIGATION LOGISTICS



Licensee generally receives a letter when an investigation is opened.



Licensee can request status updates directly from the investigator assigned.



Licensee receives a letter when the investigation has been closed.



Closed for lack of evidence of a violation of the applicable practice act

Sent to a Review Committee/Council – Standard of Care

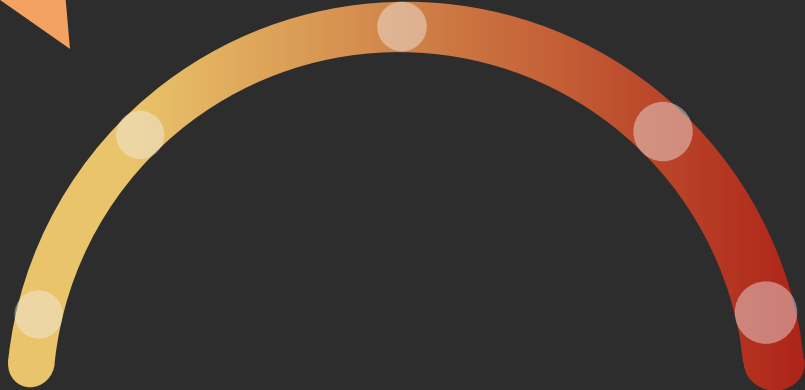
Sent directly to Disciplinary Panel for review (conduct)

## INVESTIGATION OUTCOMES

COMPLAINT

INVESTIGATION

REVIEWED BY  
REVIEW  
COMMITTEE  
OR COUNCIL  
(IF SOC)



## REVIEW COMMITTEES

- Members of the same profession
- Generally, meet quarterly
- Review investigation
- Determination on whether standard of care was met
- 5 MD Review Committees; DO Review Committee; DC Review Committee; DPM Review Committee

## COUNCILS

- Statutory creation
- Members of the profession appointed by the Governor; additional members appointed by the Board
- Generally, meet quarterly
- Review investigation
- Determination on whether standard of care was met
- PA, LRT, RT, OT, PT, AT, CNM-I, LAc

Standard of care  
was met →  
closed

Standard of care  
was not met →  
Disciplinary Panel

REVIEW  
COMMITTEE/COUNCIL  
OUTCOMES

## DISCIPLINARY PANEL

- Subcommittee of the Board
- Generally, 1 MD, 1 DO, 1 DC, and 1 public member
- Meets monthly
- Reviews the investigation, Review Committee/Council determination if applicable, the law, and determines action to pursue in a case. (Close → Disciplinary Action)



# BOARD ACTIONS

Letter of  
Concern

Professional  
Development  
Plan

Public  
Censure

Fine

Probation

Limitation

Suspension

Revocation



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Statutorily authorized under K.S.A. 65-2838a

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Letter of Concern

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Professional Development Plan

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Not reported to NPDB, FSMB, CINBAD, etc.

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Not posted on website

**NON-DISCIPLINARY, CONFIDENTIAL  
BOARD RESOLUTION**

Part of public agency record

Reported to NPDB, FSMB, CINBAD, etc.

Posted on the Board's website under "Board Actions"

Press Release (Emergency suspension or limitation, revocation, voluntary surrender in lieu of formal proceeding)

## PUBLIC DISCIPLINARY ACTION

Can be used if determined there is reasonable cause to believe:

Grounds exist for disciplinary action; and

The immediate continuation in practice by the licensee would constitute an imminent danger to the public health and safety



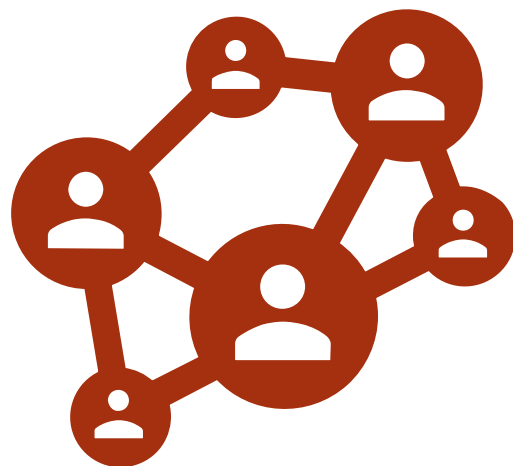
Emergency hearing held to determine if the emergency suspension/limitation should be vacated, lifted, lifted with conditions, or remain in place pending litigation on the underlying Petition.

## EMERGENCY SUSPENSIONS & LIMITATIONS

# PREVENTION



- Renew license on time
- Practice within scope of profession
- Be honest
- Stay current with CEUs
- Seek help and/or treatment early
- Consider seeking independent legal counsel
- Utilize state association as a resource
- Don't break the law
- Cooperate in Board investigations



# RESOURCES



LICENSING & EXAMS

PHYSICIAN DATA CENTER

ADVOCACY

EDUCATION

STATE BOARD CONNECT

FIND A DOCTOR

# PROTECTING THE PUBLIC

FSMB supports America's state medical boards in licensing, disciplining and regulating physicians and other healthcare professionals. Our end goal: keep patients safe.

Learn More

FSMB 2021

## Annual Meeting

April 29 – May 1, 2021



Education, networking and resources for medical regulators

Highlights from the 2021 Annual Meeting.

## COVID-19

COVID-19 Resources

## U.S. Medical Regulatory Trends and Actions



Provider Bridge: Mobilizing Health Care Pro...



# PROFESSIONAL HEALTH PROGRAMS

- MD/DO/PA/DC

- Kansas Medical Society – Professionals Health Program

- (785) 231-1309

- Carolyn Westgate

- Kansas Association of Osteopathic Medicine

- (785) 234-5563

- Vicki Whitaker, Executive Director

- PT/PTA/OT/OTA/RT/AT

- Heart of America Professional Network

- (913) 236-7575

- Alan Murray, Executive Director

# Physician Support Line

## 1 (888) 409-0141

Psychiatrists helping our US physician colleagues  
and medical students navigate the many intersections  
of our personal and professional lives

Free & Confidential | No appointment necessary  
Open 7 days a week | 8:00AM - 1:00AM ET

[Call Now](#)



## Welcome.

The Emotional PPE Project connects healthcare workers in need with licensed mental health professionals who can help.

No cost. No insurance. Just a trained professional to talk to.

Healthcare Workers Affected By The  
COVID-19 Crisis

Mental Health Practitioners Looking To  
Help

## All Services Provided Through The Emotional PPE Project Are Free Of Charge.

*The Emotional PPE Project is a directory that provides contact information of volunteer mental health practitioners to healthcare workers whose mental health has been impacted by the COVID-19 crisis.*

The Emotional PPE Project is an independent tax-exempt nonprofit (501(c)(3)) organization fully staffed by volunteers.

You may contact us at: [contact@emotionalppe.org](mailto:contact@emotionalppe.org) // [Click here to review our Terms of Use](#) // [Click here to read our FAQs](#)

Follow Us On Social Media!





# National Suicide Prevention Lifeline

We can all help prevent suicide. The Lifeline provides 24/7, free and confidential support for people in distress, prevention and crisis resources for you or your loved ones, and best practices for professionals.



Text "Hello" to 741741

## SPECIAL ANNOUNCEMENT



### President Signs National Suicide Prevention Designation Act Into Law

The President recently signed the National Suicide Hotline Designation Act into law. 988, the new three-digit number for the National Suicide Prevention Lifeline, is to be completed by July 2022. In the meantime please continue to share 1-800-273-TALK (8255) with anyone wishing to connect to the Lifeline. 988 is NOT CURRENTLY ACTIVE nationally and may not connect callers to the Lifeline.

[LEARN MORE](#)<sup>2</sup>



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Practice Handbooks

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Policies

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Education & Outreach tab on [www.ksbha.org](http://www.ksbha.org)

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

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[KSBHA\\_Licensing@ks.gov](mailto:KSBHA_Licensing@ks.gov)

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[KSBHA\\_LegalQuestions@ks.gov](mailto:KSBHA_LegalQuestions@ks.gov)

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**KSBHA RESOURCES**

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