KSBHA: INVESTIGATIONS

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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
GENERAL OVERVIEW OF DISCIPLINARY PROCESS

- **Complaint**
- **Investigation**
- **Reviewed by Review Committee or Council (IF SOC)**
- **Reviewed by Disciplinary Panel**
- **Board**
8 Investigators, 1 Investigator Supervisor

Opened → Investigator assigned

Investigative plan, begins process of investigating allegations in the complaint
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 3rd parties
  - Waiting for information from Licensee
  - Cooperation
  - Waiting for Review Committee/Council for review
COMMON INVESTIGATIONS

- Negligence
- Unprofessional conduct
- Impairment
- Boundary violations
- Conduct violations
- Practicing outside scope of license
- Unlicensed practice
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.
INVESTIGATION OUTCOMES

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)
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
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
<table>
<thead>
<tr>
<th>Statutorily authorized under K.S.A. 65-2838a</th>
</tr>
</thead>
<tbody>
<tr>
<td>Letter of Concern</td>
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<tr>
<td>Professional Development Plan</td>
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<tr>
<td>Not reported to NPDB, FSMB, CINBAD, etc.</td>
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<tr>
<td>Not posted on website</td>
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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)
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.
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
PROFESSIONAL HEALTH PROGRAMS

• MD/DO/PA/DC
  ➢ Kansas Medical Society – Professionals Health Program
    o (785) 231-1309
    o Carolyn Westgate
  ➢ Kansas Association of Osteopathic Medicine
    o (785) 234-5563
    o Vicki Whitaker, Executive Director

• PT/PTA/OT/OTA/RT/AT
  ➢ Heart of America Professional Network
    o (913) 236-7575
    o Alan Murray, Executive Director
Physician Support Line
1 (888) 409-0141

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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 // 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.

1-800-273-8255

Text “Hello” to 741741

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 »
Practice Handbooks

Policies

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

[KSBar_complaints@ks.gov](mailto:KSBar_complaints@ks.gov)

[KSBar_Licensing@ks.gov](mailto:KSBar_Licensing@ks.gov)

[KSBar_LegalQuestions@ks.gov](mailto:KSBar_LegalQuestions@ks.gov)
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