

**SPECIAL MEETING
Of The
KANSAS STATE BOARD OF HEALING ARTS
Date 3/19/2020**

FORMAT OF MINUTES – Prior to each motion there appears the names of two Board Members in parenthesis. The first made the motion, the latter seconded the motion. Ayes, nays, abstentions and recusals are recorded when requested.

I. CALL TO ORDER - ROLL CALL

The Kansas State Board of Healing Arts met at the Board Office, 800 Jackson, Lower Level-Suite A, Topeka, Kansas on Thursday March 19, 2020. The meeting was called to order at 7:00 a.m. by Dr. Steven Gould, D.C. and President. The following members attended by teleconference.

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| Jerry DeGrado, D.C. | present | |
| Robin Durrett, D.O. | present | |
| Thomas Estep, M.D. | present | |
| Steven Gould, D.C. | present | |
| Sherri Wattenbarger, public member | present | |
| David Laha, DPM | present | |
| Steve Kelly, public member | | absent |
| Molly Black, M.D. | present | |
| Garold O. Minns, M.D. | present | |
| John Settich, public member | present | |
| Kimberly Templeton, M.D. | present | |
| Mark Balderston, D.C. | present | |
| Joel Hutchins, M.D. | present | |
| Ronald Varner, D.O. | present | |

Staff members present were; Tucker Poling, Interim Executive Director and General Counsel; Courtney Cyzman, Deputy General Counsel, and Susan Gile, Operations Manager.

II. NEW BUSINESS

Approval of the agenda

(Estep/Hutchins) Motion to approve the agenda. Carried.

Dr. Gould noted that the original agenda item for this meeting was to discuss personnel matters, and more specifically the executive director search, and asked Dr. Settich to update the Board relating to the search process for executive director. Dr. Settich recommended a motion to go into executive session to discuss matters relating to non-elected personnel.

(Estep/Varner) Motion (7:05 a.m.) to recess to Executive Session for 15 minutes to discuss non-elected personnel matters pursuant to K.S.A. 75-4319(b)(1) with only Board members present and no staff. Carried. All staff recused themselves from the room.

(Estep/Varner) Motion to return to open session. Carried.

The meeting came back to order in open session at 7:20 a.m., at which time the Chair of the search process recommended that the Board offer the appointment of Executive Director to Tucker Poling.

(Estep/Black) Motion to appoint Tucker Poling as the Executive Director effective March 19, 2020, subject to Senate confirmation. Carried.

Tucker Poling accepted the Board's appointment and thanked the Board.

Update from Interim Executive Director Poling regarding matters relating to COVID-19 and continuity of agency operations during emergency declaration period-

The agency began preparation over a week ago to plan for a variety of contingencies, including the potential shut down of the physical offices, and has already begun to phase-in remote working. The IT department has already outfitted the majority of essential staff with remote working hardware and software. In anticipation of a potential shutdown of physical offices, Director of Operations Susan Gile acquired additional monitors from state surplus equipment at very low prices last week, and we have retrofitted those for use in conjunction with agency issued tablets to facilitate remote work for staff. There are currently limited staff working in the office. Staff who are able are working remotely to minimize the risk of exposure and contamination. Yesterday, the Governor ordered all state agencies to operate essential functions only beginning March 23rd, place all staff not needed for essential functions on paid administrative leave, and transition as many essential staff to remote work as possible and eliminate the use of physical state office spaces as much as possible. Executive Director Poling explains the agency will be putting some staff on administrative leave, with pay, but there will be no layoffs. Most staff will be home working remotely. The bare minimum will be in the office working to handle essentials such as mail and scanning.

Agency Role in Response-The agency currently has the authority to grant emergency temporary licenses under existing statutes in combination with the Governor's March 12th executive order. Executive Director Poling has been in communication with the Governor's office. More executive orders providing emergency authorities to the Board may be forthcoming. Executive Director Poling suggests creating an ad hoc structure of

board members to work with him to review short-term measures as needed. Dr. Gould, Dr. Settich and Dr. Templeton suggested as members for this informal consultation group. Discussion about adding a time limit of 90 days or the end of the emergency situation to the emergency licenses issued.

(Black/Wattenbarger) Motion to add time limit to recommendation. Carried.
(Minns/Varner) Motion to adopt recommendation 1 in the Executive Director’s memo with amendment, and authorizing the Executive Director to issue temporary measures deemed necessary during the emergency declaration period, in consultation with the informal emergency consultation group. Carried as amended.

Resident Licenses-Discussed expanding those eligible for a resident license and under what circumstances this may be appropriate. The board is not yet ready to take this step, but will rely on the informal consultation group to continue to monitor and review as needed.

(Minns/Varner) Motion to table this discussion for now. Carried.

Other issues were identified for the workgroup to discuss and develop

April Board Meeting-Will need to hold by tele-conference and it will need to include the public.

Cases are not subject to the Kansas Open Meetings Act, but the Board Meeting is. Plan for the hearings to be conducted via teleconference until further direction.

At this time, we will plan for a special board meeting via conference call every other week for the Board to continue to review, discuss, and exercise oversight relating to management of issues related to COVID-19 and emergency measures. Meeting appointments will be coming out.

III. ADJOURNMENT

(Estep/Minns). This meeting is adjourned. Carried.

The meeting adjourned at 8:15a.m.



Steven Gould D.C.
President



Tucker Poling
Acting Executive Director

