

**KANSAS STATE BOARD OF HEALING ARTS
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612**

**BOARD MINUTES – Friday
August 8, 2014**

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.

FRIDAY, AUGUST 8, 2014

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 Friday, August 8, 2014. The meeting was called to order at 8:30 a.m. by John Settich, PhD and President.

Michael Beezely, M.D.	present
Gary Counselman, D.C.	present
Robin Durrett, D.O.	present
Steven Gould, D.C.	present
Anne Hodgdon, public member	present
David Laha, DPM	present
M. Myron Leinwetter, D.O.	present
Rick Macias, public member	present
Douglas Milfeld, M.D.	present
Garold O. Minns, M.D.	present
John Settich, public member	present
Kimberly Templeton, M.D.	present
Terry L. Webb, D.C.	present
Joel Hutchins, M.D.	present
Ronald Varner, D.O.	present

Staff members present were Kathleen Selzler Lippert, Executive Director; Kelli Stevens, General Counsel; Stacy Bond, Assistant General Counsel; Reese Hays, Litigation Counsel; Jessica Bryson, Stacy Bond, Seth Brackman, Jane Weiler, Susan Gering, and Anne Barker Hall, Associate Litigation Counsel; Dan Riley, Disciplinary Counsel; Joshana Offenbach, Associate Disciplinary Counsel; Katy Lenahan, Licensing Administrator; John McMaster, M.D., Medical Director; Kathy Moen, Medical Litigation Support Specialist; Jennifer Cook and Marsha Sonner, Legal Assistants to General Counsel; and Cathy Brown, Executive Assistant. The attached sign-in sheet indicates those people who were present during portions of the meeting.

Cameron Gooden, CSR, Appino and Biggs Reporting Service, took and recorded the administrative proceedings conducted.

II. APPROVAL OF AGENDA

(Counselman/Laha) Approve agenda with the following changes:

Additions: Hearing for Rama Chada, M.D.; Data Security Report to Exec. Director's Staff Report; DC Review Member and School Physicals Policy Proposal added to Disciplinary Counsel Staff Report; Greg Epperson, M.D. Request for Continuance and Appointment of Presiding Officer.

Deletions: Hearings for Michael Brady, D.C. and Sandhya Pahuja, M.D.; Siddiqui Consent Order.

APPROVAL OF BOARD MEETING MINUTES

(Counselman/Minns) Approve minutes of June 13, 214 regular meeting. Carried.

III. OTHER BUSINESS

Greg Epperson, M.D., Request for Continuance and Appointment of Presiding Officer

(Minns/Beezley) Grant continuance. Carried.

(Minns/Laha) Appoint Dr. Hutchins as Presiding Officer. Carried.

New Board Member

Our newest board member, Steven Gould, D.C., was introduced. Dr. Gould will be succeeding Dr. Conley on the board.

Election of Board Officers

(Minns/Durrett) Nominate Dr. Leinwetter as board President. Carried.
Dr. Leinwetter was appointed board President by unanimous vote.

(Minns/Templeton) Nominate Dr. Webb as board Vice President. Carried.
Dr. Webb was appointed board Vice President by unanimous vote.

General Counsel Review – Executive Session

(Minns/Laha) Go into executive session for 10 minutes, pursuant to K.S.A. 75-4319(b)(2), for the purpose of consultation with an attorney for the Board, which would be deemed privileged in the attorney-client relationship. Carried.

(Minns/Hutchins) Return to open session. Carried.

(Hodgdon/Minns) Go into executive session for 10 minutes, pursuant to K.S.A. 75-4319(b)(2), for the purpose of consultation with an attorney for the Board, which would be deemed privileged in the attorney-client relationship. Carried.

(Hutchins/Minns) Return to open session. Carried.

IV. ADMINISTRATIVE PROCEEDING

NICOLETTE CAPELL, P.T.A., DOCKET #14-HA00147 - Conference Hearing on Petition for Discipline. Mr. Hays appeared for the Board. Ms. Capell appeared in person, *pro se*.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Counselman, Dr. Durrett, Dr. Laha and Mr. Macias.

Board Exhibits 1, 2, and 3 and Licensee Exhibit A were admitted into the record.

(Counselman/Minns) Go into closed session pursuant to K.S.A. 77-523(f) to discuss matters which are confidential under K.S.A. 65-4925. Carried.

(Minns/Hodgdon) Return to open session. Carried.

(Minns/Hodgdon) Go into executive session for 5 minutes pursuant to K.S.A. 75-4319(b)(2) for the purpose of attorney-client consultation. Carried.

(Beezley/Webb) Return to open session. Carried.

(Minns/Templeton) Limitation and 3 years monitoring. Carried.

BRADLEY CAROLAN, D.C., DOCKET #12-HA00021 - Conference Hearing on Request for Termination of Monitoring. Ms. Weiler appeared for the Board. Dr. Carolan appeared in person with counsel, Mr. Ryan Hellmer.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Templeton, Mr. Settich and Dr. Webb. Dr. Leinwetter presided.

(Laha/Macias) Go into closed hearing pursuant to K.S.A. 77-523(f) to discuss matters which are confidential under K.S.A. 65-4925. Carried.

(Minns/Durrett) Return to open session. Carried.

(Minns/Durrett) Terminate monitoring. Carried.

LEIN DIEP, M.D., DOCKET #15-HA00001 - Conference Hearing on Application for Licensure by Endorsement. Mr. Hays appeared for the Board. Dr. Diep appeared in person with counsel, Ms. Megan Lewis.

Applicant's Exhibit A was admitted into the record.

(Templeton/Varner) Go into executive session pursuant to K.S.A. 75-4319(b)(2) for the purpose of attorney-client consultation. Carried.

(Beezley/Webb) Return to open session. Carried.

(Laha/Beezley) Grant license. Carried with Ms. Hodgdon and Drs. Templeton, Minns, Leinwetter, Gould and Hutchins opposed.

DONGHUA XIE, M.D., DOCKET #14-HA00160 - Conference Hearing on Application for Licensure by Endorsement. Mr. Hays appeared for the Board. Dr. Xie appeared in person *pro se*.

(Templeton/Hodgdon) Deny license application. No vote was taken.

The licensee requested to withdraw his application and the board accepted his withdrawal.

SARAH DAWSON, R.T., DOCKET #14-HA00149 - Conference Hearing on Petition for Discipline. Mr. Hays appeared for the Board. Ms. Dawson appeared in person *pro se*.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Counselman, Dr. Durrett, Dr. Laha and Mr. Macias.

Licensee's Exhibit A was admitted into the record.

(Laha/Hodgdon) Go into Executive session for 5 minutes pursuant to K.S.A. 75-4319(b)(2) for the purpose of attorney-client consultation. Carried.

(Milfeld/Hutchins) Return to open session. Carried.

(Webb/Beezley) Censure and **Confidential**
Carried.

LEON ROBINSON, JR., M.D., DOCKET #15-HA00002 - Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Dr. Robinson appeared in person *pro se*.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Leinwetter, Dr. Templeton, Dr. Webb and Mr. Settich. Dr. Beezley presided.

(Minns/Durrett) Go into Executive session for 10 minutes pursuant to K.S.A. 75-4319(b)(2) for the purpose of attorney-client consultation. Carried.

(Varner/Durrett) Return to open session. Carried.

(Durrett/Counselman) Grant licensure. Carried. The board also encouraged licensee to take an anger management class.

RAMA CHANDA, M.D., DOCKET #15-HA00011 - Conference Hearing on Licensure by Endorsement. Mr. Hays appeared for the Board. Dr. Chanda did not appear in person. Counsel for the applicant, Ms. Megan Lewis, appeared on behalf of the applicant.

Ms. Lewis filed a Motion for Continuance and Request for Appointment of Board Member as Presiding Officer in this matter.

(Templeton/Beezley) Grant continuance and appoint a Presiding Officer to issue a final order. Carried with Ms. Hodgdon opposed.

Dr. Templeton was appointed as presiding officer.

ETHAN BICKELHAUPT, M.D., DOCKET #10-HA00112 - Conference Hearing on Petition for Revocation. Ms. Barker Hall appeared for the Board. Dr. Bickelhaupt appeared in person with counsel, Mr. Arthur Glassman.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Leinwetter and Dr. Beezley. Ms. Bond also recused herself from the proceedings.

Licensee's Exhibits 6 and 7 were admitted into the record.

(Laha/Macias) Convert proceedings to a formal hearing. Carried.

(Durrett/Laha) Go into closed hearing pursuant to K.S.A. 77-523(f) to discuss matters which are confidential under K.S.A. 65-4925.

(Webb/Minns) Return to open session. Carried.

(Minns/Macias) Go into Executive session for 10 minutes pursuant to K.S.A. 75-4319(b)(2) for the purpose of attorney-client consultation. Carried.

(Minns/Templeton) Return to open session. Carried.

(Minns/Templeton) Deny revocation. Carried with Dr. Durrett opposed.

(Minns/Templeton) Lift suspension. Carried with Dr. Durrett opposed.

PRAVIN SAMPAT, M.D., DOCKET #09-HA00049 - Conference Hearing on Motion to Terminate. Ms. Weiler appeared for the Board. Dr. Sampat appeared in person with counsel, Mr. Robert Eye.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Beezley and Dr. Leinwetter.

(Templeton/Minns) Deny request for termination. Carried.

GREG EPPERSON, M.D., DOCKET #11-HA00001 - Conference Hearing on Motion to Modify Consent Order.

A continuance and appointment of a presiding officer was granted in this case at the beginning of the board meeting.

V. SETTLEMENT AGREEMENT

Lance Krueger, P.A. – Review of Proposed Consent Order. Ms. Barker Hall appeared for the Board. Mr. Krueger appeared in person *pro se*.

(Macias/Laha) Go into closed hearing pursuant to K.S.A. 77-523(f) to discuss matters which are confidential under K.S.A. 65-4925. Carried.

(Minns/Beezley) Return to open session. Carried.

(Minns/Templeton) Approve Consent Order. Carried.

Christopher Walsh, M.D., Docket #14-HA00157 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Dr. Walsh appeared in person *pro se*.

(Durrett/Beezley) Go into closed hearing pursuant to K.S.A. 77-523(f) to discuss matters which are confidential under K.S.A. 65-4925. Carried.

(Minns/Durrett) Return to open session. Carried.

(Minns/Durrett) Approve Consent Order. Carried.

Sanford Fitzig, M.D. – Consideration of Proposed Consent Order. Ms. Gering appeared for the Board. Dr. Fitzig appeared in person *pro se*.

(Minns/Macias) Go into closed session to discuss confidential matters under investigation pursuant to K.S.A. 65-2839a(d). Carried.

(Minns/Laha) Return to open session. Carried.

(Minns/Leinwetter) Approve Consent Order with modification that license is now inactive and licensee does not need to attend course. Carried.

Ryan Farmer, M.D., Docket #14-HA00158 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Dr. Farmer appeared in person *pro se*.

Licensee's Exhibit A was admitted into the record.

(Durrett/Counselman) Go into closed hearing pursuant to K.S.A. 77-523(f) to discuss matters which are confidential under K.S.A. 65-4925. Carried.

(Minns/Beezley) Return to open session. Carried.

(Minns/Beezley) Approve Consent Order. Carried.

Robert Haskins, M.D. – Review of Proposed Consent Order. Ms. Barker Hall appeared for the Board. Dr. Haskins appeared in person with counsel, Mr. Kevin Weakley.

(Durrett/Beezley) Go into closed session to discuss confidential matters under investigation pursuant to K.S.A. 65-2839a(d). Carried.

(Webb/Durrett) Return to open session. Carried.

(Webb/Templeton) Approve Consent Order. Carried.

Bradley Stucky, D.O., Docket #14-HA00159 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Dr. Stucky appeared in person *pro se*.

(Durrett/Beezley) Go into closed hearing pursuant to K.S.A. 77-523(f) to discuss matters which are confidential under K.S.A. 65-4925. Carried.

(Minns/Laha) Return to open session. Carried.

(Durrett/Webb) Approve Consent Order. Carried.

Whitney VinZant, M.D. – Review of Proposed Consent Order. Mr. Hays appeared for the Board. Dr. VinZant appeared in person with counsel, Mr. Randy Troutt.

(Durrett/Laha) Go into closed session to discuss confidential matters under investigation pursuant to K.S.A. 65-2839a(d). Carried.

(Beezley/Macias) Return to open session. Carried.

(Gould/Beezley) Approve Consent Order. Carried with Dr. Leinwetter opposed.

Jesse Barnett, O.T.A., Docket #15-HA00002 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Mr. Barnett appeared in person *pro se*.

(Durrett/Minns) Go into closed hearing pursuant to K.S.A. 77-523(f) to discuss matters which are confidential under K.S.A. 65-4925. Carried.

(Minns/Beezley) Return to open session. Carried.

(Beezley/Counselman) Approve Consent Order. Carried.

Olugbenga Osunsanmi, P.T. – Review of Proposed Consent Order. Ms. Barker Hall appeared for the Board. Mr. Osunsanmi appeared in person with counsel, Mr. Ross Hollander.

(Durrett/Minns) Go into closed session to discuss confidential matters under investigation pursuant to K.S.A. 65-2839a(d). Carried.

(Minns/Durrett) Return to open session. Carried.

(Minns/Templeton) Approve Consent Order. Carried.

Joseph Clark, P.A., Dockets #14-HA00103 and 14-HA00123 – Review of Proposed Consent Order. Mr. Brackman appeared for the Board. Mr. Clark appeared in person with counsel, Carol Ruth Bonebrake and Ivery A. Goldstein.

(Webb/Leinwetter) Go into closed hearing pursuant to K.S.A. 77-523(f) to discuss matters which are confidential under K.S.A. 65-4925. Carried.

(Minns/Counselman) Return to open session. Carried.

(Minns/Beezley) Approve Consent Order. Carried.

Anna Starks, P.T.A., Docket #15-HA00008 – Review of Proposed Consent Order. Ms. Bryson appeared for the Board. Ms. Starks appeared in person *pro se*.

(Durrett/Laha) Go into closed hearing pursuant to K.S.A. 77-523(f) to discuss matters which are confidential under K.S.A. 65-4925. Carried.

(Minns/Macias) Return to open session. Carried.

(Beezley/Hodgdon) Approve Consent Order. Carried.

Erich Bittle, P.T.A., Docket #15-HA00005 – Review of Proposed Consent Order. Ms. Bryson appeared for the Board. Mr. Bittle appeared in person *pro se*.

(Durrett/Macias) Go into closed hearing pursuant to K.S.A. 77-523(f) to discuss matters which are confidential under K.S.A. 65-4925. Carried.

(Minns/Macias) Return to open session. Carried.

(Laha/Macias) Approve Consent Order. Carried.

VI. OTHER BUSINESS

Annual I.T. Training

Todd Standeford presented the annual I.T. and I.T. security training to the Board. All board members were present and received the training.

Note: Dr. Minns left the meeting at approximately 2:45, prior to the beginning of staff reports.

VII. STAFF REPORTS

Licensing Administrator:

Approval of Administrative Actions

(Counselman/Durrett) Approve administrative actions. Carried

Approval of Licensee/Registrant List

(Counselman/Durrett) Approve licensee/registrant list. Carried.

Minutes of Committee/Council Meetings

Minutes of all council meetings held since last board meeting were provided to the board for review. There were no questions regarding the minutes.

Litigation Counsel:

Litigation Report

Mr. Hays reviewed the current Litigation department statistics with the Board.

Disciplinary Counsel:

Disciplinary Report

Mr. Riley distributed and reviewed the current Disciplinary department statistics with the Board.

School Physicals Policy

A draft policy was presented to the Board for their review and consideration. (Templeton/Leinwetter) Adopt policy. Carried.

Appointment to DC Review Committee:

Board members were requested to submit suggestions or nominees for appointment to the committee to Mr. Riley or Ms. Selzler Lippert.

General Counsel:

General Counsel Report

Ms. Stevens presented a review of appellate and civil cases and an update of department statistics.

Kansas AG Opinion 2014-07

Ms. Stevens discussed the implications for our processes of AG Opinion 2014-17, which distinguishes Board functions which fall under the Kansas Administrative Procedure Act from those which must be in an open meeting under the Kansas Open Meeting Act.

Oriental Medicine and Acupuncture

Ms. Stevens provided information about a health care system desiring to offer the services of an Oriental Medicine Specialist who is not a licensed practitioner of the healing arts. The health system indicated that they wished for the services to comply with Kansas law. Ms. Stevens will inform the health system of the statutory and regulatory parameters involved with such services and suggest they seek independent legal advice as to how to structure the delivery of services.

Executive Director:

Budget Update

Ms. Selzler Lippert reported that staff is working on the FY16/FY17 budget and that we are looking at adjusting fees so that the balance in our fee fund does not continue to grow, per a legislative request. The Board requested that there be at least a \$25 gap between paper and on-line fees. The Board also approved Ms. Selzler Lippert talking to the Legislature about salary increases for staff.

Actions Taken Since Last Board Meeting

A list of all actions taken was provided for the Board's review. There were no questions and no discussion.

IPP Reports

Reports for 4th Quarter FY2014 were provided to the Board for review. Fourth Quarter Reports from KMS-MAP for MD's and PA's had not yet been received.

Appointments to State Child Death Review Board

Dr. Erik Mitchell has indicated he would be willing to serve on the State Child Death Review Board. The Board approved his appointment.

Data Security Report

Ms. Selzler Lippert stressed the importance of the data security measures and procedures that we have in place for our agency and thanked board members for their compliance.

Podiatric Advisory Committee

Several names and CV's were submitted from those wishing to be considered for appointment to the committee. Mr. Settich was appointed as the Board of Healing Arts representative, Naomi Shields, MD and Bradley Daily, MD were appointed from those nominated by the Kansas Medical Society, and Jon Morgan, DPM and Corin Wilde, DPM were appointed from those nominated by the Kansas Podiatric Medical Society.

Collaborative Drug Therapy Management Committee

Ms. Selzler Lippert will email information to board members and board members are being asked to submit names of nominees at the October board meeting.

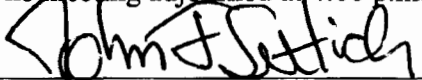
Misc. Items/Information for the Board

Board members approved an expenditure of \$30 from the special fund, for the purchase of card-making software.

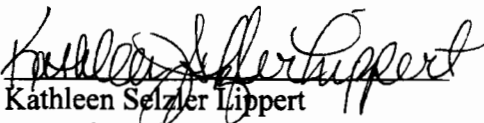
VIII. ADJOURNMENT

(Laha/Beezley). This meeting is adjourned. Carried.

The meeting adjourned at 4:00 p.m.



John Settich, Ph.D.
President



Kathleen Selzler Lippert
Executive Director