

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

BOARD MINUTES – Friday, June 12, 2015

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, JUNE 12, 2015

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, June 12, 2015. The meeting was called to order at 8:30 a.m. by Myron Leinwetter, D.O. and President.

Michael Beezley, M.D.	present
Jerry DeGrado, D.C.	present
Robin Durrett, D.O.	absent
Steven Gould, D.C.	absent
Anne Hodgdon, public member	present
David Laha, DPM	present
M. Myron Leinwetter, D.O.	present
Richard A. 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, 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.

Lora Barnett, CSR, Appino and Biggs Reporting Service, took and recorded the administrative proceedings conducted.

II. APPROVAL OF AGENDA

(Minns/Milfeld) Approve agenda with the following changes: deletion of Administrative Hearings for Kimberly Kercher PT, and Gail Girouard MD; deletion of Settlement Agreement for David Matheny DC. Carried.

APPROVAL OF BOARD MEETING MINUTES

(Hutchins/Varner) Approve minutes of April 10, 2015 regular meeting. Carried.

III. OTHER BUSINESS

(Board member/Board member) Recess board meeting to conduct administrative proceedings under the Kansas Administrative Procedures Act. Carried.

IV. ADMINISTRATIVE PROCEEDING

JESSICA R. DRONETTE, MD., DOCKET #15-HA00055 - Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Dr. Dronette appeared in person, *pro se*.

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

Board Decision: Deny licensure.

LYNETTE JOHNSON, M.D., DOCKET #15-HA00101 - Conference Hearing on Petition for Discipline. Ms. Barker Hall appeared for the Board. Dr. Johnson appeared in person *pro se*.

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

Board Decision: Suspend license for 30 days.

ASHLEY D. BARTLETT, L.R.T., DOCKET #15-HA00104 - Conference Hearing on Petition for Discipline. Ms. Weiler appeared for the Board. Ms. Bartlett appeared in person *pro se*.

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

Board Decision: Extend monitoring for 3 years and additional requirements.

MEGHA TEEKA-SATYAN, M.D., DOCKET #15-HA00112 - Conference Hearing on Application for Postgraduate Permit. Mr. Hays appeared for the Board. Dr. Teeka-Satyan appeared in person *pro se*.

Dr. Templeton recused herself from the proceedings.

Board Decision: Grant postgraduate permit effective July 1, 2015.

BRADLEY STUCKY, D.O., DOCKET #14-HA00159 - Conference Hearing on Request to Terminate Consent Order. Ms. Weiler appeared for the Board. Dr. Stucky appeared in person *pro se*.

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

Board Decision: Monitoring was terminated effective June 13, 2015.

WHITNEY VINZANT, M.D., DOCKET #15-HA00025 - Review of Initial Order. Mr. Hays appeared for the Board. Dr. VinZant appeared in person *pro se*.

Following are the members of the disciplinary panel: Dr. Durrett, Dr. Laha and Mr. Macias. Those members who were present at the board meeting recused themselves from the proceedings. Dr. Hutchins, Dr. Milfeld and Ms. Bond also recused themselves from the proceedings.

Board Decision: The Board is going to agree with the expansion of privileges requested by Dr. VinZant. The Board feels that prohibited surgeries still need to be part of the Board order as a restriction and CPEP recommendations also need to be requirements in the Order. The Final Order will be issued within the next 30 days.

SARA BASKERVILLE-CROME, D.C., DOCKET #14-HA00102 - Conference Hearing on Request to Terminate Practice Monitoring. Ms. Weiler appeared for the Board. Ms. Baskerville-Crome appeared in person *pro se*.

Following are the members of the disciplinary panel: Dr. Durrett, Dr. Laha, Mr. Macias. Those members who were present at the board meeting recused themselves from the proceedings.

Board Decision: Practice monitoring related to record-keeping was terminated. The remainder of the Consent Order's monitoring requirements remain in effect.

ANDRE BLEDSOE, R.T., DOCKET #12-HA00101 - Conference Hearing on Request to Terminate Monitoring. Ms. Weiler appeared for the Board. Mr. Bledsoe appeared in person *pro se*.

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

Board Decision: Monitoring terminated effective July 20, 2015.

MARTIN LEE, M.D., DOCKET #15-HA00099 - Conference Hearing on Application for Reinstatement. Ms. Bryson appeared for the Board. Dr. Lee appeared in person *pro se*.

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

Licensee's Exhibit #1 was admitted into the record and distributed to the Board for their review.

Board Decision: Grant license limited to clinical research and the requirement to complete the GCP for Clinical Trials with Investigational Drugs and Medical Devices (U.S. FDA focus) that is part of the Collaborative Institutional Training Initiative (CITI) program at the University of Miami.

V. OTHER BUSINESS

Presentation to Staff

Ms. Selzler Lippert was presented the Patriot Award for her support of board employees who are military reservists.

Kansas Medical Society-Professionals' Health Program – Presentation by Carolyn Westgate

Ms. Westgate gave a presentation that was an overview of KMS and the PHP, discussing who they are, what they do, and what their goals are regarding impaired practitioners.

VI. SETTLEMENT AGREEMENT

Robert Fleming, M.D. - Review of Proposed Consent Order. Ms. Barker Hall appeared for the Board. Dr. Fleming appeared in person with counsel, Mr. Don D. Gribble, II. Dr. Webb presided.

Board Decision: The Consent Order was rejected.

VII. ADMINISTRATIVE PROCEEDINGS (cont'd.)

WESLEY HARDEN, D.C., DOCKET #14-HA00134 - Conference Hearing on Request to Modify Consent Order. Ms. Weiler appeared for the Board. Dr. Harden appeared in person, *pro se*.

Following are the members of the disciplinary panel: Dr. Minns, Dr. Leinwetter and Ms. Hodgdon. Those members who were present at the board meeting recused themselves from the proceedings. Dr. DeGrado also recused himself from the proceedings. Dr. Webb presided.

Board Decision: Deny request to modify Consent Order.

RIAZ AHMED, M.D., DOCKET #15-HA00083 - Conference Hearing on Application for Institutional License. Mr. Hays appeared for the Board. Dr. Ahmed appeared in person with counsel, Ms. Diane Bellquist.

Board Decision: Grant institutional license.

SARA ESHGHI, L.R.T., DOCKET #12-HA00081 - Conference Hearing on Request to Terminate Consent Order. Ms. Weiler appeared for the Board. Ms. Eshghi appeared in person, *pro se*.

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

Board Decision: Terminate the Consent Order.

STEVE HEGSTROM, P.T.A., DOCKET #14-HA00155 - Conference Hearing on Request to Terminate Consent Order. Ms. Weiler appeared for the Board. Mr. Hegstrom appeared in person, *pro se*.

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

Board Decision: Terminate the Consent Order.

VIII. SETTLEMENT AGREEMENTS (cont'd.)

Michael Shaw, P.A.— Review of Proposed Consent Order. Ms. Barker Hall appeared for the Board. Mr. Shaw appeared in person with counsel, Ms. Amanda Wilwert.

Dr. Leinwetter recused himself from the proceedings. Dr. Webb presided.

Board Decision: Reject the Consent Order.

NOTE: Dr. Leinwetter left the meeting at this point and Board Vice President, Dr. Webb assumed the duties of presiding over the meeting and administrative proceedings unless otherwise noted.

Dorian Hall, P.T.A. – Ratification of Consent Order. Ms. Bryson appeared for the Board. Mr. Hall was not asked to appear before the Board.

Board Decision: Approve the Consent Order.

Kirk C. Johnson, D.C. – Review of Proposed Consent Order. Mr. Brackman appeared for the Board. Dr. Johnson was not asked to appear before the Board.

Board Decision: Approve the Consent Order.

Kyle Weis, R.T. – Ratification of Consent Order. Ms. Bryson appeared for the Board. Mr. Weis was not asked to appear before the Board.

Board Decision: Approve the Consent Order.

Michael Green, D.C. – Review of Proposed Consent Order. Ms. Barker Hall appeared for the Board. Dr. Green was not asked to appear before the Board.

Board Decision: Approve the Consent Order.

Stacy S. Czirr, O.T.A. – Ratification of Consent Order. Ms. Bryson appeared for the Board. Mr. Czirr was not asked to appear before the Board.

Board Decision: Approve the Consent Order.

Lamberto O. Flores, M.D. – Review of Proposed Consent Order. Mr. Brackman appeared for the Board. Dr. Flores was not asked to appear before the Board.

Board Decision: Approve the Consent Order.

Janet Dameron Gengler, R.T. – Ratification of Consent Order. Ms. Bryson appeared for the Board. Ms. Gengler was not asked to appear before the Board.

Board Decision: Approve the Consent Order.

John B. Bowers, D.C. – Review of Proposed Consent Order. Ms. Barker Hall appeared for the Board. Dr. was not asked to appear before the Board.

Board Decision: Approve the Consent Order.

Jennifer Godfrey, P.T.A. – Review of Proposed Consent Order. Mr. Hays appeared for the Board. Ms. Godfrey was not asked to appear before the Board.

Board Decision: Approve the Consent Order.

IX. OTHER BUSINESS (cont'd.)

The Board's Vice President called the board meeting back to order.

Physical Therapy Scope of Practice – Dry Needling -

Ms. Stevens provided a review of this issue and subcommittee update.

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

(Settich/Templeton) Defer question of whether dry needling is within the statutory scope of practice for Physical Therapists, for legislative action. Carried with Dr. Beezley opposed.

X. STAFF REPORTS

Licensing Administrator:

Approval of Administrative Actions

(Minns/Hutchins) Approve administrative actions. Carried

Approval of Licensee/Registrant List

(Minns/Hutchins) Approve licensee/registrant list. Carried.

Minutes of Committee/Council Meetings

Minutes of all council meetings held since last board meeting were provided for the Board's review. The Board had no corrections or questions.

Litigation Counsel:

Litigation Report

The statistical report for the Litigation Department was presented to the Board by Mr. Hays.

Disciplinary Counsel:

Disciplinary Report

The statistical report for the Disciplinary Department was distributed and Mr. Riley reviewed it with the Board. Mr. Riley reported that they are working to make the report more descriptive and representative of the department's current work product status regarding investigations and complaints.

General Counsel:

General Counsel Report

Ms. Stevens reported on appellate cases involving the Board.

UHSA – Disapproved School Issue

A potential applicant has requested the Board to make a predetermination of whether they are qualified for licensure prior to applying for licensure. The applicant graduated from UHSA, which is a disapproved medical school. Applicant will be instructed to submit their application first; no predetermination will be made on their qualifications.

Direction to Staff on Statutory Amendments Repealing “15-Year Rule”

The requirement that unapproved medical schools be in operation for at least 15 years is being repealed from K.S.A. 65-2873 and 65-2895 of the Healing Arts Act, effective July 1, 2015. Ms. Lenahan requested direction from the Board regarding the criteria that Licensing Department staff should use to determine if graduates from unapproved schools qualify for licensure. The Board instructed staff to allow schools that are not specifically on the Board’s disapproved school list. Applicants must still meet all other requirements for licensure.

Report on Regulations in Progress

Ms. Stevens distributed a handout and discussed changes in progress to the Physician Assistant regulations. Proposed Healing Arts regulation updates will be presented at the August board meeting.

Kansas AG Opinion 2015-10

Ms. Stevens discussed the AG Opinion with the Board and cautioned them that conducting board business on personal devices is not a good practice.

Update on Antitrust Litigation Against Licensing Boards

Ms. Stevens provided an update to the Board about litigation in other states.

Executive Director:

Budget Update

Ms. Selzer Lippert provided a budget update to the Board which advised that our budget submission for FY 2016 and FY 2017 has been approved, but that the legislative session has not yet ended so things could still change.

Legislative Update

A list of bills being tracked by Ms. Selzer Lippert was provided to the Board for their review. Ms. Selzer Lippert discussed a few bills affecting the Board, which were adopted during the session.

Actions Taken Since Last Board Meeting

A list of all actions for this fiscal year was provided to the Board in their packet of materials. There were no comments or questions.

Impaired Provider Program Reports & Approval of FY 2016 Agreements

The FY 2016 IPP Agreements were provided to the Board in their packet of materials, for review and comment prior to them being signed by Board President, Dr. Leinwetter.

Misc. Items/Information for the Board

Dr. DeGrado will replace Dr. Gould on the Physical Therapy Council.

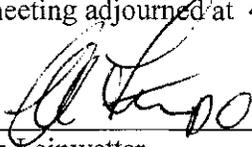
Ms. Selzler Lippert will send out meeting requests with several date/time options, for the Advance Practice Registered Nurse Task Force meeting. If board members are interested in serving on the task force they are to respond with available meeting dates/times.

The Kansas Medical Society’s Professionals Health Program, Memorandum of Understanding outline was distributed to the Board for review.

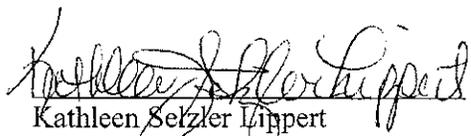
The Board ^{Vice} President called the Board into executive session for 10 minutes pursuant to K.S.A. 75-4319(b)(1) for the purpose of personal matters of non-elected personnel.

XI. ADJOURNMENT

(Beezley/DeGrado). This meeting is adjourned. Carried.
The meeting adjourned at 4:07 p.m.



Myron Leinwetter
President



Kathleen Selzler Lippert
Executive Director