

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

**BOARD MINUTES – Friday
October 11, 2013**

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, OCTOBER 11, 2013

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, October 11, 2013. The meeting was called to order at 8:30 a.m. by John Settich, PhD and President.

Eustaquio Abay, M.D. -	absent
Michael Beezley, M.D. -	present
Ray Conley, D.C. -	present
Gary Counselman, D.C. -	present
Robin Durrett, D.O.	present
Anne Hodgdon, public member -	present
David Laha, DPM -	present
M. Myron Leinwetter, D.O.	present
Rick Macias, public member -	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

Staff members present were Kathleen Selzler Lippert, Executive Director; Kelli Stevens, General Counsel; Reese Hays, Litigation Counsel; Jessica Bryson, Stacy Bond, Seth Brackman, Jane Weiler and Susan Gering, Associate Litigation Counsel; Shelli Jernigan and Jennifer Cook, Legal Assistants; Dan Riley, Disciplinary Counsel; Joshana Offenbach, Associate Disciplinary Counsel; Katy Lenahan, Licensing Administrator; John McMaster, M.D., Medical Director; 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

(Conley/Minns) Approve agenda with the following changes: deletion of the Dalan settlement agreement and the Shushunov and Lakin admin proceedings. Carried.

APPROVAL OF BOARD MEETING MINUTES

(Conley/Minns) Approve minutes of August 9, 2013 regular meeting. Carried.

III. OTHER BUSINESS

General Counsel Review – Executive Session

(Minns/Conley) Go into executive session for 20 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/Laha) Return to open session. Carried.

IV. SETTLEMENT AGREEMENT

Jose Luis Hinojosa, M.D., Docket #14-HA00021 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Dr. Hinojosa appeared in person with counsel, Mr. Mark Stafford.

(Conley/Minns) Ratify consent order. Carried with Dr. Leinwetter opposed.

Michael Rodriguez, D.C., Docket #14-HA00038 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Dr. Rodriguez appeared in person *pro se*.

(Minns/Conley) Ratify consent order. Carried.

Todd E. Hendrickson, D.C. – Consideration of Proposed Consent Order. Mr. Brackman appeared for the Board. Dr. Hendrickson appeared in person *pro se*.

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

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

(Counselman/Minns) Approve consent order. Carried.

Ronald Taylor, R.T., Docket #14-HA00039 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Mr. Taylor appeared by teleconference, *pro se*.

(Conley/Beezley) Ratify consent order. Carried.

Jeffrey S. Howell, D.C. – Consideration of Proposed Consent Order. Ms. Bond appeared for the Board. Dr. Howell appeared in person *pro se*.

(Conley/Minns) Approve consent order. Carried.

Jerald R. Jones, Jr., P.A. – Consideration of Proposed Consent Order. Mr. Brackman appeared for the Board. Mr. Jones appeared in person *pro se*.

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

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

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

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

(Beezley/Conley) Approve consent order with amendment of limitation for 6 months with direct supervision for 100% of patients. Carried.

Lance A. Stevenson, D.C., Docket #14-HA00025 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Dr. Stevenson appeared in person *pro se*.

Applicant's Exhibit A was admitted into the record.

(Laha/Counselman) 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.

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

(Conley/Webb) Consent order requirements fulfilled. Grant full licensure. Carried.

V. ADMINISTRATIVE PROCEEDING

JACLYN WEST, A.T., DOCKET #13-HA00086 - Review of Initial Order. Ms. Bryson appeared for the Board. Ms. West did not appear.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Conley, Dr. Leinwetter, Dr. Minns and Ms. Hodgdon. Dr. Webb also recused himself.

(Beezley/Counselman) Appoint a subcommittee of the board pursuant to K.S.A. 77-514(g), consisting of Dr. Durrett, Dr. Counselman, Dr. Beezley, Dr. Hutchins, Dr. Laha, Mr. Settich and Mr. Macias to serve as presiding officers with authority to approve a final order. Carried.

(Hutchins/Beezley) Issue Order making the Initial Order the Final Order of the board. Carried.

MIRIAM ANDAYA, M.D., DOCKET #12-HA00059 - Conference Hearing on Request for Termination of Consent Order. Ms. Weiler appeared for the Board. Dr. Andaya 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. Templeton and Dr. Webb.

(Conley/Macias) Terminate limitations. Carried.

JOSE JESUS SANCHEZ CHAVEZ, M.D., DOCKET #14-HA00023 - Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Dr. Sanchez Chavez 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. Abay, Dr. Counselman, Dr. Durrett, Dr. Laha and Mr. Macias.

Applicant submitted Exhibit A for admission to the record, however, board counsel objected and the exhibit was not admitted.

(Templeton/Conley) Deny application for licensure by endorsement. Motion failed.

No action taken as the applicant withdrew his application for licensure and the board accepted the withdrawal.

LEONARD A. RUBINSTEIN, M.D., DOCKET #14-HA00042 - Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Dr. Rubinstein 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. Abay, Dr. Counselman, Dr. Durrett, Dr. Laha and Mr. Macias.

Licensee's Exhibit B was admitted into the record.

(Beezley/Conley) Go into executive session pursuant to K.S.A. 75-4319(b)(2) for 15 minutes for the purpose of attorney-client consultation. Carried.

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

NOTE: Ms. Hodgdon joined the meeting at this point.

(Conley/Templeton) Deny licensure with specific details set forth in the Final Order. Carried.

KELLIE A. MILLER, L.R.T., DOCKET #14-HA00022 - Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Ms. Miller did not appear.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Conley, Dr. Leinwetter, Dr. Minns and Ms. Hodgdon.

(Templeton/Webb) Issue a default order and deny application for licensure. Carried.

TYLER THOMAS CRAIG, D.C., DOCKET #14-HA00024 - Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Dr. Craig 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. Abay, Dr. Counselman, Dr. Durrett, Dr. Laha and Mr. Macias.

Applicant's Exhibit A was admitted into the record.

(Conley/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.

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

(Conley/Templeton) Dr. is sufficiently rehabilitated to warrant the public trust in order to consider his application for licensure. Carried (8 votes out of 9).

(Webb/Hodgdon) 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.

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

(Webb/Hodgdon) Grant licensure with 2 years of monitoring. Carried.

MATTHEW BRITTON, L.R.T., DOCKET #09-HA00207 - Conference Hearing on Request to Terminate Monitoring. Ms. Weiler appeared for the Board. Mr. Britton 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. Conley, Dr. Leinwetter and Dr. Beezley.

Board Exhibits A-F were admitted into the record.

(Hodgdon/Durrett) 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.

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

(Counselman/Templeton) Terminate monitoring. Carried.

STEVEN E. ALBERT, D.O., DOCKET #14-HA00040 - Conference Hearing on Application for Licensure. A continuance was granted in this case prior to the start of the board meeting.

SOHAIB A. MOHIUDDIN, M.D., DOCKET #14-HA00041 - Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Dr. Mohiuddin appeared in person with counsel, Mr. Mark Stafford.

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

Applicant's Exhibit A was admitted into the record.

(Beezley/Conley) Grant application for licensure. Carried.

VI. OTHER BUSINESS

Medical Education Subcommittee Report

Ms. Stevens summarized items that were discussed by the subcommittee and their recommendations to the Board.

P.A. Legislation and Physician Supervision Subcommittee Report

Ms. Selzler Lippert reviewed items discussed by the subcommittee as well as some potential statute and regulation changes that were identified.

VII. STAFF REPORTS

Licensing Administrator:

Approval of Administrative Actions

(Conley/Minns) Approve administrative actions. Carried

Approval of Licensee/Registrant List

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

Minutes of Committee/Council Meetings

Ms. Lenahan provided minutes of all council meetings held since last board meeting. There were no questions or discussion.

Licensing Report

No statistics to report at this meeting.

Litigation Counsel:

Litigation Report

Mr. Hays distributed and 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.

Appointment to PT Council:

Mr. Riley presented the CV of Dr. Pete Hodges, M.D., as a candidate for the board-appointed MD/DO position that is vacant on the Physical Therapy Council. The board approved the appointment of Dr. Hodges to the Council.

Mr. Riley also asked board members to submit candidates for a board-appointed MD/DO vacancy on the Respiratory Therapy Council.

General Counsel:

General Counsel Report

Ms. Stevens updated the board on appellate cases involving the Board and reviewed department statistics for August and September 2013.

Executive Director:

Budget Update

The revised, off-year budget for FY2014 and FY2015 has been submitted to Division of Budget.

Actions Taken Since Last Board Meeting

A list of actions taken year-to-date was included in the packet of materials for the board meeting. There were no questions from the board regarding this item.

IPP Reports

An Impaired Provider Program meeting has been scheduled at the board offices for October 24, 2013.

KMS has notified Ms. Selzler Lippert that they are interested in expanding their IPP services and resources if there is interest from other professions.

Misc. Items/Information for the Board

Ms. Selzler Lippert summarized topics and changes that staff members are currently working on. Some of these include: changes needed to the Healing Arts Act to make it more applicable; new provisions for dealing with bad checks or cancelled credit cards used to pay licensure fees; and provisions that give the board the ability to discharge costs and fines and take stronger action against persons practicing without a license. Ms. Selzler Lippert will bring a detailed outline of topics and recommended changes to the December board meeting.

VIII. ADJOURNMENT

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

The meeting adjourned at 2:10 p.m.



John Settich
President


Kathleen Selzler Lippert
Executive Director