

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

**BOARD MINUTES – Friday, October 13, 2017**

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 13, 2017**

**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 13, 2017. The meeting was called to order at 8:30 a.m. by David Laha, DPM and President.

Jerry DeGrado, D.C.	present
Robin Durrett, D.O.	present
Thomas Estep, M.D.	present
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	absent
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; Tucker Poling, General Counsel; Ryan Hamilton, Assistant General Counsel; Reese Hays, Litigation Counsel; Susan Gering, Deputy Litigation Counsel; Anne Barker Hall, Jared Langford, and Phoenix Anshutz, Associate Litigation Counsel; Dan Riley, Disciplinary Counsel; Joshana Offenbach, Associate Disciplinary Counsel; John Nichols, Licensing Administrator; John McMaster, M.D., Medical Director; Kathy Moen, Medical Litigation Support Specialist; Jennifer Cook, Legal Assistant to General Counsel; and Cathy Brown, Executive Assistant. The attached sign-in sheet indicates those people who were present during portions of the meeting.

Ksenija Zeltkalns, CSR, Appino and Biggs Reporting Service, took and recorded the administrative proceedings conducted.

**APPROVAL OF AGENDA**

(Hutchins/Varner) Approve agenda for October 13, 2017 board meeting. Carried.

**APPROVAL OF BOARD MEETING MINUTES**

(Durrett/Minns) Approve minutes of August 10 and 11, 2017, regular board meeting. Carried.

(Minns/Templeton) Approve minutes of August 24, September 21 and September 22, 2017 special board meetings via teleconference. Carried.

**II. OTHER BUSINESS**

**Dr. Minns Recognition**

Dr. Laha presented Dr. Minns with a plaque, recognizing his service this past year as board president.

**Introduction of New Board Member**

Dr. Milfeld introduced the newest member of the Board, Dr. Thomas Estep, M.D. Dr. Estep succeeds Dr. Michael Beezley.

**Introduction of New Staff Members**

The following new staff members were introduced to the Board: Tucker Poling, General Counsel; Elizabeth (Beth) Visocsky, Operations Manager; Phoenix Anshutz, Litigation Counsel and Courtney Manly, Law Clerk.

**I.T. Instruction**

Todd Standeford, I.T. Manager, provided the Board with a demonstration of/instructions for use of the new boardroom audio-visual system.

*NOTE: Dr. Leinwetter left the meeting at this point.*

**Request for Attestation**

Ms. Johanna Castro requested an attestation from the Board, declaring that the duties performed in her position do not require a medical license. Dr. Durrett recused himself from this discussion and the vote.

(Milfeld/Varner) Recess the Board into executive session to consult with General Counsel in a privileged attorney-client communication pursuant to K.S.A. 75-4319(b)(2) and reconvene the open meeting at 9:10 in the boardroom. Carried.

(Hutchins/DeGrado) Reconvened open meeting at 9:10. Carried.

(Templeton/Webb) Sign attestation. Carried with Ms. Hodgdon voting Nay.

### III. ADMINISTRATIVE PROCEEDINGS

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

(Hutchins/DeGrado) Recess administrative hearing for attorney-client consultation with Board member presiding officers on administrative proceedings we are hearing under the Kansas Administrative Procedure Act. Carried.

(Minns/DeGrado) Reconvene administrative hearing. Carried.

**DANIEL MYERS, M.D., DOCKET #16-HA00037** – Review of Initial Order. Ms. Gering appeared for the Board. Dr. Myers appeared in person with counsel, Mr. Mark Stafford and Ms. Hanna Zimmerman.

Recusals: Dr. Leinwetter, Dr. Templeton, Dr. Webb and Dr. Hutchins.

(DeGrado/Minns) Go into closed hearing pursuant to K.S.A. 77-523(f) for the presentation of information which is confidential under K.S.A. 65-4915 and 65-4925. Carried.

(Laha/DeGrado) Recess the hearing for attorney-client consultation on this case. Carried.

(Milfeld/DeGrado) Return to closed hearing pursuant to K.S.A. 77-523(f) for the presentation of information which is confidential under K.S.A. 65-4915 and 65-4925. Carried.

(Varner/Minns) Return to open session. Carried

Decision: The Board will issue an Order within 30 days, pursuant to Kansas Administrative Procedures Act Guidelines. Carried.

**REYNALDO DE LOS ANGELES, M.D., DOCKET #18-HA00013** - Conference Hearing on Petition for Discipline. Mr. Hays and Ms. Manly appeared for the Board. Dr. De Los Angeles did not appear in person.

Recusals: None

(Webb/Varner) Licensee found in default. License revoked. Carried.

**LARS BOMAN, M.D., DOCKET #18-HA00011** - Conference Hearing on Application. Ms. Barker Hall appeared for the Board. Dr. Boman appeared in person *pro se*.

Recusals: Dr. Leinwetter, Dr. DeGrado and Mr. Settich.

(Varner/Webb) Go into closed hearing pursuant to K.S.A. 77-523(f) for the presentation of information which is confidential under K.S.A. 65-4925. Carried.

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

(Templeton/Varner) Grant unrestricted license. Carried.

**ROBERT FLEMING, M.D., DOCKET #16-HA00110** - Conference Hearing on Request to Terminate Consent Order. Mr. Hays appeared for the Board. Dr. Fleming appeared in person, *pro se*.

Recusals: None.

(Minns/Durrett) Terminate consent order. Carried with Dr. Templeton voting nay.

**ELIZABETH MARKOWITZ, O.T., DOCKET #17-HA00019** - Conference Hearing on Request to Terminate Monitoring. Mr. Hays appeared for the Board. Ms. Markowitz appeared in person with counsel, Mr. Mark Stafford and Ms. Hanna Zimmerman.

Recusals: None

(Minns/Varner) Go into closed hearing pursuant to K.S.A. 77-523(f) for the presentation of information which is confidential under K.S.A. 65-4925. Carried.

(Minns/Templeton) Return to open hearing. Carried

(Varner/Templeton) Terminate monitoring. Carried.

**JAMES SCOTT, M.D., DOCKET #18-HA00012** - Conference Hearing on Application. Ms. Hall appeared for the Board. Dr. Scott appeared in person with counsel, Mr. Mark Stafford and Ms. Hanna Zimmerman.

Recusals: Dr. Leinwetter, Dr. DeGrado and Mr. Settich.

(Durrett/Templeton) Grant licensure. Carried.

**LARRY GRAHAM II, M.D., DOCKET #14-HA00104** - Conference Hearing on Request to Terminate Consent Order. Mr. Langford appeared for the Board. Dr. Graham II appeared in person *pro se*.

Recusals: None

(Laha/Minns) Go into closed hearing pursuant to K.S.A. 77-523(f) for the presentation of information which is confidential under K.S.A. 65-4925. Carried.

(Minns/Macias) Return to open hearing. Carried

(Minns/Varner) Terminate consent order. Carried.

**J. RICH JONES, P.T., DOCKET #13-HA00046** - Conference Hearing on Motion to Terminate License Limitations. Mr. Langford appeared for the Board. Dr. Jones appeared in person with counsel, Mr. Mark Lynch.

Recusals: Dr. Leinwetter, Dr. Minns and Ms. Hodgdon.

(Templeton/Varner) Go into closed hearing pursuant to K.S.A. 77-523(f) for the presentation of information which is confidential under K.S.A. 65-4925. Carried.

(Templeton/Macias) Recess the hearing for attorney-client consultation on this case. Carried.

(Templeton/Macias) Return to closed hearing pursuant to K.S.A. 77-523(f) for the presentation of information which is confidential under K.S.A. 65-4925. Carried.

(Varner/Milfeld) Return to open hearing. Carried.

Decision: Deny request and Licensee will finish the term of the Consent Order before making a new request for termination of limitations.

*NOTE: Dr. Leinwetter returned to the hearing at this point.*

#### IV. SETTLEMENT AGREEMENT

**Elaine Isham, A.T.** - Review of Proposed Consent Order. Ms. Barker Hall appeared for the Board. Ms. Isham appeared in person *pro se*.

Recusals: None

(Minns/Varner) Approve Consent Order. Carried.

**Jennifer Lynn Blaine, O.T.A.** - Ratification of Consent Order. Ms. Barker Hall appeared for the Board. Ms. Blaine appeared in person *pro se*.

Recusals: None

(Varner/Minns) Ratify Consent Order. Carried.

**Douglas G. Brooks, M.D., Docket #17-HA00048** – Review of Proposed Consent Order. Ms. Gering, Ms. Weiler and Mr. Hays appeared for the Board. Dr. Brooks appeared in person with counsel, Mr. Weston Moore.

Recusals: None

(Varner/Minns) Approve Consent Order. Carried.

## V. STAFF REPORTS

The Board President called the board meeting back to order.

### **Licensing Administrator:**

#### **Approval of Licensee/Registrant List**

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

### **Litigation Counsel:**

#### **Litigation Report**

The statistical report for the Litigation Department was included in the Board's packet of materials, for their review. There were no questions or discussion.

### **Disciplinary Counsel:**

#### **Disciplinary Report**

The statistical report for the Disciplinary Department was included in the Board's packet of materials, for their review. There were no questions or discussion.

#### **Respiratory Therapy Council Replacement for Dr. Estep**

The Board will make recommendations for a replacement to the R.T. Council at the December board meeting.

### **Assistant General Counsel:**

#### **Scope of Naturopathic Medicine, Diagnostic Radiology**

Discussion of whether or not diagnostic radiology is within statutory scope of naturopathic medicine. Testimony was presented by Laura Rues, N.D., Vice President of Kansas Naturopathic Providers Association and Alicia Johnson, N.D., President of KNPA.

(Macias/Templeton, DeGrado) Recess the Board into executive session to consult with General Counsel in a privileged attorney-client communication pursuant to K.S.A. 75-4319(b)(2) and reconvene the open meeting at 1:30 p.m. in the boardroom. Carried.

(Hutchins/Macias) Reconvene open meeting. Carried.

(Minns/Leinwetter) Table issue until the December 8, 2017 board meeting. Carried.

(Minns/Varner) Reconvene board meeting. Carried.

### **Case Update**

An update of district and appellate cases involving the Board was included in the Board's packet of materials, for their review. There were no questions or discussion.

### **Practice Monitor for Subir Ray, M.D.**

(Leinwetter/DeGrado) Appoint Dr. Milfeld as presiding officer to approve a practice monitor for Dr. Subir Ray. Carried.

### **Regulation Update**

Temporary Acupuncture regulations are coming before the Joint Committee on Administrative Rules and Regulations on Thursday, October 19, 2017. Ms. Selzler Lippert will provide testimony.

The next Certified Nurse Midwife Council meeting is set for November 2, 2017 and the members hope to produce documents for approval at the December 8, 2017 board meeting.

### **Offer of Settlement, Thomas Prose, M.D.**

(Hutchins/Varner) Recess Board into executive session to consult with General Counsel in a privileged attorney-client communication pursuant to K.S.A. 75-4319(b)(2) and reconvene the open meeting at 2:17 p.m. in the boardroom. Carried.

(Hutchins/Templeton) Reconvene open meeting. Carried.

Decision: Decline settlement.

### **Council Meeting Minutes**

Approved council minutes were included in the Board's packet of materials. There were no questions or discussion.

### **Executive Director:**

#### **Executive Director Report**

Ms. Selzler Lippert reviewed her memo, which was distributed to the board at the board meeting. The following items were discussed:

- Update on leadership coaching project
- Budget impact of salary enhancements for board staff

- Explanation of the licensure renewal notification process
- Development and implementation of enhanced wall license, suitable for framing

#### **Appointment to Child Death Review Board**

(Minns/Varner) Appoint Dr. Jaime Oeberst to the Child Death Review Board. Carried.

#### **Holiday Dinner**

Board and staff members will have a combined luncheon on the Thursday before the December 8, 2017 board meeting. Dr. Templeton has recommended a speaker for an all-staff meeting that will be held prior to the luncheon.

#### **Board Members:**

#### **Employee Awards and Recognition Program**

Dr. Minns reported that the subcommittee received employee feedback indicating that money should be used for salary enhancements rather than individual awards. The subcommittee recommends that volunteerism be removed from the award categories and that any awards be done once a year in December, beginning December 2018. The subcommittee will complete a new policy prior to that time.

#### **Executive Session for Non-elected Personnel Matters**

(Minns/DeGrado) Recess the Board into executive session to discuss personnel matters of nonelected personnel pursuant to K.S.A. 75-4319(b)(1), with Kathleen Selzler Lippert and Tucker Poling, and Allison Conklin and Lois Ryan from Department of Administration, Division of Personnel remaining for the session, and reconvene the open meeting at 2:45 p.m. Carried.

(Estep/Durrett) Reconvene open meeting. Carried.

(Minns/Durrett) Recess the Board into executive session to discuss personnel matters of nonelected personnel pursuant to K.S.A. 75-4319(b)(1), and reconvene the open meeting at 3:12 p.m. Carried.

(Hutchins/DeGrado) Reconvene open meeting. Carried.

(Webb/DeGrado) Recess the Board into executive session to discuss personnel matters of nonelected personnel pursuant to K.S.A. 75-4319(b)(1), and reconvene the open meeting at 3:40 p.m. Carried.

(Minns/DeGrado) Reconvene open meeting. Carried.

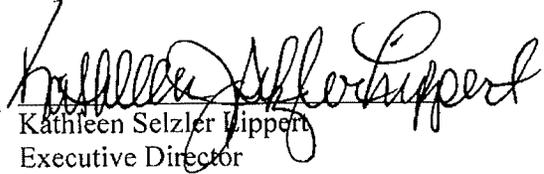
## **VI. ADJOURNMENT**

(Board President). This meeting is adjourned. Carried.

The meeting adjourned at 3:45 p.m.



David Laha, D.P.M.  
President



Kathleen Selzler Lippert  
Executive Director