

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

**BOARD MINUTES – Friday
October 9, 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, OCTOBER 9, 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, October 9, 2015. The meeting was called to order at 8:30 a.m. by Terry Webb, D.C. and President.

Michael Beezely, M.D.	present
Jerry DeGrado, D.C.	present
Robin Durrett, D.O.	present – left at 12:30 p.m.
Steven Gould, D.C.	present
Anne Hodgdon, public member	present - arrived at 11:15 a.m.
David Laha, DPM	present
M. Myron Leinwetter, D.O.	present
Richard A. Macias, public member	absent
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; Jane Weiler, Susan Gering, Anne Barker Hall, Tracy Fredley and Joseph Behzadi, 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; Ivan Perez, Monitoring Coordinator; 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.

Barb Hoskinson, CSR, Appino and Biggs Reporting Service, took and recorded the administrative proceedings conducted.

II. APPROVAL OF AGENDA

(Hutchins/Laha) Approve agenda with the following changes: Admin Hearings for Traci Borland, OT and Brandy Palacios, PTA continued; dedication of boardroom postponed; attorney/client consultation added at 10:00. Carried.

APPROVAL OF BOARD MEETING MINUTES

(Hutchins/Laha) Approve minutes of June 12, 2015 regular meeting with the following changes: page 7 of the minutes should reflect that Dr. Kimberly Hunt appeared in person, page 4 of the minutes should reflect that Drs. Gould and Degrado abstained and Dr. Leinwetter was opposed on the Dr. William Murphy case, and a correction to the spelling of Ms. Hodgdon's name on page 2 of the minutes. Carried.

III. ADMINISTRATIVE PROCEEDINGS

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

GAIL GIROUARD, MD., DOCKET #15-HA00070 – Conference Hearing on Petition for Discipline. Ms. Hall appeared for the Board. Dr. Girouard 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. Durrett, Dr. Laha and Mr. Macias.

Board Decision: Appoint Dr. Minns as Presiding Officer with authority to review evidence and issue a final order.

Dr. Girouard was asked to verify her current mailing address and she stated that it is **Confidential** Sayre, Oklahoma.

TRONG CONG PHAM, D.C., DOCKET #16-HA00011 - Conference Hearing on Petition for Discipline. Ms. Gering appeared for the Board. Dr. Pham 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. Durrett, Dr. Laha, Mr. Macias.

Board Decision: This case was converted to a formal hearing. The Office of Administrative Hearings will be appointed to conduct further proceedings.

Dr. Pham was asked to verify his current mailing address and he stated that it is **Confidential** which he said the board had on record.

CHARLIE COLLENBORNE, M.D., DOCKET #10-HA00003 - Conference Hearing on Motion to Terminate Consent Order. Ms. Weiler and Ms. Hall appeared for the Board. Dr. Collenborne appeared in person with counsel, Ivery Goldstein.

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. Beezley also recused himself from the proceedings.

Board Decision: The board granted the motion to terminate the consent order.

DEREK URBAN, M.D., DOCKET #15-HA00007 - Review of Initial Order. Mr. Hays appeared for the Board. Dr. Urban appeared in person with counsel, Mr. Mark Stafford. Jeffrey King was also admitted pro hac vice to appear for Dr. Urban.

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. Minns presided.

Board Decision: The board adopted the Initial Order with the exception of the malpractice action. Costs will be assessed.

NOTE: Ms. Hodgdon arrived at this point in the meeting.

VIJENDRA DAVE, M.D., DOCKET #14-HA00146 – Attorney-Client Consultation on Petition for Reconsideration.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Leinwetter, Dr. Minns, Ms. Hodgdon. Mr. Settich, Ms. Selzler Lipper, Ms. Stevens and Ms. Bond also recused themselves from the proceedings. Mr. Mark Ferguson served as Special General Counsel.

Board Decision: The Board denied the petition for reconsideration.

NOTE: Dr. Durrett left the meeting at this point.

OBED N. SAINT-LOUIS, M.D., DOCKET #16-HA00016 - Conference Hearing on Application for Licensure. Ms. Fredley appeared for the Board. Dr. St Louis appeared in person with counsel, Mr. David Steed.

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. Minns presided.

Board Decision: The board granted the Dr. an inactive license with the provision that if he applies for an active license in Kansas in the future it will be limited to addiction medicine, unless he can prove he meets competency for an unlimited license.

TYLER CRAIG, D.C., DOCKET #14-HA00024 - Conference Hearing on Request to Terminate Monitoring. Ms. Weiler appeared for the Board. Mr. 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. Durrett, Mr. Macias and Dr. Laha.

Board Decision: Termination of monitoring was approved.

ERICK FALCONER, M.D., DOCKET #15-HA00129 - Conference Hearing on Request to Withdraw Application. Ms. Fredley appeared for the Board. Dr. Flaconer 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. Milfeld, Dr. Varner, Dr. Gould and Ms. Hodgdon.

Board Decision: The board allowed Dr. Falconer to withdraw his application.

JOSEPH CLARK, P.A., DOCKET #14-HA00103 - Conference Hearing on Motion to Stay Suspension and for Reinstatement. Mr. Hays appeared for the Board. Mr. Clark appeared in person with counsel, Mr. Mark Lynch.

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

Board Decision: The board terminated the licensee's suspension, however, the consent order with probation limitation remains in place along with additional conditions to be set forth in a Final Order.

IV. OTHER BUSINESS (cont'd)

Staff Recognition by Department

Reese introduced members of the Litigation staff and a picture was taken.

V. **ADMINISTRATIVE PROCEEDINGS (cont'd.)**

OLUGBENGA OSUNSANMI, P.T., DOCKET #15-HA00018 - Conference Hearing on Motion to Terminate Monitoring. Ms. Weiler appeared for the Board. Mr. Osunsanmi appeared in person with counsel, Ms. Diane Bellquist.

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

Board Decision: The board granted termination of monitoring.

ANTHONY BURGESS, M.D., DOCKET #16-HA00019 - Conference Hearing on Application for License by Endorsement. Mr. Hays appeared for the Board. Dr. Burgess appeared in person *pro se*.

Recusals: None

Board Decision: The board granted licensure by endorsement.

VI. **SETTLEMENT AGREEMENT**

Shan Tisha Porter, O.T.A., - Review of Proposed Consent Order. Ms. Hall appeared for the Board. Ms. Porter appeared in person *pro se*.

Recusals: None

Board Decision: The board approved the Consent Order.

Kehinde A. Morohunfola, M.D. – Review of Proposed Consent Order. Ms. Gering appeared for the Board. Dr. Morohunfola appeared in person with counsel, Mr. Brent Wright.

Recusals: None

Board Decision: The board approved the Consent Order with an addendum.

Hal Younglove, M.D. – Review of Consent Order. Ms. Hall appeared for the Board. Dr. Younglove appeared in person with counsel, Mr. Thomas Ruzicka.

Dr. Minns presided.

Board Decision: The board approved the Consent Order with Dr. Leinwetter, Dr. Hutchins and Ms. Hodgdon opposed and Dr. DeGrado abstaining.

Pat Dinh Do, M.D. – Review of Proposed Consent Order. Ms. Gering appeared for the Board. Dr. Do appeared in person with counsel, Mr. Mark Maloney.

Recusals: Dr. Milfeld

Board Decision: The board approved the Consent Order with Dr. Templeton opposed and Dr. Minns abstaining.

Kirk Potter, D.O. – Review of Proposed Consent Order. Ms. Hall appeared for the Board. Dr. Potter appeared in person with counsel, Ms. Patricia Dengler.

Recusals: None

Board Decision: The board approved the Consent Order.

Dennis Miller, M.D., Docket #16-HA00005 – Review of Proposed Consent Order. Ms. Hall appeared for the Board. Mr. Miller appeared in person with counsel, Ms. Diana Jordison.

Recusals: Dr. Beezley

Board Decision: The board approved the Consent Order with Ms. Hodgdon opposed.

Robert Osborn, D.O. – Review of Proposed Consent Order. Mr. Hays appeared for the Board. Dr. Osborn appeared in person with counsel, Mr. Paul Oakleaf.

Recusals: None

Board Decision: The board approved the Consent Order.

VII. OTHER BUSINESS (cont'd.)

Status of Dry Needling Practice for Kansas PTs and Discussion About Standards Issued by KPTA

Board members discussed this topic and comments included a lack of comfort with the practice of dry needling by physical therapists, that it may exceed their scope of practice, and that the Board's prior statement that the matter be addressed legislatively was not intended to convey to the profession that the Board condoned the practice.

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

(Leinwetter/Templeton) The Board requests that Kansas Physical Therapy Association seek legislative approval to add dry needling to their scope of practice. Carried.

VIII. STAFF REPORTS

Licensing Administrator:

Approval of Administrative Actions

(Hutchins/Settich) Approve administrative actions. Carried

Approval of Licensee/Registrant List

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

Minutes of Committee/Council Meetings

Review of minutes of all council meetings held since last board meeting. There were no questions, comments or discussion.

Licensing Report

Licensees must currently provide verification of all licenses they hold and these are mailed to us by the various licensure boards. Because of problems obtaining these verifications Ms. Lenahan wants our licensure analysts to be allowed to go on other state websites and obtain verifications and she would also like to only verify full licenses for the same profession that an applicant is applying for in Kansas. The board approved both of these procedure changes.

Litigation Counsel:

Litigation Report

Mr. Hays presented the statistical report for the Litigation Department.

Disciplinary Counsel:

Disciplinary Report

Mr. Riley presented the statistical report for the Disciplinary Department.

Ethics and Boundaries Essay Exam

Nothing was discussed on this topic at this board meeting.

General Counsel:

General Counsel Report

The board was asked to appoint a corporate practice of medicine subcommittee to assist General Counsel staff with these issues. Drs. Leinwetter, Beezley, Milfeld and Gould volunteered to be on the subcommittee.

Derek Urban, M.D., Docket #15-HA00007 – Motion to Stay
(Hutchins/Varner) Grant motion to stay. Carried.

Update on Regulations in Drafting/Amendment Process

Physician Assistant regulations are at the offices of the Attorney General for legal review. Staff hope to have temporary regulations adopted prior to the January 11, 2015 effective date of the Physician Assistant Act statutory changes.

Executive Director:

Budget Update

No report given. Monthly budget information was included in the board's packet.

Actions Taken Since Last Board Meeting

The board had no questions regarding these actions.

APRN Taskforce Update

Ms. Selzler Lippert updated the board on APRN taskforce meetings and discussions. She and Ms. Mary Blubaugh, Director of the Kansas Board of Nursing, will meet to find dates for future meetings that will work for members of the taskforce.

Misc. Items/Information for the Board

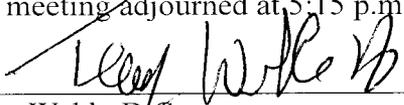
The Kansas Board of Pharmacy is recruiting for a new Director.

Ms. Selzler Lippert will be setting up a special teleconference meeting for board members, sometime in the next week.

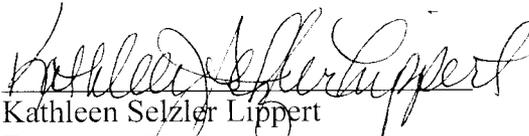
IX. ADJOURNMENT

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

The meeting adjourned at 5:15 p.m.



Terry Webb, D.C.
President



Kathleen Selzler Lippert
Executive Director