

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

BOARD MINUTES – Thursday & Friday
December 11 & 12, 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.

THURSDAY, DECEMBER 11, 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 Thursday, December 11, 2014. The meeting was called to order at 8:30 a.m. by Myron Leinwetter, D.O. and President.

Michael Beezley, M.D.	present
Robin Durrett, D.O.	present
Steven Gould, D.C.	present
Anne Hodgdon, public member	appeared via teleconference
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.

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

II. APPROVAL OF AGENDA

(Beezley/Minns) Approve agenda with the following changes:

Additions: IPP/PHP Performance Improvement Plan under Exe. Director's Staff Report; Admin Hearing for Sinclair;

Deletions: Admin Hearings for Herbig, Warren, Mills, and Williamson

Changes: Vernon hearing moved from Thurs. to 3:00 Friday

Carried.

APPROVAL OF BOARD MEETING MINUTES

(Settich/Minns) Approve minutes with the following corrections: Dr. Webb was elected as Vice President and replace Dr. Leinwetter's name with Mr. Settich's name on the signature page. Carried.

III. ADMINISTRATIVE PROCEEDING

Attorney-Client Consultation

(Minns/Laha) Prior to beginning the administrative hearings, have 10 minutes of attorney-client consultation between the Board Members as Presiding Officers and General Counsel Attorneys, concerning legal issues in administrative cases. Carried.

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

BRADLEY HOLADAY, D.C., DOCKET #15-HA00042 - Conference Hearing on Petition for Discipline. Mr. Brackman appeared for the Board. Dr. Holaday appeared in person with counsel, Mr. Gregory P. Forney.

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

(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.

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

Board Exhibit #1 and Licensee Exhibit #1 were admitted into the record.

(Templeton/Varner) 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.

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

(Settich/Macias) Recess for 10 minutes for the purpose of deliberation. Carried.

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

The Board suspended the license of Dr. Holaday for at least 1 year, effective immediately.

ANN NEUHAUS, MD., DOCKET #10-HA00129 - Conference Hearing on Remand of Sanctioning. Mr. Hays and Ms. Bryson appeared for the Board. Dr. Neuhaus 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. Leinwetter and Dr. Beezley. Also recused were Mr. Macias, Ms. Stevens and Ms. Selzler Lippert. Mr. Mark Ferguson served as Special General Counsel and Dr. Webb presided.

(Laha/Varner) Go into closed hearing pursuant to K.S.A. 77-523(f) to discuss matters which are confidential under K.S.A. 65-4915 and 65-4925. Carried.

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

(Durrett/Templeton) Recess into closed session for the purpose of deliberation. Carried.

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

(Durrett/Templeton) The Board took the matter under advisement. Final Order to be issued in 30 days with costs included. Mr. Hays was directed to submit a modified statement of costs and Mr. Eye will respond within 14 days.

(Durrett/Templeton) Appoint Dr. Webb to sign the Final Order. Carried.

NOTE: Ms. Hodgdon ended her teleconference participation at the end of the Neuhaus hearing.

IV. OTHER BUSINESS (continued)

Recognition of KSBHA Staff Members

Ms. Selzler Lippert gave a Power Point presentation which recognized the agency's staff members and the roles they play in achieving the agency's work and mission.

National Testing and Relevance to State Licensure Discussion – Dr. Minns

This topic was continued to another meeting.

Current State of Telemedicine and Future Possibilities

This topic was continued to another meeting.

V. ADMINISTRATIVE PROCEEDINGS (continued)

KARIM NAHRA, MD., DOCKET #14-HA00078 - Review of Initial Order.

Ms. Weiler and Mr. Hays appeared for the Board. Dr. Nahra 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. Leinwetter, Ms. Hodgdon, and Dr. Minns. Dr. Webb presided.

(Templeton/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.

(Templeton/Durrett) Recess the hearing for the purpose of attorney-client consultation. Carried.

(Beezley/Templeton) Return to closed session. Carried.

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

The Initial Order will be vacated and Dr. Nahra will be allowed to change his license status to inactive. If Dr. Nahra returns to active practice he must comply with his existing consent order.

MARVIN H. WILSON, M.D., DOCKET #12-HA00098 - Conference Hearing on Application for Status Change. Ms. Bryson appeared for the Board. Dr. Wilson did not appear in person.

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

(Templeton/Varner) Find applicant in default. Application denied. Carried.

TIMOTHY S. GORRILL, M.D., DOCKET #13-HA00001 - Conference Hearing on Request to Terminate Consent Order. Ms. Weiler appeared for the Board. Dr. Gorrill 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, Ms. Hodgdon, and Dr. Minns. Dr. Webb presided.

(Laha/Gould) 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.

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

(Gould/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.

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

(Macias/Templeton) Terminate Consent Order. Carried.

ARIANA POWELL, O.T.A., DOCKET #09-HA00206 - Conference Hearing on Request to Terminate Monitoring. Ms. Weiler appeared for the Board. Ms. Powell 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. Beezley and Dr. Leinwetter. Ms. Bond also recused herself from the proceedings. Mr. Settich 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.

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

(Durrett/Gould) Terminate monitoring. Carried.

(Gould/Macias) Recess into closed session. Carried.

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

WHITNEY VINZANT, M.D., DOCKET #15-HA00025 - Conference Hearing on Motion to Incorporate CPEP Recommendations. Mr. Hays appeared for the Board. Dr. VinZant appeared in person with counsel, Ms. Tracie England.

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. Dr. Milfeld also recused himself from the proceedings.

(Minns/Beezley) Recess for the purpose of deliberation and attorney-client consultation. Carried.

(Board Member/Board Member) Return to open session. Carried.

Following deliberation, the Board declined to modify the Consent Order and will maintain the current surgical limitations.

GREGORY ERB, M.D., DOCKET #13-HA00082 - Conference Hearing on Motion to Terminate Consent Order. Ms. Weiler appeared for the Board. Dr. Erb appeared in person with counsel, Mr. Brent Lagergren.

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, and Ms. Hodgdon. Dr. Webb presided.

(Beezley/Durrett) 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.

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

(Beezley/Durrett) Terminate Consent Order. Carried.

JILLIAN GILLMORE, O.T.A., DOCKET #15-HA00039 - Conference Hearing on Petition for Discipline and Conference Hearing on Motion to Compel Evaluation. Ms. Weiler appeared for the Board. Ms. Gillmore 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. Leinwetter, Dr. Minns and Ms. Hodgdon. Dr. Webb presided.

(Laha/Gould) Find licensee in default and revoke license. Carried.

JANEL LEONARD, O.T.A., DOCKET #15-HA00043 - Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Ms. Leonard 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.

(Laha/Durrett) 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.

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

(Macias/Laha) Recess hearing for 5 minutes for attorney-client consultation. Carried.

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

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

(Durrett/Varner) License granted. Carried

BRITTANY LYNN, P.T.A., DOCKET #14-HA00059 - Conference Hearing on Request for Termination of Monitoring. Ms. Weiler appeared for the Board. Ms. Lynn 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.

(Gould/Varner) 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.

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

(Settich/Beezley) Terminate monitoring. Carried.

TODD HENDRICKSON, D.C., DOCKET #14-HA00052 - Conference Hearing on Request for Termination of Monitoring. Ms. Weiler appeared for the Board. Dr. Hendrickson 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. Webb, Dr. Templeton, Mr. Settich, Dr. Leinwetter, Dr. Minns and Ms. Hodgdon. Dr. Gould also recused himself from the proceedings. Dr. Beezley presided.

(Webb/Beezley) Due to the number of board members recused, a quorum of the board appointed remaining board members as presiding officers for this case pursuant to K.S.A. 77-514(g). Carried.

(Durrett/Laha) Recess hearing for 5 minutes pursuant to K.S.A. 75-4319(b)(2) for the purpose of attorney-client consultation. Carried.

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

(Durrett/Macias) Terminate monitoring. Carried.

VI. OTHER BUSINESS (continued)

Physician Assistant Regulation Subcommittee Update – Dr. Templeton and Kelli Stevens

Dr. Templeton and Ms. Stevens updated the Board on subcommittee activities to date. No final decisions or recommendations have been reached and the subcommittee will be meeting again to continue discussions and work.

HAA Regulation Subcommittee Update – Dr. Templeton and Kelli Stevens

Dr. Templeton and Ms. Stevens updated the Board on subcommittee activities to date. The work of the subcommittee is complete. Necessary statute changes and regulation amendments are in progress.

Dry Needling Subcommittee Update – Dr. Templeton and Kelli Stevens

Dr. Templeton and Ms. Stevens updated the Board on subcommittee activities to date. No final decisions or recommendations have been reached and the subcommittee will be meeting again to continue discussions and work.

FRIDAY, DECEMBER 12, 2014

VII. 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, December 12, 2014. The meeting was called to order at 8:30 a.m. by M. Myron Leinwetter, D.O. and President.

Michael Beezley, M.D.	present
Robin Durrett, D.O.	present
Steven Gould, D.C.	present
Anne Hodgdon, public member	absent
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, 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.

Barbara Hoskins, CSR, Appino and Biggs Reporting Service, took and recorded the administrative proceedings conducted.

VIII. ADMINISTRATIVE PROCEEDINGS (continued)

Attorney-Client Consultation

(Durrett/Gould) Prior to resuming the administrative hearings, have 20 minutes of attorney-client consultation between the Board Members as Presiding Officers and General Counsel Attorneys, concerning legal issues in administrative cases. Carried.

(Board Member/Board Member) Return to open session. Carried.

WILLIAM REES, II, MD., DOCKET #14-HA00063 - Review of Initial Order Issued by Office of Administrative Hearings. Ms. Bryson and Ms. Gering appeared for the Board. Dr. Rees 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. Durrett, Dr. Laha and Mr. Macias.

(Gould/Templeton) 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.

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

(Templeton/Hutchins) Recess the hearing for the purpose of attorney-client consultation. Carried.

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

Following deliberation it was the Board's decision that the Initial Order be adopted. License granted.

ANNA STARKS, P.T.A., DOCKET #15-HA00041 - Conference Hearing on Petition for Discipline. Ms. Weiler appeared for the Board. Ms. Starks 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.

(Laha/Milfeld) 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.

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

(Durrett/Gould) Final Order with non-disciplinary monitoring for 3 years as agreed to by Ms. Starks. Carried.

ELIZABETH BAKER, O.T.A., DOCKET #15-HA00040 - Conference Hearing on Petition for Discipline. Ms. Weiler appeared for the Board. Ms. Baker 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.

(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.

Licensee's Exhibit #1 was admitted into the record.

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

(Beezley/Minns) Recess hearing for the purpose of attorney-client consultation. Carried.

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

Final Order extending Consent Order currently in place was for a period of 1 year, as agreed to by Ms. Baker.

CHRISTIAN SINCLAIR, M.D., DOCKET #15-HA00046 - Conference Hearing on Application for Change of Designation/Type. Ms. Bryson appeared for the Board. Dr. Sinclair 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. Leinwetter, Dr. Templeton, Dr. Webb and Mr. Settich. Dr. Beezley presided.

Licensee Exhibits A and B were admitted into the record.

(Minns/Durrett) Recess hearing for the purpose of attorney-client consultation. Carried.

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

(Minns/Durrett) Grant full unrestricted license in State of Kansas. Carried.

DAVID WILLEY, M.D., DOCKET #15-HA00033 - Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Dr. Willey appeared in person with counsel, Ms. 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. Webb and Mr. Settich. Dr. Beezley presided.

(Minns/Durrett) Recess hearing for the purpose of attorney-client consultation. Carried.

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

(Minns/Durrett) Applicant meets technical requirements for licensure. The remainder of the Response in Opposition to be heard by Office of Administrative Hearings. Carried with Mr. Macias opposed.

AMELIA RODROCK, D.C., DOCKET #14-HA00048 - Conference Hearing on Request to Terminate Consent Order. Ms. Weiler appeared for the Board. Dr. Rodrock 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. Durrett, Dr. Laha and Mr. Macias.

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

(Webb/Beezley) Terminate Consent Order. Carried.

JEREMY HOWES, M.D., DOCKET #15-HA00027 - Conference Hearing on Application for Change of Designation/Type. Ms. Bryson appeared for the Board. Dr. Howes 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. Leinwetter, Dr. Templeton, Dr. Webb and Mr. Settich. Dr. Beezley presided.

(Milfeld/Minns) Recess hearing for 15 minutes for the purpose of attorney-client consultation. Carried.

Board Exhibits #1-6, 8, and 11-14 were objected to by opposing counsel. The objection was overruled by Dr. Beezley who was presiding over this case.

(Durrett/Minns) Recess hearing for the purpose of attorney-client consultation. Carried.

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

(Minns/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.

Licensee's Exhibit A was offered for the record and objected to by Ms. Bryson.

(Minns/Durrett) Recess hearing for the purpose of attorney-client consultation. Carried.

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

Licensee's Exhibit A was admitted into the record.

(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.

(Durrett/Minns) Recess hearing for 5 minutes for the purpose of attorney-client consultation. Carried.

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

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

SANDHYA PAHUJA, M.D., DOCKET #14-HA00140 - Conference Hearing on Application for Licensure by Endorsement. Mr. Hays appeared for the Board. Dr. Pahuja appeared in person pro se.

(Templeton/Varner) Grant licensure by endorsement. Carried.

STACY D. STRUBLE, D.C., DOCKET #15-HA00012 - Conference Hearing on Motion to Terminate Limitation. Mr. Brackman appeared for the Board. Dr. Struble 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. Gould also recused himself from the proceedings and Dr. Beezley presided.

Licensee Exhibit #1 was admitted into the record.

(Macias/Milfeld) Lift limitation and impose alternate conditions and monitoring agreed to by Dr. Struble. Educational courses are to be completed within two years. Carried.

CONNIE E. LANG, D.C., DOCKET #15-HA00013 - Conference Hearing on motion to Terminate Limitation. Mr. Brackman appeared for the Board. Dr. Lang 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. Gould also recused himself from the proceedings. Dr. Beezley presided.

Licensee's Exhibit #1 was admitted into the record.

(Macias/Milfeld) Lift limitation and impose alternate conditions and monitoring. Educational courses are to be completed within two years agreed to by Dr. Lang. Carried.

STEPHEN NESBIT, D.O., DOCKET #14-HA00080 - Conference Hearing on Request for Termination of Consent Order and Monitoring. Ms. Weiler appeared for the Board. Dr. Nesbit 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.

(Minns/Beezley) Terminate monitoring. Carried with Dr. Templeton opposed.

BRANDON D. RIESENMY, M.D., DOCKET #15-HA00037 - Conference Hearing on Petition for Discipline. Ms. Barker Hall appeared for the Board. Dr. Riesenmy 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. Templeton, Dr. Webb and Mr. Settich.

(Minns/Varner) Find that licensee is in default and alleged facts are undisputed. Issue default order to revoke license. Carried

(Beezley/Durrett) Recess hearing for the purpose of attorney-client consultation. Carried.

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

IX. SETTLEMENT AGREEMENT

Confidential

Mukesh Garg, M.D., Docket #15-HA00031 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Mr. Garg 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.

Board Exhibits #2 and 3 were admitted into the record.

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

(Minns/Beezley) Approve Consent Order. Carried.

Carl W. Gossett, M.D. – Review of Proposed Consent Order. Ms. Gering appeared for the Board. Dr. Gossett appeared in person pro se.

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

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

(Minns/Templeton) Approve Consent Order. Carried.

Gary McIntosh, P.A. – Review of Proposed Consent Order. Mr. Hays appeared for the Board. Mr. McIntosh appeared in person pro se.

(Minns/Durrett) 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.

(Beezley/Minns) Approve Consent Order. Carried.

Trent J. Timson, D.P.M. – Review of Proposed Consent Order. Mr. Brackman appeared for the Board. Dr. Timson appeared in person with counsel, Bradley W. Dowd.

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

Licensee's Exhibit #1 was admitted into the record.

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

(Minns/Varner) Approve Consent Order. Carried.

Richard Krause, D.P.M. – Review of Proposed Consent Order. Mr. Brackman appeared for the Board. Dr. Krause appeared in person pro se.

(Beezley/Durrett) 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/Durrett) Approve Consent Order. Carried.

Ethan Bickelhaupt, M.D. – Review of Proposed Consent Order. Ms. Barker Hall appeared for the Board. Dr. Bickelhaupt appeared in person with counsel, Mr. Mike Helpig.

(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/Durrett) Return to open session. Carried.

(Minns/Beezley) Grant license and approve Consent Order. Carried.

Mary Takashi, P.A. – Review of Proposed Consent Order. Mr. Hays and Ms. Gering appeared for the Board. Dr. Takashi appeared in person with counsel, Ms. Ivery Goldstein.

Dr. Durrett recused himself from the proceedings.

(Hutchins/Varner) Authorize qualified protective order drafted by Ms. Goldstein. Carried.

(Templeton/Gould) Recess hearing for the purpose of attorney-client consultation. Carried.

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

(Gould/Beezley) Approve Consent Order. Carried.

Aaron F. Dinkel, P.T.A., DOCKET #15-HA00038 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Mr. Dinkel appeared in person pro se. Dr. Webb presided.

(Durrett/Milfeld) 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.

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

(Beezley/Durrett) Approve Consent Order. Carried.

Debra Hill, P.T.A. – Review of Proposed Consent Order. Ms. Gering appeared for the Board. Ms. Hill appeared in person pro se.

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

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

(Gould/Minns) Approve Consent Order. Carried.

David Hundley, P.T.A., DOCKET #15-HA00045 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Mr. Hundley appeared in person pro se.

(Gould/Durrett) 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.

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

(Beezley/Varner) Approve Consent Order. Carried.

(Name Confidential), M.D. – Approval of Professional Development Plan. Ms. Barker Hall appeared for the Board. Dr. appeared in person with counsel, Ms. Ivery Goldstein.

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

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

(Minns/Milfeld) Recess hearing for 10 minutes for the purpose of attorney-client consultation. Carried.

X. ADMINISTRATIVE PROCEEDINGS (continued)

MARY VERNON, M.D., DOCKET #14-HA00130 - Review of Initial Order. Ms. Gering and Ms. Barker Hall appeared for the Board. Dr. Vernon appeared in person with counsel, Mr. Floyd Finch.

Mr. Settich served as Presiding Officer and issued the Initial Order in this case. He recused himself from the proceedings. Ms. Bond also recused herself as she advised Mr. Settich.

(Webb/Macias) Recess for 5 minutes pursuant to K.S.A. 75-4319(b)(2) for the purpose of attorney-client consultation. Carried.

(Board Member/Board Member) Return to open session. Carried.

(Minns/Milfeld) Adopt Initial Order as Final Order and revoke Dr. Vernon's license. Carried.

XI. STAFF REPORTS

Licensing Administrator:

Approval of Administrative Actions

(Webb/Durrett) Approve administrative actions. Carried

Approval of Licensee/Registrant List

(Webb/Durrett) 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. There were no questions or corrections.

Limiting Approval for the National Physical Therapy Exam

The only applicants allowed to test before graduation are in-state applicants for Physical Therapy.

Authority to Approve Radiological Technologist Applications

(Templeton/Hutchins) Grant Executive Director the authority to review and approve licensure for radiological technologist applicants who are unable to provide the required education documents because their program has been closed and are practicing in another state that does not require licensure. Carried.

Litigation Counsel:

Litigation Report

Mr. Hays presented the Litigation report and department statistics. The numbers of closed cases this year were higher than they have been for past years and Mr. Hays credited this to the hard work and efficiency of his staff.

Disciplinary Counsel:

Disciplinary Report

Mr. Riley distributed and reviewed the Disciplinary report and department statistics. Possible disciplinary issues and concerns were also reviewed

Discussion followed regarding online eye exams by ophthalmologists. The Board did not wish to have staff draft a letter of caution to send to ophthalmologists.

Chiropractic Review Committee Candidates:

(Webb/Gould) Appoint Dr. Brown-Grantham and Dr. Payne to the Chiropractic Review Committee with Dr. Bracken as alternate. Carried.

General Counsel:

General Counsel Report

Ms. Stevens presented a review of appellate and civil cases. She also reported that the Comprehensive Health of Planned Parenthood v. Templeton case had been dismissed.

Requests for Approval to Supervise More Than Two Physician Assistants

Ms. Stevens reported that Dr. Leinwetter has already addressed all of these requests as they were all fairly clear-cut. All were approved as they met the statute and regulation.

Executive Director:

Budget Update

Ms. Lippert reported that fee reductions requested by the Legislature last session will be modest since the board will be experiencing increased costs for impaired provider plan services, and for Office of Information Technology Services (OITS) network connectivity fees.

Actions Taken Since Last Board Meeting

A report of all actions taken was included in the packet of materials provided to the board. There were no questions or discussion.

Impaired Provider Program (IPP) Reports

Copies of all IPP reports received since the August board meeting were included in the packet of materials provided to the board. There were no questions or discussion.

IPP/PHP Performance Improvement Plan

(Templeton/Webb) Adopt Board Policy #15-01- Standard for Evaluations of Applicants and Licensees Regulated by the Healing Arts Act, Podiatry Act and/or Physician Assistant Licensure Act. Carried.

Anesthesiologist Assistant Delegated Practice

Ms. Selzler Lippert reported that Board staff had been contacted by the Association of Anesthesiology to discuss their interest in using anesthesiologist assistants in their practice. Because current delegation and supervision statutes are fairly broad and general, there is not a specific requirement to get board approval. However, they did want to provide the board with insight into this issue. If this profession grows, there may be interest in seeking statutory authority to make it a separate allied practice but that is down the road. Any legislative initiative would be carried by the professional association.

Collaborative Drug Therapy Management Advisory Committee

The board will provide Ms. Selzler Lippert with the names of nominees for this committee.

Interstate Licensure Compact

Ms. Selzler Lippert provided information and documents regarding the national issue of an interstate medical licensure compact. To date Ms. Selzler Lippert was not aware of any plans to introduce a bill in the Kansas legislature.

Board Member Appointments to the Radiologic Technologist (LRT) and Physical Therapist (PT) Councils and Non-Board Member Appointment to Physician Assistant (PA) Council.

Dr. Gould was appointed to the LRT and the PT Councils.

Dr. Rousch was appointed to the PA Council.

Federation of State Medical Boards (FSMB) Delegates for 2015

Dr. Leinwetter will not be able to attend the FSMB meeting this year. Dr. Minns indicated that he may be interested in attending, depending on the dates.

Misc. Items/Information for the Board

The Board approved the purchase of a plaque for Dr. Counselman which will honorarily name the board room after him.

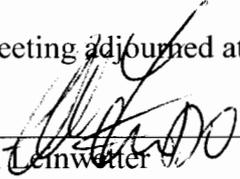
The Board directed staff to send out a press release on the Neuhaus order after it is filed.

(Board Member/Board Member) Go into executive session to discuss non-elected personnel matters. Carried.

XII. ADJOURNMENT

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

The meeting adjourned at 5:30 p.m.



Myron Leinwater
President



Kathleen Selzler Lippert
Executive Director