

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

**BOARD MINUTES – Friday  
December 11, 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, DECEMBER 11, 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, December 11, 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.	absent
Steven Gould, D.C.	present
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 Kelli Stevens, General Counsel; Stacy Bond, Assistant General Counsel; Reese Hays, Litigation Counsel; Jane Weiler, Susan Gering, Anne Barker Hall, Tracy Fredley and Joseph Bahzati, 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.

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

## **II. APPROVAL OF AGENDA**

(Hutchins/Varner) Approve agenda with the following changes: Approval of a new appointment to the AT Council was added to the agenda. The settlement agreement for Dr. Selim and the administrative proceedings for Ms. Palacios were deleted from the agenda. Carried.

## **APPROVAL OF BOARD MEETING MINUTES**

(Laha/Milfeld) Approve minutes of October 9, 2015 regular meeting and October 16, 2015 special meeting with the following changes: Dr. Minns abstained from the Do settlement proceedings during the October 9<sup>th</sup> regular board meeting and Ms. Hodgdon and Mr. Settich also attended the October 16<sup>th</sup> special meeting. Carried.

## **III. OTHER BUSINESS**

KSBHA Staff Recognition by Department, Disciplinary

## **IV. ADMINISTRATIVE PROCEEDINGS**

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

**THOMAS PROSE, MD., DOCKET #15-HA00010** – Review of Initial Order. Ms. Hall appeared for the Board. Dr. Prose did not appear in person. Counsel Blake H. Reeves appeared for him.

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: Adopt Initial Order in part. Uphold the sanction of suspension, fine and assessment of costs. There will be additional technical corrections made and the Final Order will be issued within 30 days.

**MICHAEL HILL, R.T., DOCKET #16-HA00022** - Conference Hearing on Petition for Discipline. Ms. Gering appeared for the Board. Mr. Hill 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 Exhibits 1 and 2 were admitted into the record.

Board Decision: The board is taking matters under advisement and will issue an order within 30 days. Mr. Hill is free to seek employment in Kansas.

**ERICH BITTLE, P.T.A., DOCKET #15-HA00005** - Conference Hearing on Request to Terminate Consent Order. Ms. Weiler appeared for the Board. Dr. Bittle 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.

Board Decision: Terminate monitoring.

**JEREMY HOWES, M.D., DOCKET #15-HA00027** - Conference Hearing on Motion to Terminate Monitoring. Ms. Weiler appeared for the Board. Mr. 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. Milfeld also recused himself and Dr. Minns presided.

Board Decision: Terminate monitoring.

NOTE: Dr. Beezley left at the 12:00 noon lunch break, and before the following remaining cases were presented.

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

**CHARLES LANDERS, P.A., DOCKET #13-HA00025** - Conference Hearing on Request to Terminate Consent Order. Ms. Weiler appeared for the Board. Mr. Landers 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. Minns, Dr. Leinwetter and Ms. Hodgdon.

Board Decision: Terminate Consent Order

**AARON DINKEL, P.T.A., DOCKET #15-HA00038** - Conference Hearing on Request to Terminate Monitoring. Ms. Weiler appeared for the Board. Mr. Dinkel 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.

Board Decision: Terminate monitoring.

**WESLEY HARDEN, D.C., DOCKET #14-HA00034** - Conference Hearing on Request to Terminate Monitoring. Ms. Weiler appeared for the Board. Dr. Harden 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. Minns, Dr. Leinwetter and Ms. Hodgdon. Dr. DeGrado also recused himself.

Board Decision: Terminate monitoring.

**CHARLES WANKER, M.D., DOCKET #15-HA00010** - Conference Hearing on Request to Terminate. Ms. Weiler appeared for the Board. Dr. Wanker appeared in person *pro se*.

Recusals: None.

Board Decision: Termination Granted

## V. SETTLEMENT AGREEMENTS

**Frank Miller, D.C., Docket #15-HA00105** - Review of Proposed Consent Order. Mr. Hays appeared for the Board. Dr. Miller appeared in person with counsel, Mr. Bob Farmer.

Recusals: None.

Board Decision: Approve Consent Order

**Josie Norris, M.D., Docket #15-HA00107** – Review of Proposed Consent Order. Ms. Hall appeared for the Board. Dr. Norris appeared in person with counsel, Ms. Megan Lewis.

Recusals: None.

Board Decision: Approve Consent Order.

**Roger L. Anderson, D.C., Docket #16-HA00009** – Review of Proposed Consent Order. Ms. Gering appeared for the Board. Dr. Anderson appeared in person with counsel, Ms. Diane Belquist.

Recusals: Dr. Webb and Dr. Gould. Dr. Minns presided.

Board Decision: Approve Consent Order

Confidential

## **VI. STAFF REPORTS**

The Board President called the board meeting back to order.

### **Licensing Administrator:**

#### **Approval of Administrative Actions**

(Hutchins/Gould) Approve administrative actions. Carried

**Approval of Licensee/Registrant List**

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

**Minutes of Committee/Council Meetings**

Minutes of all council meetings held since last board meeting were provided in the board's packet of information. There were no questions.

**Licensing Report**

None

**Litigation Counsel:**

**Litigation Report**

Mr. Hays presented the Litigation report. Their department had turnover for two attorney positions and this affected their statistics a bit for this reporting period.

**Disciplinary Counsel:**

**Disciplinary Report**

The report was distributed and Mr. Riley reviewed it with the Board. Older investigations are decreasing in number.

**General Counsel:**

**General Counsel Report**

Kelli reviewed appellate cases involving the board and the new process for handling legal questions received by the agency.

**Report from Corporate Practice of Medicine Subcommittee**

No report was given by the subcommittee.

**Review of Legal FAQs and Agency Process for Handling Legal Questions**

The General Counsel department is working on revamping FAQs for our website and our process for handling them.

**Executive Director:**

**Budget Update**

There were no questions on budget information provided in the Board's packet.

**Actions Taken Since Last Board Meeting**

There were no questions on the actions reported in the Board's packet.

**IPP Report**

The board had no questions regarding the information provided in the Board's Packet.

### **Appointment to Athletic Trainer Council**

Dr. Kyle Goerl, M.D. was appointed to the Athletic Trainers Council to replace Marshall Havenhill, II, M.D.

### **Misc. Items/Information for the Board**

Dr. Templeton reviewed the Licensure Compact Committee Meeting which she and Ms. Selzler Lippert attended in Chicago on Oct. 26<sup>th</sup> – 28<sup>th</sup>. This was the first meeting of the Committee. Ms. Selzler Lippert has also met with some of our state Legislators and they have indicated that they support this initiative.

Changes in Legislative Committee composition may impact some legislative initiatives this year. The Board has some assorted language changes and clean up that needs to be done if the appropriate legislation becomes available.

The Board indicated that they want Ms. Selzler Lippert to continue working with the Federation of State Medical Boards and other state licensure board regarding obstacles on complaints or investigations involving VA, military, Dept. of Defense or federal institutions.

86% of the Board's staff transitioned from classified to unclassified status.

The following committee was appointed for the agency Employee Awards and Recognition Program: Dr. Laha along with the Board's current President (Dr. Webb), the current Vice President (Dr. Minns) and the current past president (Dr. Leinwetter).

A joint meeting of the Kansas State Board of Healing Arts and the Kansas State Board of Nursing will be held on Feb. 8, 2016 at the KSBHA, to discuss Advanced Practice Registered Nurse issues.

Dr. Leinwetter and Dr. Templeton reported on the K-TRAC Board Meeting in October.

Dr. Minns (delegate) and Dr. Templeton (alternate) will check their calendar and let Ms. Selzler Lippert if either of them would be able to represent the Board as their delegate to the Federation of State Medical Boards meeting this coming spring.

Dr. Webb was appointed as the delegate and Dr. Gould as the alternate delegate to the Federation of Chiropractic Licensing Boards and the National Board of Chiropractic Examiners meetings this coming spring. Dr. DeGrado will also attend.

## **VII. ADJOURNMENT**

(Board Member/Board Member). This meeting is adjourned. Carried.

The meeting adjourned at 3:15 p.m.

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Terry Webb, D.C.  
President

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Kathleen Selzler Lippert  
Executive Director