

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

**BOARD MINUTES – Friday
December 7, 2012**

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 7, 2012

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 7, 2012. The meeting was called to order at 8:30 a.m. by Kimberly Templeton, M.D. and President.

Eustaquio Abay, M.D. -	present
Michael Beezley, M.D. -	present
Ray Conley, D.C. -	present
Gary Counselman, D.C. -	present
Robin Durrett, D.O.	present
Anne Hodgdon, public member -	absent
David Laha, DPM -	present
M. Myron Leinwetter, D.O.	present
Rick Macias, public member -	absent
Garold O. Minns, M.D. -	present
John Settich, public member -	present
Carolina M. Soria, D.O. -	present
Kimberly Templeton, M.D.	present
Terry L. Webb, D.C.	present
Nancy J. Welsh, M.D. -	absent

Staff members present were Kathleen Selzler Lippert, Executive Director; Kelli Stevens, General Counsel; Ann Halferty, Assistant General Counsel; Reese Hays, Litigation Counsel; Jessica Bryson, Stacy Bond, Seth Brackman, and Brandy Snead, Associate Litigation Counsel; Jane Weiler, Legal Assistant; Kathy Moen, Medical Litigation Support Specialist; 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/Beezley) Approve agenda with the following changes: addition of request for Board approval of PT/PTA Re-entry Mentoring Plan under General Counsel Report; noon presentation on encrypting email; request for Presiding Officer under Exec. Dir. Report. Carried.

APPROVAL OF BOARD MEETING MINUTES

(Conley/Counselman) Approve minutes of October 19, 2012 regular meeting with the following changes: Dr. Conley did not make one of the motions in the hearing for Dr. Neu, D.C. Carried.

III. OTHER BUSINESS

General Counsel Review – Executive Session

(Counselman/Conley) Go into executive session for 10 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.

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

(Beezley/Webb) Go into executive session for 10 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.

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

IV. SETTLEMENT AGREEMENT

Charles S. Landers, P.A., Docket #13-HA00025 – Ratification of Consent Order. Ms. Bryson 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. Conley, Dr. Leinwetter, Dr. Minns and Ms. Hodgdon.

(Beezley/Abay) Go into closed session pursuant to 77-523(f) to discuss matters which are confidential under K.S.A. 65-4925. Carried.

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

(Beezley/Laha) Grant license with Consent Order. Carried.

Jillian Gilmore, O.T.A., Docket #13-HA00026 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Ms. Gilmore 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, Dr. Minns and Ms. Hodgdon.

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

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

(Counselman/Abay) Ratify Consent Order. Carried.

Guillermo G. Zuniga, LRT, Docket #13-HA00027 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Mr. Zuniga 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, Dr. Minns and Ms. Hodgdon.

(Webb/Beezley) Go into closed session pursuant to 77-523(f) to discuss matters which are confidential under K.S.A. 65-4925. Carried.

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

(Counselman/Beezley) Approve Consent Order. Carried.

Ernest L. McClellan, M.D., Docket #13-HA00033 – Ratification of Consent Order. Mr. Brackman appeared for the Board. Dr. McClellan 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, Dr. Minns and Ms. Hodgdon.

Exhibits A, B, C and D were admitted into the record.

(Beezley/Abay) Approve Consent Order. Withdrawn.

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

(Boardmember/Boardmember) Return to open session. Carried.

(Durrett/Counselman) Deny Consent Order. Carried with Dr. Beezley opposed.

(Durrett/Abay) Go into closed session pursuant to 77-523(f) to discuss matters which are confidential under K.S.A. 65-4925. Carried.

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

(Beezley/Abay) Appoint Dr. Templeton as presiding officer with authority to issue a final order so that she may review evaluations and approve or deny a modified Consent Order. Carried.

V. ADMINISTRATIVE PROCEEDING

AARON ZOOK, M.D., DOCKET #12-HA00027 - Conference Hearing on Motion to Terminate Consent Order. Ms. Bryson appeared for the Board. Dr. Zook 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. Webb, Dr. Templeton, Dr. Soria and Mr. Settich. Dr. Counselman presided.

(Conley/Beezley) Go into closed session pursuant to 77-523(f) to discuss matters which are confidential under K.S.A. 65-4925. Carried.

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

(Conley/Beezley) Terminate Consent Order. Carried.

VILAS DESHPANDE, M.D., DOCKET #13-HA00032 - Conference Hearing on Application for Licensure. Mr. Brackman appeared for the Board. Dr. Deshpande 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. Conley, Dr. Leinwetter, Dr. Minns and Ms. Hodgdon.

Applicant's exhibits #10 and 11 were admitted into the record with no objection.

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

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

(Durrett/Abay) Grant licensure. Carried with Dr. Templeton opposed.

(Counselman/Durrett) Go into closed session to discuss confidential matters pursuant to K.S.A. 65-2838a. Carried.

(Boardmember/Boardmember) Return to open session. Carried.

ISMAIL ABDULKAREEM, R.T., DOCKET #13-HA00029 - Conference Hearing Regarding Application for Licensure Reinstatement. Ms. Bryson appeared for the Board. Mr. Abdulkareem 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, Dr. Minns and Ms. Hodgdon.

(Beezley/Counselman) Grant reinstatement. Carried with Dr. Webb and Dr. Durrett opposed.

BRIDGETTE ROARK-SAMPLE, R.T., DOCKET #13-HA00028 - Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Ms. Roark-Sample 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, Dr. Minns and Ms. Hodgdon.

Applicant's Exhibit #1 was admitted into the record without opposition.

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

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

(Abay/Durrett) Approve license with a public censure and recommendation to seek ethics and documentation courses. Carried.

REYNALDO A. DE LOS ANGELES, M.D., DOCKET #13-HA00031- Conference Hearing on Application for Status Change. Mr. Brackman appeared for the Board. Dr. De Los Angeles 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, Dr. Minns and Ms. Hodgdon.

(Counselman/Webb) Deny application for status change. Carried.

BRIAN SEWELL, R.T., DOCKET #11-HA00046- Conference Hearing on Motion to Terminate Monitoring. Ms. Bond appeared for the Board. Mr. Sewell 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 and Dr. Soria. Dr. Counselman presided.

(Conley/Abay) Go into closed session pursuant to 77-523(f) to discuss matters which are confidential under K.S.A. 65-4925. Carried.

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

(Beezley/Laha) Grant motion to terminate monitoring. Carried with Dr. Durrett and Dr. Minns opposed.

VI. STAFF REPORTS

Licensing Administrator:

Approval of Administrative Actions

(Laha/Durrett) Approve administrative actions. Carried.

Approval of Licensee/Registrant List

(Laha/Durrett) 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 and no corrections.

Licensing Report

Ms. Lenahan gave a presentation on the licensure process entitled, "The Wizard of Licensing".

VII. OTHER BUSINESS (cont'd.)

Impaired Provider Program Presentations

John Childers, Director, Heart of America Professional Network; Bob Williams, Executive Director, Kansas Association of Osteopathic Medicine; Carolyn Westgate, Kansas Medical Society Medical Advocacy Program; and John Kiefhaber, Executive Director, Kansas Chiropractic Association presented information on their programs. There were questions from board members and requests for reporting changes in order to provide more clarification. Also in attendance was Doug Smith, Kansas Association of Physician Assistants, but he did not present.

General Counsel:**General Counsel Report**

The General Counsel report was distributed to board members and reviewed by Ms. Stevens.

A.G. Opinion 2012-29 (School Sports Head Injury Prevention Act)

The new policy was distributed to board members.

Request for Board Approval of PT/PTA Re-Entry Mentoring Program

(Conley/Beezley) PT/PTA re-entry mentoring program approved. Carried.

Litigation Counsel:**Litigation Report**

The Litigation Report was distributed to board members and statistics were reviewed by Mr. Hays.

Disciplinary Counsel:**Disciplinary Report**

The Disciplinary Report was distributed to board members and statistics were reviewed by Mr. Riley.

Mr. Riley will present a list D.O.'s at the February board meeting for consideration for the vacancy on the D.O. Review Committee.

Dr. Abay and Dr. Leinwetter are interested in serving on a future committee dealing with Neuropathy Issues.

Executive Director:**Budget Update**

Ms. Selzler Lippert reported that the Division of Budget has made no recommendations for changes to our 2014-2015 budget submission.

Legislative Update

The board is not planning to move for or advocate any legislation this session, however, others will be introducing legislation that we will have an interest in.

Actions Taken Since Last Board Meeting

A spreadsheet of all actions was included in the board's packet of information for the board meeting.

Audits and Statistics

Ms. Selzler Lippert briefly reviewed the activities to date of the Metrics Committee. The committee is comprised of staff members who are working on developing meaningful statistics for the board.

Costs and Fines

No discussion was held on this topic.

CME Credit for Board Meeting Attendance

(Conley/Durrett) Dr. McMaster, Medical Director for the board will receive 6 CME credits per board meeting. Carried.

IPP Reports

Current quarterly reports submitted by the programs were included in the board's packet of materials.

Misc. Items/Information for the Board

Dr. Welsh's term expired on June 30, 2012. The Governor has not yet appointed someone to succeed Dr. Welsh, however, she has resigned her position on the board. Ms. Selzler Lippert was asked to invite Dr. Welsh to the February 2013 meeting to present her with a service plaque.

The board's Learning Summit, originally scheduled for December 6, 2012, was cancelled due to scheduling conflicts. Agenda items will be added to upcoming regular board meetings.

Dr. Conley was appointed to serve as presiding officer, with authority to issue a final order, on the Benjamin Henning, D.C. case, Docket 12-HA00100.

VIII. ADJOURNMENT

(Templeton/Leinwetter). This meeting is adjourned. Carried.

The meeting adjourned at 3:30 p.m.

Kimberly Templeton, D.O.
President

Kathleen Selzler Lippert
Executive Director