

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

**BOARD MINUTES – Friday
February 14, 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.

FRIDAY, FEBRUARY 14, 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 Friday, February 14, 2014. The meeting was called to order at 8:30 a.m. by John Settich, PhD and President.

Michael Beezley, M.D. -	present
Ray Conley, D.C. -	present
Gary Counselman, D.C. -	present
Robin Durrett, D.O.	present
Anne Hodgdon, public member -	present
Joel Hutchins, M.D. -	present
David Laha, DPM -	present
M. Myron Leinwetter, D.O.	absent
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
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; 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; 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.

II. APPROVAL OF AGENDA

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

Additions: Admin Hearing for Daniel Tatpati, MD; Designation of Board Member under Exec. Director Staff Report

Deletions: Admin Hearings for Kimberly West, MD, Michael Duetschmann, MD, and Kris Lewonowski, M.D.

Changes: Hearing for Drs. Freedman and Fossey moved to beginning of 2:30 timeslot. Staff reports moved from 5:00 to 4:30 p.m.

Carried.

APPROVAL OF BOARD MEETING MINUTES

(Conley/Minns) Approve minutes of December 13, 2013 regular meeting.

Carried.

III. OTHER BUSINESS

General Counsel Review – Executive Session

(Hodgdon/Conley) Go into executive session for 20 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.

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

(Templeton/Hodgdon) Go into executive session for 5 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.

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

IV. SETTLEMENT AGREEMENT

Dustin Enslinger, A.T., Docket #14-HA00088 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Dr. Enslinger appeared in person *pro se*, via teleconference.

(Minns/Beezley) Ratify Consent Order. Carried.

Karen R. Strecker, M.D. – Review of Proposed Consent Order. Mr. Brackman appeared for the Board. Dr. Strecker appeared in person with counsel, James Z. Hernandez.

Mr. Macias recused himself from the proceedings.

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

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

(Templeton/Hodgdon) Deny Consent Order. Tabled.

(Conley/Minns) Go into executive session pursuant to K.S.A. 75-4319(b)(2) for 5 minutes for the purpose of attorney-client consultation. Carried.

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

(Templeton/Durrett) Deny Consent Order as written.

(Hodgdon/Minns) Table prior motion. Carried.

The board continued this proceeding until after the lunch break so Licensee could consult with her Attorney and board counsel could consult with the disciplinary panel. The board reconvened at approximately 2:30 p.m.

(Templeton/Webb) Go into closed session

(Laha/Durrett) Return to open session. Carried

(Laha/Durrett) Approve revised Consent Order with 50 day suspension to start in August and CPEP ProBE course. Carried.

Zathan A. Bark, A.T., Docket #14-HA00087 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Mr. Bark appeared in person *pro se*, via teleconference.

(Minns/Conley) Ratify Consent Order. Carried.

Joe D. Foust, P.A. – Review of Proposed Consent Order. Ms. Gering appeared for the Board. Mr. Foust appeared in person *pro se*.

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

(Laha/Minns) Go into executive session pursuant to K.S.A. 75-4319(b)(2) for 5 minutes for the purpose of attorney-client consultation. Carried.

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

(Minns/Conley & Hodgdon) Deny Consent Order. Carried.

Staff was instructed to conduct further investigation into this matter.

Erin Steinkamp, A.T., Docket #14-HA00096 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Ms. Steinkamp did not appear/appeared in person *pro se*/with counsel.

(Beezley/Webb) Ratify Consent Order. Carried.

Larry Graham, II, M.D. – Consideration of Proposed Consent Order. Ms. Barker Hall appeared for the Board. Dr. Graham appeared via teleconference with counsel, Lisa A. McPherson.

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

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

(Conley/Beezley) Approve Consent Order. Carried.

Marcus Allen McKenna, P.A., Docket #14-HA00071 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Mr. McKenna appeared in person *pro se*.

(Templeton/Webb) Vacate the temporary Consent Order. Carried.

(Hodgdon/Templeton) Deny Consent Order. Failed.

(Durrett/Conley) Ratify Consent Order. Carried with Ms. Hodgdon opposed.

Sara Baskerville-Crome, D.C. – Review of Proposed Consent Order. Ms. Gering appeared for the Board. Dr. Baskerville-Crome appeared in person *pro se*.

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

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

(Conley/Webb) Approve Consent Order. Carried.

V. ADMINISTRATIVE PROCEEDING

TERRANCE LAKIN, D.O., DOCKET #12-HA00029 - Conference Hearing on Application for Licensure. Ms. Hall and Mr. Hays appeared for the Board. Dr. Lakin appeared in person with counsel, Christopher Kalberg and Thomas Dawson.

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. Dr. Beezley presided.

Licensee Exhibits #1 – 4 were offered for admission to the record. Mr. Hays objected to Licensee Exhibits #1 and 2 on grounds of relevance. Exhibits #1 and 2 were disallowed and Licensee Exhibits #3 and 4 were admitted into the record. Board Exhibit #3 was admitted into the record.

(Conley/Counselman) Recess to review exhibits. Failed.

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

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

(Durrett/Conley) Continue to April 11, 2014 board meeting. Carried.

VI. SETTLEMENT AGREEMENTS (cont'd.)

Stephen W. Nesbit, D.O., Docket #14-HA00080 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Dr. Nesbit appeared in person *pro se*.

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

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

(Macias/Conley) Ratify Consent Order. Carried.

James Hughes, M.D., Docket #14-HA00086 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Dr. Hughes appeared in person *pro se*.

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

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

(Beezley/Conley) Ratify Consent Order. Carried.

Zachary T. Hesse, D.C., Docket #14-HA00081 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Mr. Hesse appeared in person *pro se*.

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

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

(Conley/Beezley) Ratify Consent Order. Carried.

Elizabeth Baker, O.T.A., Docket #14-HA00082 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Ms. Baker appeared in person *pro se*.

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

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

Board Exhibit #3 was admitted into the record.

(Conley/Beezley) Ratify Consent Order. Carried.

NOTE: Dr. Varner left this meeting at this point (approximately 12:30 p.m.)

Robert Tenny, M.D., Docket #10-HA00147 – Review of Proposed Consent Order. Mr. Hays and Mr. Brackman appeared for the Board. Dr. Tenny appeared in person with counsel, Mr. Benoit Swinnen.

(Durrett/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.

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

(Minns/Hodgdon) Approve Consent Order. Carried.

VII. ADMINISTRATIVE HEARINGS (cont'd.)

ALEXANDRA PAIGE HARRIS, A.T., DOCKET #14-HA00094 - Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Ms. Harris 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. Counselman, Dr. Durrett, Dr. Laha and Mr. Macias.

(Conley/Templeton) Find Ms. Harris in default. Deny application for licensure. Carried.

ZIZHUANG LI, M.D., DOCKET #14-HA00079 - Conference Hearing on Petition for Discipline. Mr. Brackman appeared for the Board. Dr. Li appeared *pro se*, via teleconference.

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.

Board Exhibits #1 – 6 were admitted into the record. Licensee Exhibits A – F were admitted into the record.

(Templeton/Conley) Revoke license. Carried with Dr. Beezley opposed.

NURUL I. HOQUE, M.D., DOCKET #14-HA00090 - Conference Hearing on Application for Licensure by Endorsement. Mr. Hays appeared for the Board. Dr. Hoque appeared in person *pro se*.

(Templeton/Minns) Deny application for licensure by endorsement. Carried.

WILLIAM A. PANKEY, M.D., DOCKET #13-HA00075 - Conference Hearing on Request to Terminate Consent Order. Ms. Weiler appeared for the Board. Dr. Pankey 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.

Board Exhibits A and B were admitted into the record.

(Beezley/Templeton) Terminate the Consent Order. Carried.

JOHN ANDREW FOSSEY, D.C., DOCKET #14-HA00091 - Conference Hearing on Application for Licensure by Endorsement. Mr. Hays appeared for the Board. Dr. Fossey appeared *pro se*, via Skype.

(Conley/Beezley) Convert proceedings to a formal hearing. Carried.

(Conley/Durrett) Grant licensure by endorsement. Carried.

ZOE FREEDMAN, D.C., DOCKET #14-HA00092 - Conference Hearing on Application for Licensure by Endorsement. Mr. Hays appeared for the Board. Dr. Freedman appeared *pro se*, via Skype.

(Conley/Beezley) Convert proceedings to a formal hearing. Carried.

(Conley/Durrett) Grant licensure by endorsement. Carried.

ERNEST L. MCCLELLAN, M.D., DOCKET #13-HA00033 - Conference Hearing on Request to Terminate Consent Order. Ms. Weiler 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.

Board Exhibits A – D were admitted into the record.

(Templeton/Milfeld) Terminate monitoring. Carried.

EVERETT L. FOX, R.T., DOCKET #14-HA00095 - Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Mr. Fox 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. Counselman, Dr. Durrett, Dr. Laha and Mr. Macias.

(Templeton/Beezley) Grant licensure. Carried.

C. GORDON HARROD, M.D., DOCKET #11-HA00055 - Conference Hearing on Motion to Terminate Consent Order. Ms. Weiler appeared for the Board. Dr. Harrod appeared in person with counsel, Mr. Mark Maloney.

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 and Dr. Counselman.

(Conley/Beezley) Terminate limitations. Carried.

J. RICH JONES, P.T., DOCKET #13-HA00046 - Conference Hearing on Request to Terminate Suspension. Mr. Hays appeared for the Board. Mr. Jones appeared with counsel, Mr. Jerry Wallentine, Jr.

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.

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

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

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

(Durrett/Beezley) Suspension lifted and license reinstated with the following limitations and conditions: no female patients and a chaperone in the room with all patients for at least one year, following that a chaperone will be in the room with all female patients for at least two years, and continuation of five year monitoring Confidential with board review in one year. Carried.

DANIEL TATPATI, M.D., DOCKET #14-HA00099 - Conference Hearing on Request to Supervise More Than Two Physician Assistants. Mr. Hays appeared for the Board. Dr. Tatpati appeared in person *pro se*, via teleconference.

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

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

(Minns/Templeton) Grant request to supervise four physician assistants. Carried.

FERNANDO ABARZUA CABEZAS, M.D., DOCKET #14-HA00093 - Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Dr. Abarzua Cabezas appeared via teleconference and his attorney Mr. Mark Stafford, appeared in person.

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.

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

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

(Templeton/Minns) Deny application. Tabled.

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

(Templeton/Minns) Deny application. Carried.

TANIKA VALENTINE, L.R.T., DOCKET #14-HA00058 - Conference Hearing on Application. Ms. Bryson appeared for the Board. Ms. Valentine appeared in person with counsel, Ms. Carol Ruth Bonebrake.

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.

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

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

(Templeton/Minns) Grant continuance and convert to a formal hearing with Mr. Settich appointed as Presiding Officer. Carried.

BYRON LAUGHREY, R.T., DOCKET #10-HA00111 - Conference Hearing on Request to Terminate Monitoring. Ms. Weiler appeared for the Board. Mr. Laughrey 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. Counselman, Dr. Leinwetter and Dr. Templeton.

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

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

(Beezley/Conley) Terminate monitoring. Carried.

VIII. STAFF REPORTS


Mr. Settich called the board into executive session for 30 minutes to discuss matters regarding non-elected personnel.

No further business, as listed on the agenda under Staff Reports, was conducted for this meeting.


IX. ADJOURNMENT

(board member/board member). This meeting is adjourned. Carried.

The meeting adjourned at 6:15 p.m.



John Settich
President



Kathleen Selzer Lippert
Executive Director