

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

**BOARD MINUTES – Friday  
April 11, 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, APRIL 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 Friday, April 11, 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
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.	absent
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, Stacy Bond, 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**

(Board Member/Board Member) Approve agenda with the following deletions: Admin Hearings for Charlie Collenborne (fka Charlene Williams), MD and Melissa Cutburth, DC. Settlement Agreement for Carl Gossett, MD. Carried.

## **APPROVAL OF BOARD MEETING MINUTES**

(Conley/Leinwetter) Approve minutes of April 11, 2014 regular meeting. Carried.

Dr. Conley noted that Dr. Durrett was listed as seconding a motion on a case that he was recused from. General Counsel advised that this was a procedural motion and Dr. Durrett's second was allowed.

## **III. OTHER BUSINESS**

### **General Counsel Review – Executive Session**

(Conley/Beezley) 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.

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

## **IV. SETTLEMENT AGREEMENTS**

**Phillip Bartlett, A.T., Docket #14-HA00106** – Ratification of Consent Order. Ms. Bryson appeared for the Board. Mr. Bartlett appeared in person, *pro se*.

(Conley/Beezley) Ratify Consent Order. Carried.

**Christopher Douthit, A.T., Docket #14-HA00105** – Ratification of Consent Order. Ms. Bryson appeared for the Board. Mr. Douthit appeared in person, *pro se*.

(Conley/Varner) Ratify Consent Order. Carried.

**Jarrod W. Panzer, D.C.** – Consideration of Proposed Consent Order. Mr. Hays appeared for the Board. Dr. Panzer appeared in person *pro se*.

Board Exhibit #1 was admitted into the record.

(Hodgdon/Varner) 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.

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

(Conley/Webb) Approve Consent Order. Carried.

**David Matheny, D.C.** – Consideration of Proposed Consent Order. Ms. Barker Hall appeared for the Board. Dr. Matheny appeared in person with counsel, Carol Ruth Bonebrake.

Board Exhibit #1 was admitted into the record.

(Conley/Webb) Approve Consent Order. Carried.

**Wesley Harden, D.C.** – Consideration of Proposed Consent Order. Ms. Barker Hall appeared for the Board. Dr. Harden appeared in person *pro se*.

(Durrett/Counselman)

Amend Consent Order to start upon completion of CPEP course. CPEP course is to be taken at first opportunity on June 6, 2014. Carried with Dr. Webb opposed.

## **V. ADMINISTRATIVE PROCEEDINGS**

**CARMEN R. KELLER (STECKLINE), L.R.T., DOCKET #09-HA00178** - Conference hearing on Request to Terminate Monitoring. Ms. Weiler appeared for the Board. Ms. Keller 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 and Dr. Beezley. Ms. Bond also recused herself from these proceedings.

(Durrett/Webb) 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.

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

(Webb/Templeton) Terminate monitoring. Carried with Dr. Leinwetter and Dr. Durrett opposed.

**CHAD WELTER, D.C., DOCKET #13-HA00051** - Conference Hearing on Motion to Terminate Monitoring. Ms. Weiler appeared for the Board. Dr. Welter 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/Macias) 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.

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

(Counselman/Durrett) Terminate monitoring. Carried.

## **VI. SETTLEMENT AGREEMENTS**

**William J. Ciskey, M.D., Docket #14-HA00001** – Ratification of Consent Order. Ms. Offenbach appeared for the Board. Dr. Ciskey did not appear.

(Conley/Templeton)  
Continue to June board meeting with suspension remaining in place. Carried.

**Jay Dee Brumbaugh, P.T., Docket #14-HA00112** – Consideration of Proposed Consent Order. Ms. Bryson appeared for the Board. Mr. Brumbaugh appeared in person with counsel Carol Ruth Bonebrake and Ivery Goldstein.

(Conley/Beezley) Approve Consent Order. Carried.

**Nadir Quinn, R.T.** – Consideration of Proposed Consent Order. Mr. Brackman appeared for the Board. Mr. Quinn appeared in person *pro se*.

(Conley/Webb) 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/Varner) Approve Consent Order. Carried.

**Jesse Daniel Trombla, D.C., Docket #14-HA00120** – Consideration of Proposed Consent Order. Ms. Bryson appeared for the Board. Dr. Trombla appeared in person, *pro se*.

(Conley/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.

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

(Conley/Beezley) Approve Consent Order. Carried with Dr. Leinwetter opposed.

## **VII. ADMINISTRATIVE PROCEEDINGS**

**DANA GIFFORD P.T.A., DOCKET #09-HA00188** - Conference Hearing on Motion to Terminate Monitoring. Ms. Weiler appeared for the Board. Ms. Gifford 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 and Dr. Beezley. Ms. Selzler Lippert also recused herself from these proceedings.

(Conley/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.

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

(Conley/Milfeld) Approve termination of monitoring. Carried.

**PAMELA FULMER, L.R.T., DOCKET #14-HA00107** - Conference Hearing on Application for Licensure. Mr. Hays appeared for the Board. Ms. Fulmer 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. Templeton and Dr. Webb. Dr. Conley also recused himself from the proceedings.

(Durrett/Macias) Grant licensure. Carried.

**JOSE L. HINOJOSA, M.D., DOCKET #14-HA00021** - Conference Hearing on Petition to Terminate Restrictions and Modify Consent Order. Ms. Weiler appeared for the Board. Dr. Hinojosa appeared in person with counsel, 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.

Board Exhibit C was admitted into the record.

(Beezley/Templeton) Terminate monitoring restrictions. Carried.

*NOTE: The board adjourned for a lunch break at 11:45 and Mr. Settich and Dr. Milfeld left the meeting at this point. Dr. Leinwetter presided over the remainder of the meeting unless otherwise noted.*

## **VIII. SETTLEMENT AGREEMENT**

**Fernando Abarzua Cabezas, MD, Docket #14-HA00093** – Consideration of Proposed Consent Order.

Ms. Stevens appeared for the board. Dr. Abarzua Cabezas did not appear.

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

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

(Durrett/Beezley) Approve terms of a proposed Consent Order for active licensure with 1 year of practice monitoring by a Board-approved Kansas-licensed urologist after completing fellowship on July 1, 2014. Carried with Drs. Templeton and Hutchins opposed.

## **IX. ADMINISTRATIVE PROCEEDINGS**

**PATRICK M. LEACH, P.T.A., DOCKET #14-HA00118** - Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Mr. Leach 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. Ms. Bond also recused herself from these proceedings.

(Conley/Beezley) Find Mr. Leach in default. Application for licensure denied. Carried.

**FARRIS AIGAER, D.C., DOCKET #14-HA00117** - Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Dr. Aigaer 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. Durett, Dr. Laha and Mr. Macias.

(Webb/Conley) Deny change in licensure status. Carried.

**JOYCELIN CANAVAN, M.D., DOCKET #14-HA00116** - Conference Hearing on Application for Licensure by Endorsement. Mr. Hays appeared for the Board. Dr. Canavan appeared in person, *pro se*.

(Durrett/Templeton) Approve licensure by endorsement. Carried.

**CRAIG ROGERS, D.C., DOCKET #10-HA00133** - Conference Hearing on Request to Terminate Monitoring. Ms. Weiler appeared for the Board. Dr. Rogers 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 and Dr. Beezley. Ms. Bond also recused herself from these proceedings. Dr. Templeton Presided.

(Counselman/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.

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

(Webb/Varner) Terminate monitoring. Carried.

**CHRISTOPHER POUNDS, D.C., DOCKET #13-HA00083** - Conference Hearing on Request to Terminate Consent Order. Ms. Weiler appeared for the Board. Dr. Pounds 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 Exhibit E was admitted into the record.

(Varner/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.

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

(Beezley/Laha) Terminate Consent Order. Carried.

**SHEILA K. WILLIAMSON, M.D., DOCKET #14-HA00108** - Conference Hearing on Petition for Discipline. Ms. Barker Hall appeared for the Board. Dr. Williamson 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. Templeton, Dr. Webb and Mr. Settich.

Board Exhibit #1 was admitted into the record.

(Conley/Hodgdon) 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/Counselman) Return to open session. Carried.

(Hodgdon/Counselman) Convert to formal hearing. Carried.

(Hutchins/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.

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

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

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

(Laha/Macias) Continue administrative hearing and emergently suspend license effective today, April 11, 2014.

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

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

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

(Macias) Call the question.

(Laha/Macias) Continue administrative hearing and emergently suspend license effective today, April 11, 2014. Carried.

**JERALD R. JONES, JR., P.A., DOCKET #14-HA00109** - Conference Hearing on Petition for Discipline. Ms. Weiler appeared for the Board. Dr. Jones 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. Conley, Dr. Leinwetter, Dr. Minns and Ms. Hodgdon.

Board Exhibit D was admitted into the record.

(Laha/Macias) Find Mr. Jones in default and revoke license. Carried.

**TERRANCE LAKIN, D.O., DOCKET #12-HA00029** - Conference Hearing on Application for Licensure. Ms. Barker Hall and Mr. Hays appeared for the Board. Dr. Lakin did not appear. Dr. Lakin's attorney, Christopher Kalberg, appeared and acknowledged Dr. Lakin was in default.



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/Hodgdon) Hold Dr. Lakin in default and deny licensure due to dishonorable conduct. Carried.

**HEIDI WEBSTER, M.D., DOCKET #14-HA00113** - Conference Hearing on Petition for Discipline. Ms. Barker Hall appeared for the Board. Dr. Webster 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/Beezley) Hold Dr. Webster in default and revoke license. Carried.

## **X. STAFF REPORTS**

### **Licensing Administrator:**

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

(Conley/Counselman) Approve administrative actions. Carried.

#### **Approval of Licensee/Registrant List**

(Conley/Counselman) 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 or corrections.

### **Litigation Counsel:**

#### **Litigation Report**

Mr. Hays presented reports for February and April and copies were distributed to the board for review. Closed cases are up from the same period last year and for the fiscal year. The department will continue to work on closing older cases.

### **Disciplinary Counsel:**

#### **Disciplinary Report**

Mr. Riley presented the report and copies were distributed to the board for review. He stated that his department is receiving an average of 150 complaints per month and that they average 500 to 600 open investigations at any time.

### **General Counsel:**

### **General Counsel Report**

Ms. Stevens stated that the Board had received a call from Kansas Department of Health and Environment (KDHE) regarding KanCare provider Amerigroup. KDHE wanted to know if physicians not licensed in Kansas can provide backup to the Kansas medical director. The consensus of the Board was that this constituted *de facto* treatment and Kansas licensure would be required.

### **Consideration of Update of CE Requirements for DC's**

Dr. Kendall Payne, President, Kansas Chiropractic Association (KCA) presented information to the Board regarding continuing education requirements for Chiropractors. The KCA would like to change Category 1 continuing education hours to reflect a limit of 8 on-line hours, a mandatory 4 hours of education related to documentation, and the remaining 8 hours related to practice issues selected from a list of specified topics. The Board directed KCA and board staff to move forward with drafting a proposed regulation for the Board to review in the future.

### **Proposal for Joint Policy Statement With KBOC on Medical Esthetic Procedures (with Kansas Board of Cosmetology)**

Dr. Templeton requested that these discussions include the topic of medical spas and a few other items. She recommended that a task force be appointed to bring recommendations to the full Board. Ms. Stevens suggested that the Ultrasound and Laser Fat Reduction Committee serve as the task force for these issues with the addition of representatives from the Board of Cosmetology, and that the committee be renamed the Medical Esthetic Committee. The Board approved these recommendations.

### **Executive Session on Appellate Cases**

Ms. Stevens reviewed appellate cases involving the Board and pending litigation against the Board.

### **Consideration of Physical Therapy Regulation on Dry Needling**

The Physical Therapy Council recommends that the Board adopt a regulation including dry needling in their scope of practice. Andrew Dischinger, P.T. and Susie Harms, P.T. presented information on dry needling. Physical Therapists would like to add dry needling to their scope of practice with the requirements of additional education and training, which would be spelled out in a proposed regulation to be presented to the Board at a later date.

(Durrett/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.

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

The Board requested that Physical Therapists bring back evidence-based medicine information to present for Board review.

**Executive Director:**

**Budget Update**

Ms. Selzler Lippert reported that so far no changes had been made to our current budget by the Legislature.

**Legislative Update**

A list of all bills being tracked by board staff was provided in the packet of board meeting materials.

**Actions Taken Since Last Board Meeting**

The current list of actions taken was provided in the packet of board meeting materials.

**Submission of Statement of Substantial Interest to Governmental Ethics Commission**

Ms. Selzler Lippert reminded Board Members that the Statement of Substantial Interest must be completed and submitted to the Governmental Ethics Commission no later than April 30, 2014.

**Annual Inventory**

Annual inventory statements were distributed to each board member at the start of the meeting. Ms. Selzler Lippert requested that the forms be verified, signed and returned to the Executive Assistant by the end of the meeting.

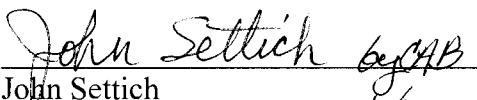
**Misc. Items/Information for the Board**


Changes to the scope of practice for and regulation of Advanced Practice Registered Nurses (APRNs) were discussed. The Board expressed their interest in regulating APRN's if their scope of practice is expanded, allowing them to practice more independently.

**XI. ADJOURNMENT**

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

The meeting adjourned at 4:30 p.m.

  
John Setlich  
President  
*approved by  
phone on 6/22/14*

  
Kathleen Selzler Lippert  
Executive Director