

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

BOARD MINUTES – Friday, April 14, 2017

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 14, 2017

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 14, 2017. The meeting was called to order at 8:30 a.m. by Garold Minns, M.D. 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	absent
Douglas Milfeld, M.D.	present
Garold O. Minns, M.D.	present
John Settich, public member	absent
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 and Ryan Hamilton, Assistant General Counsel; Reese Hays, Litigation Counsel; Jane Weiler, Susan Gering, Anne Barker Hall, Joseph Behzadi, and Jared Langford, Associate Litigation Counsel; Dan Riley, Disciplinary Counsel; Joshana Offenbach, Associate Disciplinary Counsel; John Nichols, Licensing Administrator; John McMaster, M.D., Medical Director; Kathy Moen, Medical Litigation Support Specialist; 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

(Gould/Hodgdon) Approve agenda with the following changes: executive sessions to discuss non-elected personnel matters added at noon and at the end of the meeting. Carried.

APPROVAL OF BOARD MEETING MINUTES

(Gould/Hodgdon) Approve minutes of Feb. 10, 2017 regular meeting. Carried.

III. OTHER BUSINESS

Introduction of New Staff Members

New staff members Ryan Hamilton, Assistant General Counsel; Jared Langford, Associate Litigation Counsel and Carly Simon, Litigation Legal Assistant were introduced to the Board.

Consideration of Adoption of New Physical Therapy Regulations on Dry Needling

K.A.R. 100-29-18, 19, 20 and 21 were adopted by roll call vote. Carried with two nays.

IV. ADMINISTRATIVE PROCEEDINGS

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

KIRK POTTER, D.O, DOCKET #17-HA00024 – Conference Hearing on Petition for Discipline. Ms. Weiler appeared for the Board. Dr. Potter appeared in person with counsel, Ms. Patricia Dengler.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Gould, Dr. Milfeld, Dr. Varner and Ms. Hodgdon.

(Templeton/DeGrado) Due to the number of board members absent and 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

Board Decision: The Board found that Dr. Potter violated the Healing Arts Act. Discipline was imposed.

JESSICA DIVILBISS, A.T., DOCKET #17-HA00035 - Conference Hearing on Application for Active License. Ms. Gering appeared for the Board. Ms. Divilbiss 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. Laha, Mr. Macias, Dr. DeGrado, Dr. Durrett and Dr. Hutchins.

Board Decision: Dismiss application for default and failure to pursue the application.

JOHN PITTMAN, M.D., DOCKET #17-HA00044 - Conference Hearing on Application. Ms. Barker Hall appeared for the Board. Dr. Pittman 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. Laha, Mr. Macias, Dr. DeGrado, Dr. Durrett and Dr. Hutchins.

Board Decision: Hearing on application continued to June 9, 2017 board meeting.

ANDREW KELLY, D.C., DOCKET #17-HA00033 - Conference Hearing on Application. Ms. Gering appeared for the Board. Dr. Kelly 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. Laha, Mr. Macias, Dr. DeGrado, Dr. Durrett and Dr. Hutchins.

Board Decision: Dismiss application for default and failure to pursue the application.

LAURIE WILLIAMS, P.T., DOCKET #17-HA00046 - Request to Appear by Telephone at June Board Meeting or Alternately to Withdraw Application. Ms. Barker Hall appeared for the Board. Ms. Williams 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. Laha, Mr. Macias, Dr. DeGrado, Dr. Durrett and Dr. Hutchins.

Board Decision: Approve appearance by telephone at June 9, 2016 board meeting.

ANDREA CHIAVARINI, M.D., DOCKET #17-HA00032 - Conference Hearing on Application. Mr. Hays appeared for the Board. Dr. Chiavarini 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. Laha, Mr. Macias, Dr. DeGrado, Dr. Durrett and Dr. Hutchins.

Board Decision: License granted with monitoring.

NOTE: Dr. Beezley left the board meeting at this point (11:30 a.m.).

RANDY BARNETT, D.O., DOCKET #17-HA00045 - Conference Hearing on Application. Ms. Barker Hall appeared for the Board. Dr. Barnett 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. Laha, Mr. Macias, Dr. DeGrado, Dr. Durrett and Dr. Hutchins.

Board Decision: License granted.

FRANK MILLER, D.C., DOCKET #15-HA00105 - Conference Hearing on Motion to Terminate. Ms. Weiler appeared for the Board. Dr. Miller 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, Mr. Settich, Dr. Templeton and Dr. Webb.

Board Decision: Probation terminated.

BRET PRESS, L.R.T., DOCKET #17-HA00018 - Conference Hearing on Motion to Modify. Ms. Weiler appeared for the Board. Mr. Press appeared in person with counsel, Mr. James E. Rumsey.

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, Dr. DeGrado, Dr. Hutchins and Mr. Macias.

Board Decision: Continued to August board meeting.

V. SETTLEMENT AGREEMENT

Raeann Bromert Taylor, A.T., Docket #17-HA00039 - Ratification of Consent Order. Ms. Barker Hall appeared for the Board. Ms. Bromert Taylor appeared in person *pro se*.

Recusals: None

Board Decision: Ratify consent order.

VI. OTHER BUSINESS

Executive Session for Personnel Matters

(Webb/Hutchins) Go into executive session for 30 minutes pursuant to K.S.A. 75-4319(b)(1) for the purpose of personnel matters of non-elected personnel. Carried.

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

VII. SETTLEMENT AGREEMENTS (cont'd.)

Cassady Holloway, L.R.T., Docket #17-HA00030 – Review of Proposed Consent Order. Mr. Behzadi appeared for the Board. Ms. Holloway appeared in person *pro se*.

Recusals: None

Board Decision: Approve Consent Order.

Melissa Loseke, D.O., Docket #17-HA00008 – Review of Proposed Consent Order. Ms. Gering appeared for the Board. Dr. Loseke appeared in person with counsel, Mr. James Meyer.

Recusals: None

Board Decision: Approve Consent Order.

Michael Riley, D.C. – Review of Proposed Consent Order. Ms. Gering appeared for the Board. Dr. Riley appeared in person with counsel, Mr. Blake Reeves.

Recusals: None

Board Decision: Approve Consent Order.

Bryan W. Burns, M.D. – Review of Proposed Consent Order. Ms. Gering appeared for the Board. Dr. Burns appeared in person with counsel, Ms. Diane Bellquist.

Recusals: None

Board Decision: Decline to adopt Consent Order

VIII. STAFF REPORTS

The Board President called the board meeting back to order.

Licensing Administrator:

Approval of Licensee/Registrant List

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

Minutes of Committee/Council Meetings

Approved minutes of council meetings were contained in the board's packet of information for the meeting. There were no questions regarding the minutes.

Litigation Counsel:

Litigation Report

The Litigation Department statistical report was contained in the board's packet of information for the meeting. There were no questions regarding the report.

Disciplinary Counsel:

Disciplinary Report

The Disciplinary Department statistical report was contained in the board's packet of information for the meeting. There were no questions regarding the report.

Dr. DeGrado discussed information on Chiropractic to Animals that he plans to provide to the chiropractic association for their website. The board approved his providing the information.

Consideration of MD#2 Committee Candidates

(Templeton/Milfeld) Appoint Dr. Howard Y. Chang to MD#2 Review Committee. Carried.

General Counsel:

General Counsel Report

The report was contained in the board's packet of information for the meeting. There were no questions.

Conflict of Interest Letter to Board

This issue will be discussed at the June board meeting.

Offer of Settlement – Elizabeth Ashworth, M.D.

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

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

(Varner/Milfeld) Accept the offer of settlement. Carried.

Assistant General Counsel:

Proposal of Amended AT Regulations

Continued to June board meeting.

Request to Supervise Five Physician Assistants, Trenton J. VanEaton, M.D.

The request was approved.

Executive Director:

Budget Update

Ms. Selzler Lippert reported on the status of Sub for HB #2331 that would transfer I.T. budget monies/resources from agency budgets to the state's Office of Information Technology Services (OITS) budget. This bill is still before the Legislature.

Legislative Update

There was a brief discussion regarding proposed SB #76 that would waive all occupational fees and fees from licensing requirements for low income individuals and military families.

Actions Taken Since Last Board Meeting

The list of actions taken by the board for this fiscal year was provided in the board's packet of information for the meeting. There were no questions.

Consideration of Block Voting on Consent Order

This item was continued to the June board meeting.

Statement of Substantial Interest Form

Ms. Selzler Lippert reminded board members and staff of the upcoming due date for completing and submitting Statement of Substantial Interest Forms.

IX. OTHER BUSINESS (cont'd.)

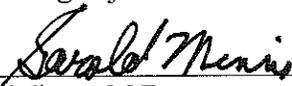
(Leinwetter/Milfeld) Go into executive session for 20 minutes pursuant to K.S.A. 75-4319(b)(1) for the purpose of personnel matters of non-elected personnel. Carried.

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

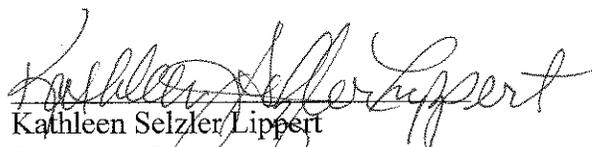
X. ADJOURNMENT

(Board President). This meeting is adjourned. Carried.

The meeting adjourned at 2:30 p.m.



Garold Minns, M.D.
President



Kathleen Selzler Lippert
Executive Director