

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

**BOARD MINUTES – Friday**  
**June 10, 2016**

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, JUNE, 10, 2016**

**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, June 10, 2016. The meeting was called to order at 8:30 a.m. by Terry Webb, D.C. and President.

Michael Beezley, M.D.	present	
Jerry DeGrado, D.C.	present	
Robin Durrett, D.O.	present	
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.	absent	
John Settich, public member	present	
Kimberly Templeton, M.D.	present	arrived at 9:50 a.m.
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; Jane Weiler, Susan Gering, Anne Barker Hall, Tracy Fredley and Joseph Behzadi, 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; Ivan Perez, Compliance Coordinator; 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

(Laha/Durrett) Approve agenda with the following changes: Board policy on "grandfather" provision for repealed K.S.A. 65-2895(c) added to General Counsel report; Awards and Recognition Recipients added to New Business; hearing for Steven Wilkinson, MD was continued.

## APPROVAL OF BOARD MEETING MINUTES

(Laha/Durrett) Approve minutes of April 8, 2016 regular board meeting, March 17, 2016 special board meeting and February 8, 2016 joint meeting of the Kansas State Board of Nursing and the Kansas State Board of Healing Arts. Carried.

## III. OTHER BUSINESS (cont'd)

### Staff Recognition by Department

Ms. Steven introduced members of the General Counsel department and Ms. Selzer Lippert introduced members of the Admin and I.T. departments.

### Awards and Recognition Recipients

The following staff were recognized and presented with performance awards for first quarter 2016: Alison Tenfelde and Jody Kisner for distinguished accomplishments; Jennifer Smith for volunteerism; Todd Standeford and Joshana Offenbach for meritorious service; and Tara Everhart for innovation.

## IV. ADMINISTRATIVE PROCEEDINGS

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

**JOEL P. HIGGINS, D.C., DOCKET #14-HA00002** – Conference Hearing on Motion to Terminate Monitoring. Ms. Weiler appeared for the Board. Dr. Higgins appeared in person, *pro se*.

Participation of the disciplinary panel for this case was waived.

Board Decision: Monitoring was terminated.

**DERIN DOPPS, D.C., DOCKET #16-HA00081** - Conference Hearing on Petition for Discipline and Licensee's Motion to Dismiss and Petitioner's Request for Formal Hearing. Ms. Hall appeared for the Board. Dr. Dopes appeared in person with counsel, Mr. Mark Stafford.

Following are the members of the disciplinary panel. Those members present at the board meeting recused themselves from the proceedings: Dr. Leinwetter, Mr. Settich, Dr. Templeton, Dr. Gould and Dr. Webb. Dr. Beezley presided.

Board Decision: Request for dismissal was denied with Dr. DeGrado abstaining. Request for formal hearing was granted. Office of Administrative Hearings was appointed to conduct proceedings on Petition.

**ROBERT DOPPS, D.C., DOCKET #16-HA00082** - Conference Hearing on Petition for Discipline. Ms. Hall appeared for the Board. Dr. Dopps appeared in person with counsel, Mr. Mark Stafford.

Following are the members of the disciplinary panel. Those members present at the board meeting recused themselves from the proceedings: Dr. Leinwetter, Mr. Settich, Dr. Templeton, Dr. Gould and Dr. Webb. Dr. Beezley presided.

Board Decision: Request for dismissal was denied with Dr. DeGrado abstaining. Request for formal hearing was granted. Office of Administrative Hearings was appointed to conduct proceedings on Petition.

**KYLE SHEAHON, D.C., DOCKET #16-HA00096** - Conference Hearing on Emergency Suspension and on Petition for Discipline. Ms. Weiler appeared for the Board. Dr. Sheahon appeared in person with counsel, Ms. Diane Bellquist.

Licensee Exhibits A, B, D and E were admitted into the record. Licensee Exhibit C was withdrawn.

Board Decision: Licensee will be required to complete a 90-day suspension, an ethics course, and [REDACTED] with Dr. Webb opposed. Dr. Laha was appointed to approve the ethics course and [REDACTED]

**JACOB GILL, D.C., DOCKET #16-HA00088** - Conference Hearing on Petition for Discipline. Ms. Hall appeared for the Board. Dr. Gill 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. Durrett, Dr. Hutchins and Dr. DeGrado. Dr. Leinwetter and Dr. Webb also recused themselves.

(Laha/Leinwetter) Pursuant to K.S.A. 77-514(g), designate Board members Dr. Beezley, Dr. Gould, Ms. Hodgdon, Dr. Milfeld, Mr. Settich, Dr. Templeton and

Dr. Varner as presiding officers to render a final order in this proceeding.

Board Decision: Licensee was found to be in default and licensee's license was revoked.

**SCOTT SUPPES, P.T.A., DOCKET #16-HA00097** - Conference Hearing on Petition for Discipline. Ms. Weiler appeared for the Board. Mr. Suppes 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 Decision: Require licensee to take an ethics course, a medical records course and place a censure on his record.

**AARON WARD, P.T.A., DOCKET #16-HA00086** - Conference Hearing on Application for Licensure. Ms. Gering appeared for the Board. Mr. Ward 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. Milfeld, Dr. Varner, Dr. Gould and Ms. Hodgdon.

Board Decision: Licensee was found to be in default and licensee's license was denied.

*NOTE: Dr. Beezley left the board meeting at this point (12:00 noon). Mr. Macias left the board meeting at 12:45 p.m.*

**JOSE MADRIGAL, R.T., DOCKET #16-HA00085** - Conference Hearing on Application for Licensure. Ms. Fredley appeared for the Board. Mr. Madrigal 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. Durrett, Dr. Hutchins and Dr. DeGrado.

Board Decision: Licensee was found to be in default and licensee's license was denied.

**DANIEL FRYE, M.D., DOCKET #09-HA00154** - Conference Hearing on Request to Terminate Consent Order. Ms. Weiler appeared for the Board. Dr. Frye 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. Beezley and Dr. Leinwetter.

Board Decision: Terminate the Consent Order.

**GREG EPPERSON, M.D., DOCKET #15-HA00016** - Conference Hearing on Request to Terminate Monitoring. Ms. Gering appeared for the Board. Dr. Epperson appeared in person with counsel, Mr. Bark Stafford and Mr. Brian Niceswanger.

Participation of the disciplinary panel for this case was waived.

Board Decision: Terminate the educational preceptor.

**ETHAN BICKELHAUPT, M.D., DOCKET #10-HA00112** - Conference Hearing on Request to Terminate Practice Monitoring. Ms. Weiler appeared for the Board. Dr. Bickelhaupt appeared in person with counsel, Mr. Arthur Glassman.

Participation of the disciplinary panel for this case was waived. Ms. Bond recused herself from the proceedings.

Board Decision: Terminate practice monitoring.

**JENNIFER GODFREY, P.T.A., DOCKET #15-HA00124** - Conference Hearing on Request to Terminate Consent Order. Ms. Weiler appeared for the Board. Ms. Godfrey appeared in person *pro se*.

Participation of the disciplinary panel for this case was waived.

Board Decision: Terminate the Consent Order.

**JOSIE NORRIS, M.D., DOCKET #15-HA00107** - Conference Hearing on Motion to Modify Consent Order. Ms. Barker Hall appeared for the Board. Dr. Norris appeared in person with counsel, Ms. Megan Moseley.

Participation of the disciplinary panel for this case was waived.

Board Decision: Modify the Consent Order as requested, with Dr. Leinwetter opposed.

*NOTE: Mr. Settich left the board meeting at this point (2:14 p.m.)*

**KAREN DHANENS WOLVERTON, M.D., DOCKET #13-HA00053** - Conference Hearing on Request to Terminate Monitoring and Limitations. Ms.

Offenbach appeared for the Board. Dr. Dhanens Wolverton appeared in person *pro se*.

Participation of the disciplinary panel for this case was waived.

Board Decision: Terminate monitoring and limitations.

**CONSTANTINE FOTOPOULOS, M.D., DOCKET #15-HA00014 -**

Conference Hearing on Motion to Terminate Probation. Ms. Gering appeared for the Board. Dr. Fotopoulos appeared in person with counsel, Mr. Mark Lynch.

Participation of the disciplinary panel for this case was waived.

Board Exhibit C was admitted into evidence.

Board Decision: Terminate probation.

**V. SETTLEMENT AGREEMENT**

**Robert H. Fleming, M.D., -** Review of Proposed Consent Order. Ms. Gering appeared for the Board. Dr. Fleming appeared in person with counsel, Ms. Nicole Woods.

Recusals: Dr. Milfeld abstained.

Board Decision: Approve the Consent Order with Dr. Templeton and Dr. Hutchins opposed.

**Savannah L. Carlson, O.T.A., Docket #16-HA00057.** – Ratification of Consent Order. Ms. Fredley appeared for the Board. Ms. Carlson appeared in person *pro se*.

Recusals: None.

Board Decision: Ratify the Consent Order with Dr. Templeton opposed.

**Trent Simms, D.O. Postgrad. Permit, Docket #16-HA00068** – Review of Proposed Consent Order. Ms. Fredley appeared for the Board. Dr. Simms appeared in person with counsel, Mr. K.J. Wall and Mr. Frankie Forbes.

Recusals: None

Board Decision: Hold the Consent Order in abeyance [REDACTED]

**Vincent L. Cramer, R.T.** – Review of Proposed Consent Order. Mr. Behzadi appeared for the Board. Mr. Cramer appeared in person *pro se*.

Recusals: None

Board Decision: Approve the Consent Order.

**William F. Buese, A.T., Docket #16-HA00080.** – Ratification of Consent Order. Ms. Fredley appeared for the Board. Mr. Buese appeared in person *pro se*.

Recusals: None

Board Decision: Ratify the Consent Order

**Jason Joy, D.C., Docket #16-HA00083** – Ratification of Consent Order. Ms. Fredley appeared for the Board. Dr. Joy appeared in person with counsel, Ms. Cynthia Sheppard.

Recusals: None

Board Decision: Ratify the Consent Order.

**Gregory Mears, D.O., Docket #16-HA00071** – Review of Proposed Consent Order. Ms. Gering appeared for the Board. Dr. Mears appeared in person with counsel, Ms. Patricia Dengler.

Recusals: Dr. Leinwetter

Board Decision: Approve the Consent Order.

## **VI. STAFF REPORTS**

The Board President called the board meeting back to order.

### **Licensing Administrator:**

**Approval of Administrative Actions**  
(Durrett/DeGrado) Approve administrative actions. Carried

**Approval of Licensee/Registrant List**  
(Durrett/DeGrado) Approve licensee/registrant list. Carried.

**Minutes of Committee/Council Meetings**  
Review of minutes of all council meetings held since last board meeting.  
(Varner/Templeton) All minutes approved. Carried

### Litigation Counsel:

#### **Litigation Report**

Ms. Gering presented department statistics for this reporting period.

### Disciplinary Counsel:

#### **Disciplinary Report**

Mr. Riley distributed and reviewed department statistics for this reporting period, and noted that numbers had improved since last reporting period. Mr. Riley also reported that changes have been made to the investigative process to better identify cases that have merit.

Board members were asked to provide recommendations for members of the Prescription Monitoring Program Advisory Committee.

### General Counsel:

#### **General Counsel Report**

Ms. Stevens provided the board with an update on all appellate cases and noted that the board's action was upheld on the Dave case.

Ms. Bond will be updating the Sanctioning Guidelines with the assistance of the Board's subcommittee. General Counsel Staff will also be working on better requirements for records custodians and on a plan for getting in place all of the new regulations required by this past legislative session.

*NOTE: Dr. Durrett left the meeting at this point (3:45 p.m.)*

#### **Board Policy on "Grandfather" Provision for Repealed K.S.A. 65-2895(c)**

Board members directed General Counsel Staff to draft a policy that would interpret recent statutory amendments to repeal the protocol practice section. The policy/interpretation would "grandfather" individuals who possess an institutional license and who previously had been granted the authority to practice mental health under written protocols until legislation can be done next session to correct and clarify this statute.

#### **K.A.R. 100-27-1 Supervision of Light-Based Medical Treatment**

The board did not authorize having staff pursue an amendment to this regulation that would allow for supervision by electronic media which provides both visual and verbal contact.

#### **Proposed Amendments to Physician Assistant (P.A.) Regulations K.A.R. 100-28a-14 and K.A.R. 100-28a-15.**

Amendments to two P.A. regulations have been proposed. The board considered the recommendations of the P.A. Council for K.A.R. 100-28a-14. The board



requested that staff further discuss the proposed amendments of K.A.R. 100-28a-14 with the P.A. Council and the P.A. Legislation and Physician Supervision Subcommittee to see what would be workable.

**Assistant General Counsel:**

**Recommendation from Physical Therapy (P.T.) Advisory Council on Training/Education for Dry Needling**

The P.T. Council made recommendations to the board for an education and training regulation to implement new legislation permitting P.T.s to perform dry needling. The board would like the 24 hrs. of education that included dry needling instruction increased to 100 hrs.

**Proposed Amendment to Policy on Delinquent Fines and/or Costs**

The board approved proposed staff updates to its policy on delinquent fines and/or costs to reflect best practices and to comply with Department of Administration recommendations. Collection procedures or disciplinary action will now commence against licensees who are delinquent in excess of thirty days (rather than 90 days) in their Board ordered payment of fines and/or costs.

**Executive Director:**

**Budget Update**

Budget allotments have not affected the agency so far.

**Legislative Update**

Information regarding legislation was provided to the board in their packet of materials for the board meeting.

**Actions Taken Since Last Board Meeting**

A summary of all actions was provided to the board in their packet of materials for the board meeting.

**Nomination for Board Appointed Physician to the Respiratory Therapy Council**

The board had no nominees at this time. Ms. Selzler Lippert asked for nominations or recommendations.

**Nomination for Board Appointed Physician to the Radiologic Technologist Council**

Dr. Arin Katzer, D.O was nominated and ratified.

**Nominations for Nurse Midwife Council**

Dr. Hutchins was nominated and approved to be with board's representative on the Nurse Midwife Council. Two OB physicians are still needed on the council. Dr. Chad Johanning and Dr. Kent Bradley were nominated. Dr. DeGrado also

nominated Dr. Kari Farris and Br. Brian Hobb. Dr. Johanning was appointed to the Council. Dr. DeGrado will provide board staff with CVs on Drs. Farris and Hobb and the board will hold a special teleconference meeting to decide on the final appointment.

**IPP Report – Approval of Impaired Provider Program (IPP) Agreements for FY 2017**

Dr. Webb reviewed and signed IPP Agreements for FY 2017.

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

The next Licensure Compact meeting will be held in Salt Lake City on June 24, 2016. Ms. Selzler Lippert and Dr. Templeton will be attending.

Ms. Selzler Lippert reviewed items discussed at the joint meeting of the KSBHA and the Kansas Board of Nursing that was held on May 23, 2016.

The employee awards and recognition program was discussed and the board requested that the policy be amended to make the award for Employee of the Quarter \$1,000 rather than \$500.

Ms. Selzler Lippert also discussed the Federal Trade Commission update; an update of our agency's collaboration with Board Pharmacy, K-TRAC and the Prescription Monitoring Program; and an update of and recommendations from the Education Subcommittee.

**Items from Board Members**

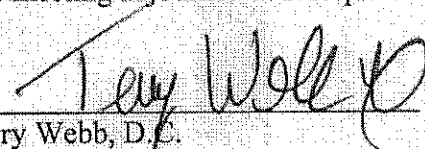
Dr. Webb reminded board members that election of new board officers would be held at the August board meeting.


Dr. Templeton requested that the topic of "Nurses Wishing to Perform X-rays" be added to the agenda for a future joint meeting of the Board of Healing Arts and the Board of Nursing.

**VII. ADJOURNMENT**

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

The meeting adjourned at 5:15 p.m.

  
Terry Webb, D.C.  
President

  
Kathleen Selzler Lippert  
Executive Director