

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

**BOARD MINUTES – Friday
June 22, 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, FEBRUARY 24, 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, June 22, 2012. The meeting was called to order at 8:30 a.m. by Gary Counselman, D.C. & President.

Eustaquio Abay, M.D. -	present
Michael Beezley, M.D. -	present
Ray Conley, D.C. -	present
Gary Counselman, D.C. -	present
Frank K. Galbraith, DPM -	present
Ann Hodgdon, public member -	present
M. Myron Leinwetter, D.O.	present
Rick Macias, public member -	present
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. -	present
Ronald Whitmer, D.O. -	present

Staff members present were Kathleen Selzler Lippert, Executive Director; Kelli Stevens, General Counsel; Ann Halferty, Assistant General Counsel; Reese Hays, Litigation Counsel; Jessica Bryant, Stacy Bond, Seth Brackman, and Brandy Snead, Associate Litigation Counsel; Dan Riley, Disciplinary Counsel; Joshana Offenbach, Associate Disciplinary Counsel; Katy Lenahan, Licensing Administrator; 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

(Welsh/Conley) Approve agenda with the following changes:
Subpoena Duces Tecum #14216, Docket #12-HA00078 was continued; Requests to Supervise Additional P.A.'s and Medical School Reconsideration Request were added to the General Counsel report; cancellation of the pain presentation scheduled for noon. Carried.

III. APPROVAL OF BOARD MEETING MINUTES

(Welsh/Conley) Approve minutes of April 13, 2012 regular meeting. Carried.

IV. OTHER BUSINESS

Request for Approval of ACGME Approved Post Graduate Program

(Conley/Beezley) Accept programs accredited by ACGME. Carried.

General Counsel Review – Executive Session

(Minns/Templeton) Go into executive session for 15 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.

V. ADMINISTRATIVE PROCEEDINGS

Ann K. Neuhaus, M.D., Docket #10-HA00129 - Review of Initial Order.

Mr. Hays and Ms. Bryson appeared for the Board. Dr. Neuhaus appeared with counsel, Mr. Robert Eye and Ms. Kelly Kauffman.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Leinwetter, Dr. Conley and Dr. Beezley. Ms. Stevens, Ms. Halferty and Ms. Selzler Lippert also recused themselves from the proceedings. Mr. Randy Stookey served as Special General Counsel to the Board. Dr. Soria also recused herself

Board members had received ex parte communications in this case, in the form of letters. These were collected and will be entered into the record.

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

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

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

(Settich/Hodgdon) Expert witness was qualified expert in this matter. Carried with Dr. Templeton opposed.

(Settich/Hodgdon) Respondent did commit each violation set forth in the Initial Order. Carried.

(Hodgdon/Welsh) Revoke license. Carried.

(Hodgdon/Minns) Deny request to stay revocation. Carried.

(Settich/Hodgdon) Assess costs of hearing in the amount of \$92,672.44. Carried with Dr. Minns opposed.

(Abay/Whitmer) Stay costs until exhaustion of appeals. Carried with Mr. Settich and Ms. Hodgdon opposed.

(Webb/Abay) Appoint a Presiding Officer to review any request for reconsideration and issue any further orders. Carried.

Mr. Settich was appointed as the Presiding Officer.

VI. OTHER BUSINESS

General Counsel Review – Executive Session

(Minns/Abay) Go into executive session for 15 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.

VII. SETTLEMENT AGREEMENT

Leslie A. Watkins, D.C., Docket #12-HA00080 – Consideration of a Proposed Consent Order. Ms. Bryson appeared for the Board. Dr. Watkins 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, Dr. Soria, Dr. Galbraith and Mr. Settich.

(Conley/Whitmer) Approve Consent Order. Carried.

Sara R. Eshghi, L.R.T., Docket #12-HA00081 – Consideration of a Proposed Consent Order. Ms. Bryson appeared for the Board. Mr. Eshghi 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, Dr. Soria, Dr. Galbraith and Mr. Settich.

(Conley/Whitmer) Approve Consent Order. Carried.

Andre Bledsoe, R.T. – Consideration of a Proposed Consent Order. Ms. Bryson appeared for the Board. Mr. Bledsoe 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, Dr. Soria, Dr. Galbraith and Mr. Settich.

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

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

(Conley/Minns) Approve Consent Order. Carried.

Benjamin Henning, D.C. – Consideration of a Proposed Consent Order. Ms. Bryson appeared for the Board. Dr. Henning 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, Dr. Soria, Dr. Galbraith and Mr. Settich.

(Conley/Whitmer) Approve Consent Order. Carried.

Brant Willoughby, O.T.A., Docket #12-HA00069 – Ratification of Consent Order. Ms. Bond appeared for the Board. Mr. Willoughby 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, Dr. Soria, Dr. Galbraith and Mr. Settich.

Licensee withdrew request for licensure.

(Conley/Hodgdon) Deny Consent Order. Carried.

Christiane M. Smith, M.D., Docket #12-HA00070 – Ratification of Consent Order. Ms. Bond appeared for the Board. Dr. Smith 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 Dr. Soria.

(Conley/Beezley) Approve Consent Order. Carried.

Greg Epperson, M.D., Docket #11-HA00001 – Consideration of a Proposed Consent Order. Ms. Offenbach appeared for the Board. Dr. Epperson did not appear. His counsel, Mr. Brian Niceswanger appeared on Dr. Epperson’s behalf.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Conley, Dr. Beezley, and Dr. Leinwetter. Ms. Stevens also recused herself from the proceedings and Ms. Halferty served as General Counsel to the Board.

(Templeton/Settich) Continue to August board meeting. Carried.

Matthew Lane, D.C. – Ratification of Consent Order. Ms. Bond appeared for the Board. Dr. Lane 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, Dr. Soria, Dr. Galbraith and Mr. Settich.

(Conley/Whitmer) Approve Consent Order. Carried.

Charles Craig, P.A., Docket #12-HA00102 – Consideration of a Proposed Consent Order. Ms. Snead appeared for the Board. Mr. Craig 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. Leinwetter, Dr. Webb, Dr. Soria, Dr. Templeton, Dr. Galbraith and Mr. Settich. Ms. Stevens also recused herself from the proceedings and Ms. Halferty served as General Counsel to the Board.

(Conley/Whitmer) Approve Consent Order. Carried.

VII. ADMINISTRATIVE PROCEEDING

ABELARDO SOTELO, M.D., DOCKET #12-HA00079- Conference Hearing on Application for Licensure by Endorsement. Ms. Snead appeared for the Board. Dr. Sotelo appeared in person, pro se.

Board Exhibit #4 was admitted into the record.

(Settich/Templeton) Grant application for license by endorsement Carried with Dr. Leinwetter opposed.

JANA R. BRONFMAN, D.O., DOCKET #12-HA00077 - Conference Hearing on Petition for Discipline. Ms. Bryson appeared for the Board. Dr. Bronfman 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, Dr. Soria, Dr. Galbraith and Mr. Settich. Dr. Leinwetter also recused himself from the proceedings.

Ms. Bryson stated that the parties are working on a settlement.

(Conley/Macias) Appoint Dr. Leinwetter as presiding officer with authority to issue a final order. Carried.

ARUNA DASH, M.D., DOCKET #12-HA00082 - Conference Hearing on Application for Licensure by Endorsement. Ms. Snead appeared for the Board. Dr. Dash appeared pro se via Skype videoconferencing.

(Conley/Beezley) Grant licensure by endorsement upon receipt of another recommendation from a physician who has known Dr. Dash one or more years. Carried.

MARIE LAURE JEAN-JACQUES, M.D., DOCKET #12-HA00087 - Conference Hearing on Application for Licensure by Endorsement. Ms. Bryson appeared for the Board. Dr. Jean-Jacques appeared in person pro se.

(Templeton/Conley) Deny licensure by endorsement. Carried with Dr. Minns opposed.

CHRISTOPHER E. WILSON, M.D., DOCKET #06-HA00066- Conference Hearing on Petition to Terminate Monitoring. Mr. Hays appeared for the Board. Dr. Wilson 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. Beezley, Dr. Leinwetter and Dr. Conley. Ms. Stevens also recused herself from the proceedings and Ms. Halferty served as General Counsel to the Board.

(Minns/Welsh) 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/Webb) Return to open session. Carried.

(Minns/Templeton) Terminate monitoring. Carried.

TANYA CABRITA, M.D., DOCKET #12-HA00088- Conference Hearing on Application for Licensure by Endorsement. Ms. Bryson appeared for the Board. Dr. Cabrita appeared in person pro se.

(Minns/Settich) Grant licensure by endorsement. Carried with Drs. Templeton and Whitmer opposed.

MARY JILKA, L.R.T., DOCKET #12-HA00091 - Conference Hearing on Application for Licensure. Mr. Hays appeared for the Board. Ms. Jilka appeared in person pro se.

(Conley/Abay) Grant licensure by waiver. Carried.

JOYCE BUNDS, L.R.T., DOCKET #12-HA00090 - Conference Hearing on Application For Licensure. Mr. Hays appeared for the Board. Ms. Bunds appeared in person pro se.

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

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

(Settich/Beezley) Grant licensure by waiver of requirement. Carried.

STEVEN JOSEPH FISHER, R.T., DOCKET #12-HA00084 - Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Mr. Fisher 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, Dr. Soria, Dr. Galbraith and Mr. Settich. Dr. Conley served as a presiding officer in this case and he also recused himself.

Applicant's Exhibit #1 was admitted into the record.

(Minns/Abay) 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/Welsh) Return to open session. Carried.

(Beezley/Whitmer) Grant license. Carried.

MISTY DAWN ONTIBEROS, P.T.A., DOCKET #12-HA00083- Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Ms. Ontiberos 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, Dr. Soria, Dr. Galbraith and Mr. Settich.

Applicant's Exhibit #1 was admitted into the record.

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

(Minns/Beezley) Grant reinstatement of license with censure. Carried.

JOSEPH SCOTT WARD, D.C., DOCKET #12-HA00089 - Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Dr. Ward 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.

(Minns/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.

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

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

(Templeton/Webb) Deny licensure. Carried with Drs. Whitmer, Soria and Beezley opposed.

PERRY YUNG-PING LIN, M.D., DOCKET #12-HA00093 - Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Dr. Lin appeared in person with counsel, Mr. Blake Reeves.

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/Abay) Go into closed session pursuant to K.S.A. 77-523(f) to discuss matters which are confidential under K.S.A. 65-4915 and 65-4925. Carried.

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

(Templeton/Abay) Grant licensure. Carried.

MICHAEL C. QUILLIN, L.R.T., DOCKET #12-HA00068 - Conference Hearing on Application for Licensure. Ms. Bond appeared for the Board. Dr. Quillin 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, Dr. Soria, Dr. Galbraith and Mr. Settich.

(Conley/Hodgdon) Deny licensure and find Mr. Quillin in default. Carried.

MARK L. ALLEN, M.D., DOCKET #11-HA00053 - Conference Hearing on Respondent's Motion for Termination of Suspension and Restoration of Medical License. Ms. Offenbach appeared for the Board. Dr. Allen 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 Dr. Soria.

(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.

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

(Conley/Beezley) Terminate suspension of inactive license and open case if Dr. applies for an active license. Carried.

MARTHA S. BYERS, M.D., DOCKET #12-HA00092 - Conference Hearing on Petition for Discipline. Ms. Snead appeared for the Board. Dr. Byers did not appear. The board received a motion for continuance from both parties due to settlement negotiations.

(Conley/Minns) Continuance granted. Carried.

SUBPOENA DUCES TECUM #14216, DOCKET #12-HA00078 - Conference Hearing on Motion to Compel Production of Records and Enforcement of Subpoena Duces Tecum. Ms. Offenbach appeared for the Board.

This case had been granted a continuance by the Executive Director. Dr. Counselman was appointed Presiding Officer and the case has been set for hearing on July 10, 2012.

VIII. OTHER BUSINESS

Presentation – Kansas Association for the Medically Underserved (KAMU)
Presentation by Cathy Harding, Executive Director, KAMU, on functions of the association and safety net clinics.

Impaired Provider Program (IPP) Presentations and Request for Approval of Annual IPP Agreements

Mr. John Childers, Heart of America Professional Network; Ms. Carolyn Westgate, Kansas Medical Society-Medical Advocacy Program; Mr. John Keifhaber, Kansas Chiropractic Association; and Doug Smith, Kansas Association of Physician Assistants attended the meeting to present information and answer questions regarding the association's IPP programs and funding requests.

(Conley/Leinwetter) Approve IPP Agreements for FY2013. Carried.

IX. ADMINISTRATIVE PROCEEDINGS (cont'd.)

CANDY M. PATTERSON, R.T., DOCKET #12-HA00085 - Conference Hearing on Application for Reinstatement. Ms. Bond appeared for the Board. Ms. Patterson 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, Dr. Soria, Dr. Galbraith and Mr. Settich.

(Beezley/Minns) Deny application and issue a default order. Carried

WASSE ZAFER, D.C., DOCKET #12-HA00013 - Conference Hearing on Motion for Addition to Agency Record. Ms. Bond appeared for the Board. Dr. Zafer appeared in person with counsel, Mr. N. Larry Bork.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Beezley, Dr. Leinwetter and Dr. Conley. Dr. Counselman also recused himself from the proceedings. Dr. Webb also recused himself from the proceedings. Dr. Templeton presided.

(Minns/Abay) Go into executive session pursuant to K.S.A. 75-4319(b)(2) for 20 minutes for the purpose of attorney-client consultation. Carried.

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

(Hodgdon/Welsh) Deny motion for addition to agency record. Carried.

WASSE ZAFER, D.C., DOCKET #12-HA00013 - Conference Hearing on Motion for Stay of Revocation. Ms. Bond appeared for the Board. Dr. Zafer appeared in person with counsel, Mr. N. Larry Bork.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Beezley, Dr. Leinwetter and Dr. Conley. Dr. Counselman also recused himself from the proceedings. Dr. Webb also recused himself from the proceedings. Dr. Templeton presided.

(Hodgdon/Welsh) Deny motion for stay of revocation. Carried.

MICHAEL LILYQUIST, M.D., DOCKET #12-HA00086 - Conference Hearing on Request for Approval of Postgraduate Program. Ms. Bryson appeared for the Board.

This issue was rendered moot as a result of the Board's decision earlier in the meeting to accept programs accredited by ACGME, and the hearing was cancelled.

VIII. STAFF REPORTS

Licensing Administrator:

Approval of Administrative Actions

(Conley/Whitmer) Approve administrative actions. Carried

Approval of Licensee/Registrant List

(Conley/Whitmer) 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.

CME For Board Members

Beginning with this board meeting, CME will be emailed to each board member and a copy maintained on a password accessed section of our website.

General Counsel:

General Counsel Report

Ms. Stevens presented a review of all civil cases involving the Board.

Requests for Supervision of Physician Assistants

(Conley/Templeton) Approve Dr. Kathani Amin's request for supervision of one additional P.A. Carried.

(Conley/Beezley) Approve Dr. Celeste Rains' request for temporary supervision of two additional P.A.'s. Carried.

Proposed Amendment to K.A.R. 100-29-16

(Welsh/Conley) Proceed with process to amend this regulation. Carried.

Request for Reconsideration of Spartan Health Sciences University as an Approved Medical School

(Webb/Beezley) Deny reconsideration. Carried.

Litigation Counsel:

Litigation Report

Mr. Hays distributed the Litigation Report and reviewed work being conducted by the department. There are presently 178 open cases and they have closed 283 cases in the past 365 days.

Disciplinary Counsel:

Disciplinary Report

Mr. Riley distributed the Disciplinary Report and reviewed work being conducted by the department. For this reporting period there were 507 incoming complaints and there are currently 627 open investigations. Mr. Riley plans to come to the Board soon to ask for an additional review committee.

Executive Director:

Budget Update

Ms. Selzler Lippert reported that we will be \$70,000 to \$100,000 under budget at the close of FY2012. Our FY2013 budget was cut by approximately \$2,400 because of the legislative decrease of employee longevity payments.

Legislative Update

A review of adopted bills were provided in the Board's packet.

Actions Taken Since Last Board Meeting

The list of actions taken was reviewed and approved.

IPP Reports

IPP Agreements for FY2013 were approved by the Board earlier in the meeting. The Kansas Respiratory Care Society may elect to participate in the program once again and submit a funding request for FY2014 and FY2015.

August Election of Board Officers

The Board was reminded that election of board officers will take place at the August board meeting, and information was included in the Board's packet.

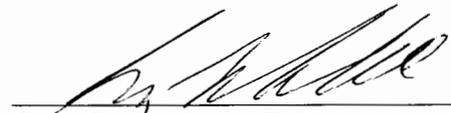
FSMB Summary of 2011 Board Actions and Public Citizens Report

Review of and discussion regarding information provided in the Board's packet.

IX. ADJOURNMENT

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

The meeting adjourned at 4:43 p.m.



Gary Counselman, D.C.
President



Kathleen Selzler Lippert
Executive Director