

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

**BOARD MINUTES – Friday
June 9, 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, JUNE 9, 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, June 9, 2017. The meeting was called to order at 8:30 a.m. by Garold Minns, M.D. 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.	present
John Settich, public member	present
Kimberly Templeton, M.D.	absent
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; Courtney Manley, Legal Intern; 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; Jody Kisner, Compliance Coordinator; Jennifer Cook, Legal Assistant 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

(Gould/DeGrado) Approve agenda with the following changes: Ray and Hemme administrative hearings continued; Grote admin hearing deleted; Iacob and Williams applications withdrawn. Carried.

APPROVAL OF BOARD MEETING MINUTES

(Gould/DeGrado) Approve minutes of April 14, 2017 regular meeting. Carried.

III. OTHER BUSINESS

Dr. Michael Beezley, MD will finish his third consecutive appointment to the Board on June 30, 2017 and will have reached the 12-year statutory maximum for board member appointments. Dr. Minns presented Dr. Beezley with a plaque for recognition and appreciation of his service to the Board and the citizens of Kansas. Dr. Beezley's wife, Linda, also attended the presentation.

IV. ADMINISTRATIVE PROCEEDINGS

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

(Minns/Minns) Go into attorney-client consultation with Board member presiding officers on administrative hearings.

ANNE NEUHAUS, M.D., DOCKET #10-HA00129 – Attorney-Client Deliberations on Remand of Sanctioning by District Court.

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. Ms. Stevens, Ms. Bond and Ms. Selzler Lippert also recused themselves. Mr. Mark Ferguson Served as Special General Counsel

Board Decision: Continue to deliberate and issue an order within 30 days of this meeting.

JAY OWENS, D.O., DOCKET #17-HA00049 - Conference Hearing on Petition for Discipline. Ms. Gering appeared for the Board. Dr. Owens did not appear in person.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Hutchins, Dr. Durrett, Dr. DeGrado, Dr. Laha and Mr. Macias.

Board Exhibits 1 through 32 were admitted into evidence.

Board Decision: Revoke license.

ZACHARY BAKER, D.C., DOCKET #17-HA00058 - Conference Hearing on Petition for Discipline. Ms. Weiler appeared for the Board. Dr. Baker 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, Ms. Hodgdon and Dr. Gould.

Board Decision: Suspend license with requirements.

GURPREET RANDHAWA, M.D., DOCKET #17-HA00021 & 17-HA00059 - Conference Hearing on Motion to Modify Consent Order, Conference Hearing on Petition for Discipline, and Conference Hearing on Motion to Consolidate. Ms. Weiler appeared for the Board. Dr. Randhawa appeared in person with counsel, Mr. Mark Stafford.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Hutchins, Dr. Durrett, Dr. DeGrado, Dr. Laha and Mr. Macias.

Licensee's exhibit C was admitted into the record.

Board Decision: Consolidate cases to docket #17-HA00021. Licensee suspended until requirements are met. Request for stay denied.

JOHN PITMAN III, M.D., DOCKET #17-HA00044 - Conference Hearing on Application. Ms. Barker Hall appeared for the Board. Dr. Pitman did not appear in person.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Hutchins, Dr. Durrett, Dr. DeGrado, Dr. Laha and Mr. Macias.

Board Decision: Case continued to August board meeting.

V. OTHER BUSINESS

The Board President called the board meeting back to order.

(Laha/Durrett) Recess into executive session for 15 minutes pursuant to K.S.A. 75-4319(b)(2) for the purpose of attorney-client consultation on KOMA and

KORA issues and the meeting shall resume in the board room at 11:35 a.m.
Carried.

(Minns/Durrett) Go into executive session for 15 minutes pursuant to K.S.A. 75-4319(b)(1) for the purpose of personnel matters of non-elected personnel and the meeting shall resume in the board room at 1:41 p.m. Carried.

Presentation by Sandra Wilkes, Kansas Association of Oriental Medicine

Ms. Wilkes gave a presentation on acupuncture and the practice of the profession in Kansas. She also distributed to board members a handout titled "Acupuncturists in Kansas".

VI. ADMINISTRATIVE PROCEEDINGS (cont'd.)

CRAIG ROGERS, D.C., DOCKET #17-HA00054 and 17-HA00061-

Conference Hearing on Application for Change of Designation/Type, Conference Hearing on Petition for Discipline, and Conference Hearing on Licensee's Motion for Continuance. 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. Beezley and Dr. Leinwetter. Ms. Stevens and Ms. Bond also recused themselves from the proceedings

Board Decision: Emergency suspension.

CHAD SHARP, M.D., DOCKET #17-HA00051 - Conference Hearing on Application for Reinstatement. Ms. Barker Hall appeared for the Board. Dr. Sharp 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. DeGrado, Dr. Leinwetter, Dr. Beezley and Mr. Settich. Ms. Stevens and Ms. Bond also recused themselves from the proceedings.

Board Decision: Inactive license granted.

VII. SETTLEMENT AGREEMENT

Lance Teachworth, D.C., Docket #17-HA00055 - Ratification of Consent Order. Ms. Barker Hall appeared for the Board. Dr. Teachworth appeared in person *pro se*.

Recusals: None

Board Decision: Ratify the Consent Order.

VIII. ADMINISTRATIVE PROCEEDINGS

VINCENT CRAMER, R.T., DOCKET #16-HA00105 - Conference Hearing on Request to Terminate Monitoring. Ms. Weiler appeared for the Board. Dr. Cramer 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. Hutchins, Dr. Durrett, Dr. DeGrado, Dr. Laha and Mr. Macias.

Board Decision: Terminate monitoring.

CHRISTOPHER KIRBY, D.C., DOCKET #14-HA00148 - Conference Hearing on Request to Terminate Consent Order. Ms. Courtney Manley appeared for the Board. Dr. Kirby 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. Durrett, Dr. Laha and Mr. Macias.

Board Decision: Terminate Consent Order.

NOTE: Ms. Hodgdon and Dr. Durrett left the board meeting at this point (2:45 p.m.).

JOSEPH CLARK, P.A., DOCKET #14-HA00103 - Conference Hearing on Request to Motion to Modify. Ms. Weiler appeared for the Board. Dr. Clark appeared in person with counsel, Mr. Mark Lynch.

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 and Mr. Macias.

Board Decision: Limitations lifted and additional monitoring conditions imposed.

KARL GRANT, D.O., DOCKET #13-HA00041 - Conference Hearing on Motion to Terminate Consent Order. Ms. Weiler appeared for the Board. Dr. Grant appeared in person with counsel, Mr. Mark Stafford.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Ms. Hodgdon, Dr. Leinwetter and Dr. Minns. Dr. Laha presided.

Board Decision: Motion to terminate Consent Order denied.

TANIKA VALENTINE, L.R.T., DOCKET #14-HA00058 - Conference Hearing on Request to Terminate Monitoring. Ms. Weiler appeared for the Board. Dr. Valentine 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. Durrett, Dr. Laha and Mr. Macias.

Board Decision: Terminate monitoring.

IX. SETTLEMENT AGREEMENTS

Diana K. Ketterman, MD. - Review of Proposed Consent Order. Mr. Behzadi appeared for the Board. Dr. Ketterman appeared in person *pro se*.

Recusals: None

Board Decision: Remove fine from terms of the Consent Order and approve the Consent Order.

NOTE: Dr. DeGrado left the meeting at this point (4:50 p.m.).

Therese J. Campbell, P.A. - Review of Proposed Consent Order. Mr. Behzadi appeared for the Board. Ms. Campbell appeared in person *pro se*.

Recusals: None

Board Decision: Approve the Consent Order.

Sean Conroy, P.A. - Review of Proposed Consent Order. Mr. Behzadi appeared for the Board. Mr. Conroy appeared in person *pro se*.

Recusals: None

Board Decision: Approve the Consent Order.

X. STAFF REPORTS

The Board President called the board meeting back to order.

Licensing Administrator:

Approval of Licensee/Registrant List
(Settich/Webb) Approve licensee/registrant list. Carried.

Litigation Counsel:

Litigation Report

Mr. Hays summarized the department's statistical report that was included in the Board's packet of information for the meeting.

Disciplinary Counsel:

Disciplinary Report

Mr. Riley summarized the department's statistical report that was included in the Board's packet of information for the meeting.

General Counsel:

General Counsel Report

Ms. Stevens provided an update of appellate cases involving the Board. Ms. Stevens informed the Board that a licensee raised antitrust issues against the Board in a letter sent to the Board. Ms. Stevens did not disclose the identity of the licensee as there is a pending disciplinary action at Office of Administrative Hearings which will likely require Board review. The Board designated Mr. Macias to provide any necessary direction to General Counsel on behalf of the Board on this matter. Mr. Macias will then have to be recused from any participation in reviewing the disciplinary action.

Anthony Letter/Conflict of Interest Policy

(Varner/Hutchins) General Counsel will write a letter to Mr. Anthony explaining our conflict of interest policy. Carried.

Assistant General Counsel:

Acupuncture Regulations Update

(Webb/Varner) Approve drafts of 14 new temporary acupuncture rules and regulations, K.A.R. 100-76-1 through 100-76-14, and move forward in the process toward adoption. Carried.

Minutes of Committee/Council Meetings

Approved minutes of recent council meetings were provided in the Board's packet of information for the board meeting. There were no questions and no discussion.

Review of Proposed Amended Athletic Trainer Regulations

(Macias/Beezley) Approve drafts of 6 amended (K.A.R. 100-69-3, 100-69-7 and 100-69-9 through 100-69-12) and 1 new (K.A.R. 100-69-13) athletic trainer rules and regulations and move forward in the process toward adoption. Carried.

Approval of Dry Needling Courses

(Varner/Macias) Approve proposed dry needling courses. Carried.

Executive Director:

Budget Update

A budget summary and report for the month of April 2017 were provided in the Board's packet of information for the board meeting.

Legislative Update

A summary of all bills being tracked by the Executive Director was provided in the Board's packet of information for the board meeting.

Actions Taken Since Last Board Meeting

A list of all actions taken this fiscal year was provided in the Board's packet of information for the board meeting. There were no questions and no discussion.

Impaired Provider Program Report

Impaired Provider Program Reports for 3rd Quarter FY 2017 were provided in the Board's packet of information for the board meeting. There were no questions and no discussion.

Approval of Impaired Provider Program Agreements for FY 2018

Impaired Provider Program Agreements for FY 2018 for Kansas Association of Physician Assistants, Kansas Occupational Therapy Association, Kansas Podiatric Medical Association, Kansas Medical Society, Kansas Physical Therapy Association, Kansas Chiropractic Association, and Kansas Association of Osteopathic Medicine were approved by the Board and signed by Dr. Minns.

Misc. Items/Information for the Board

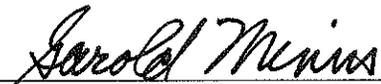
The following items were reviewed/discussed by Ms. Selzler Lippert:

- Block voting (tabled to August board meeting)
- Draft of Agency Core Values
- Reconfiguration of front office area
- Purchase/installation of new audio/visual system for the board room, with target installation date prior to August board meeting
- August board meeting will be 1 ½ days in length (Thursday afternoon and Friday.) Dr. Laha will pay costs for a staff and board member luncheon on Thursday.
- Board members asked to submit, to Ms. Selzler Lippert or Dr. Minns, discussion topics for Thursday afternoon of the August board meeting.
- Dr. DeGrado was appointed as the Board's designee on the new Acupuncture Council.

XI. ADJOURNMENT

(Minns/Minns) This meeting is adjourned. Carried.

The meeting adjourned at 5:05 p.m.



Garold Minns, M.D.
President



Kathleen Selzler Lippert
Executive Director