

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

**BOARD MINUTES – Friday
August 14, 2015**

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, AUGUST 14, 2015

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, August 14, 2015. The meeting was called to order at 8:30 a.m. by Myron Leinwetter, D.O. and President.

Michael Beezely, 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	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, Assistant General Counsel; Reese Hays, Litigation Counsel; Jessica Bryson, 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.

Barbara Hoskins, CSR, Appino and Biggs Reporting Service, took and recorded the administrative proceedings conducted.

II. APPROVAL OF AGENDA

(Hutchins/Varner) Approve agenda with the following changes: delete admin hearings for Christie Mensch, MD, Zack Razek, MD and Erick Falconer, MD. Carried.

APPROVAL OF BOARD MEETING MINUTES

(Minns/Varner) Approve minutes of June 12, 2015 regular meeting with the following change: on the last page of the minutes the Vice President called the board meeting into executive session rather than the President. Carried.

III. OTHER BUSINESS

Election of Board Officers

(Minns/Hutchins) Nominate Dr. Webb for board president. Carried unanimously by roll call vote.

(Beezley/Hodgdon) Nominate Dr. Minns for board vice president. Carried unanimously by roll call vote.

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

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

IV. ADMINISTRATIVE PROCEEDING

VIJENDRA DAVE, MD., DOCKET #14-HA00146 – Review of Initial Order. Ms. Weiler and Ms. Hall appeared for the Board. Dr. Dave appeared in person, *pro se*.

Following are the members of the disciplinary panel, and those members who were present at the board meeting recused themselves from the proceedings: Dr. Leinwetter, Dr. Minns and Ms. Hodgdon. Ms. Selzler Lippert, Ms. Stevens, Ms. Bond and Mr. Settich also recused themselves from the proceedings. Dr. Webb presided.

Board Decision: Delay decision until the board can review the written statement provided by Dr. Dave at the board meeting, as well as any response that may be filed by Ms. Weiler. Appoint Dr. Webb as presiding officer with authority to issue a final order. Carried.

(Minns/Gould) 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/Macias) Return to open session. Carried.

BRIAN WHITE, L.R.T., DOCKET #15-HA00125 - Conference Hearing on Petition for Discipline. Mr. Hays appeared for the Board. Mr. White did not appear. Mr. Hays reported that Mr. White is currently incarcerated.

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

Board exhibit #3 was admitted into the record.

Board Decision: Approve a default judgement and revoke licensee's license. Carried.

TRACI BORLAND, O.T., DOCKET #15-HA00130 - Conference Hearing on Petition for Discipline. Ms. Weiler appeared for the Board. Ms. Borland appeared in person *pro se*.

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

Board Decision: There was no objection to the Board's amended petition and it was granted. Ms. Borland submitted a response and several exhibits to the board at the start of her hearing. This matter was then continued to the October board meeting and Ms. Borland was instructed to submit any further documents to the board no later than September 18, 2015.

MELANIE BROWNE, R.T., DOCKET #16-HA00001 - Conference Hearing on Petition for Discipline. Ms. Weiler appeared for the Board. Ms. Browne appeared in person *pro se*.

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

Board Decision: Indefinitely suspend licensee's license. She may request that suspension be lifted after 90 days, if the following conditions are met: **Confidential Confidential**

WILLIAM R. MURPHY, M.D., DOCKET #16-HA00004 - Conference Hearing on Petition for Board Determination. No appearance for the Board. Dr. Murphy appeared in person with counsel, Ms. Carol Bonebrake.

Recusals: None.

Board Decision: Approve the petition requesting that Kansas-licensed physicians and mid-level practitioners be granted the ability to prescribe Vyvanse (lisdexamfetamine dimesylate) for the treatment of Binge Eating Disorder (BED) in adults. Carried with Drs. Gould and DeGrado abstaining and Dr. Leinwetter opposed.

V. OTHER BUSINESS (cont'd)

Review of Proposed Amended Regulations

Ms. Stevens reviewed all proposed amendments to the Physician Assistant rules and regulations with the board members.

NOTE: Dr. Minns left the meeting at the beginning of this discussion, at 12:00 noon and Mr. Macias left the meeting at the end of this discussion, at 1:00 p.m.

VI. ADMINISTRATIVE PROCEEDINGS (cont'd.)

RYAN FARMER, M.D., DOCKET #14-HA00158 - Conference Hearing on Request for Termination of Consent Order. Ms. Weiler appeared for the Board. Dr. Farmer appeared in person *pro se*.

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

Board Decision: Terminate the consent order.

MARY TAKAISHI, P.A., DOCKET #14-HA00098 - Conference Hearing on Motion to Stay Suspension and Reinstate License. Mr. Hays appeared for the Board. Ms. Takaishi appeared in person with counsel, Ms. Ivery Goldstein.

Following are the members of the disciplinary panel, and those members who were present at the board meeting recused themselves from the proceedings: Dr. Leinwetter, and Ms. Hodgdon. Dr. Durrett also recused himself from the proceedings.

Board Decision: Grant motion to lift suspension and reinstate license.

KIMBERLY WEST, M.D., DOCKET #14-HA00043 - Conference Hearing on Motion to Terminate Practice Restrictions and Monitoring. Ms. Weiler appeared for the Board. Dr. West appeared in person with counsel, Ms. Megan Lewis.

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

Board exhibit D was admitted into the record.

Board Decision: Terminate practice restrictions and monitoring.

ROBERT HASKINS, M.D., DOCKET #15-HA00020 - Conference Hearing on Request for Termination of Consent Order. Ms. Weiler appeared for the Board. Dr. Haskins appeared in person with counsel, Kevin Weakley.

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

Board Decision: Terminate the consent order.

JESSE BARNETT, O.T.A., DOCKET #15-HA00002 - Conference Hearing on Request for Termination of Monitoring. Ms. Weiler appeared for the Board. Mr. Barnett appeared in person *pro se*.

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

Board Decision: Terminate monitoring.

VII. SETTLEMENT AGREEMENT

Eleonora Richerson, O.T.A., - Ratification of Consent Order. Ms. Bryson appeared for the Board. Ms. Richerson appeared in person *pro se*.

Recusals: None

Board Decision: Ratify the consent order.

Michael De Santiago, R.T., Docket #16-HA00006 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Mr. De Santiago appeared in person *pro se*.

Recusals: None

Board Decision: Ratify the consent order.

Samantha Graber, O.T.A., Docket #15-HA00127 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Ms. Graber appeared in person *pro se*.

Recusals: None

Board Decision: Ratify the consent order.

David Matheny, D.C. – Review of Proposed Consent Order. Ms. Hall appeared for the Board. Dr. Matheny appeared in person with counsel, Ms. Ivery Goldstein.

Recusals: None

Board Decision: Approve the consent order with a start date of Sept. 1, 2015.

Confidential

Lani M. Martin, A.T., Docket #15-HA00113 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Mr. Martin appeared in person *pro se*.

Recusals: None

Board Decision: Ratify the consent order.

Confidential

James Stephens, II, A.T. – Review of Proposed Consent Order. Ms. Bryson appeared for the Board. Mr. Stephens appeared in person *pro se*.

Recusals: None

Board Decision: Approve the consent order.

Confidential

Jesse Vierthaler, M.D., Docket #15-HA00023 – Ratification of Consent Order. Ms. Bryson appeared for the Board. Dr. Vierthaler appeared in person with counsel, Ms. Ivery Goldstein.

Recusals: None

Board Decision: Ratify the consent order.

Jeffrey Lefkovitz, D.C., Docket #15-HA00028 – Review of Proposed Consent Order. Ms. Bryson appeared for the Board. Dr. Lefkovitz appeared in person *pro se*.

Recusals: None

Board Decision: Approve the consent order.

VIII. STAFF REPORTS

The Board President called the board meeting back to order.

Licensing Administrator:

Approval of Administrative Actions

(Hutchins/Webb) Approve administrative actions. Carried

Approval of Licensee/Registrant List

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

Minutes of Committee/Council Meetings

Minutes of all council meetings held since last board meeting were provided to the board for their review. The board had no questions or corrections for the minutes.

Litigation Counsel:

Litigation Report

Mr. Hays presented information and statistics for open and closed cases for this reporting period, and this year.

Disciplinary Counsel:

Disciplinary Report

Mr. Riley distributed and reviewed department statistics for this reporting period and this year. He noted that the total number of closed cases were lower than normal due to vacation schedules.

Ethics and boundaries essay exam information was distributed and reviewed by Mr. Riley. There will be a presentation on this topic at the October board meeting.

General Counsel:

General Counsel Report

Ms. Stevens reviewed the status of appellate cases involving the Board.

Ms. Stevens discussed the National Practitioner Databank's (NPDB) audit of cases we reported to them last calendar year. Under the new NPDB requirements, all negative findings are now reportable.

Ms. Stevens also reported that the Physical Therapy Association has issued dry needling standards.

Review of Draft Website FAQs

This topic was moved to the October board meeting.

Executive Director:

Budget Update and Legislative Update

Ms. Selzler Lippert reported that the Legislature approved a transfer of \$500,000 from our fee fund to the State General Fund.

Actions Taken Since Last Board Meeting

A list of actions was provided to the board for review. There were no questions and no discussion.

IPP Reports

No reports were submitted for this board meeting.

Misc. Items/Information for the Board

Ms. Selzler Lippert informed the board that the next CPEP Learning Summit would take place on November 5 and 6, 2015. She asked if any board members would be interested in attending. Several board members who have attended in

the past reported on their experience and expressed that the summit was informative and worth-while. Board members are to check their calendars and let Ms. Selzler Lippert know as soon as possible if they would like to attend.

Ms. Selzler Lippert provided an update on the Advance Practice Registered Nurse (APRN) Task Force meeting.

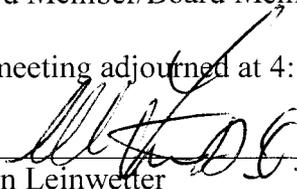
Appointment of Child Death Review Board

Ms. Selzler Lippert requested that board members submit names of nominees for the child death review board. Dr. Varner will check with a couple of colleagues to see if they would be interested in serving.

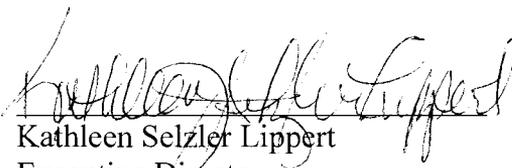
IX. ADJOURNMENT

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

The meeting adjourned at 4:10 p.m.



Myron Leinwetter
President



Kathleen Selzler Lippert
Executive Director