

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

**BOARD MINUTES – Friday
August 12, 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, AUGUST 12, 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, August 12, 2016. The meeting was called to order at 8:30 a.m. by Terry Webb, D.C. 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	absent
M. Myron Leinwetter, D.O.	absent
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.	present
Terry L. Webb, D.C.	present
Joel Hutchins, M.D.	present
Ronald Varner, D.O.	absent

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; John Nichols, 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.

Ksenija Zeltkalns, CSR, Appino and Biggs Reporting Service, took and recorded the administrative proceedings conducted.

II. APPROVAL OF AGENDA

(Durrett/Hodgdon) Approve agenda with the following changes: addition to AGC Staff Report--PT Council recommendation on PT request to supervise more than 4 PTAs; deletion of Richardson settlement agreement; continuation of Wynkoop and Le administrative hearings. Carried.

APPROVAL OF BOARD MEETING MINUTES

(Durrett/Hodgdon) Approve minutes of June 10, 2016 regular meeting with the following changes: disciplinary panel #29 was not recused on the Sheahon hearing and Dr. Webb was recused on the Gill hearing. Carried.

III. OTHER BUSINESS

Election of Board Officers for 2016/2017

(Gould/Durrett) Nominate Dr. Laha as vice president of the Board. Carried.

Dr. Laha was elected vice president by roll call vote with Drs. Beezley, Degrado, Durrett, Gould, Milfeld, Minns, Templeton, Webb and Hutchins voting yes and Ms. Hodgdon, Mr. Macias and Mr. Settich voting yes. Drs. Laha, Leinwetter and Varner were absent from the meeting.

(Gould/Durrett) Nominate Dr. Minns as president of the Board. Carried.

Dr. Minns was elected president by roll call vote with Drs. Beezley, Degrado, Durrett, Gould, Milfeld, Templeton, Webb and Hutchins voting yes and Ms. Hodgdon, Mr. Macias and Mr. Settich voting yes. Drs. Laha, Leinwetter and Varner were absent from the meeting.

KSBHA Staff Recognition

Employee awards and recognition for the second quarter of 2016 is as follows: the Licensing Dept. team, Stacy Bond, Tracy Fredley and Susan Gering all received meritorious service awards. Susan Gering also received the award for employee of the quarter.

Joe Behzadi received his 10 year service certificate and pin.

Ms. Selzler Lippert reported that John Nichols, who has been on-staff as a law intern for General Counsel, accepted the Licensing Administrator position and moved into that role a few weeks ago.

IV. SETTLEMENT AGREEMENTS

Claude Brachfeld, MD., Docket #15-HA00069 – Review of Proposed Consent Order. Ms. Gering appeared for the Board. Dr. Brachfeld appeared in person, with attorney Mr. Brian Wright.

Recusals: None.

Board Decision: Approve the Consent Order.

V. ADMINISTRATIVE PROCEEDINGS

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

STEVEN B. LARSEN, DPM., DOCKET #16-HA00112 – Conference Hearing on Petition for Discipline. Ms. Weiler appeared for the Board. Dr. Larsen 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 Mr. Settich. Dr. Minns presided.

Board Decision: Correct the record to show an inactive date of 2/5/16 and issue a 30-day suspension.

STEVEN B. WILKINSON, M.D., DOCKET #16-HA00078 - Conference Hearing on Petition for Discipline. Mr. Behzadi appeared for the Board. Dr. Wilkinson appeared in person with counsel, Mr. Christopher J. Molzen.

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 Mr. Settich. Dr. Minns presided.

Board exhibits 1 through 8 were admitted into the record.

Board Decision: The Petition was granted with a 1-year suspension. Admission of additional documents from the Licensee was denied.

DANE B. STARNES, D.C., DOCKET #16-HA00111 - Conference Hearing on Petition for Discipline. Ms. Weiler appeared for the Board. Dr. Starnes appeared in person with counsel, Ms. Judy Pope.

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

Board Decision: Petition granted.

JEFFREY RAKO, R.T., DOCKET #16-HA00116 - Conference Hearing on Application. Ms. Fredley appeared for the Board. Mr. Rako 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. Laha, Dr. Durrett, Dr. Hutchins, Dr. DeGrado and Mr. Macias.

Board Decision: Allow withdrawal of application.

MISTY SEIGEL, L.R.T., DOCKET #16-HA00115 - Conference Hearing on Application. Ms. Fredley appeared for the Board. Ms. Seigel 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, Dr. Durrett, Dr. Hutchins, Dr. DeGrado and Mr. Macias.

Board Exhibits 1 through 13 were admitted into the record.

Board Decision: The respondent's response was denied and licensee's request for withdrawal of the application was granted.

ELEONORA RICHERSON, O.T.A., DOCKET #16-HA00002 - Conference Hearing on Request to Terminate Consent Order. Ms. Weiler appeared for the Board. Ms. Richerson 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: Terminate consent order.

RICHARD CONNOLLY-WALKER, D.C., DOCKET #15-HA00091 - Conference Hearing on Request to Terminate Monitoring. Ms. Weiler appeared for the Board. Dr. Connolly-Walker 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, Dr. Templeton, Dr. Webb and Mr. Settich.

Board Decision: Terminate monitoring.

MICHAEL GREEN, D.C., DOCKET #15-HA00119 - Conference Hearing on Request to Terminate Monitoring. Ms. Weiler appeared for the Board. Dr. Green 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. Leinwetter, Dr. Webb and Mr. Settich.

Board Decision: Terminate monitoring.

VI. OTHER BUSINESS (cont'd.)

Affinity Presentation on Etg and Ets Test Results – Barry H. Lubin, M.D.
Mr. Lubin gave a presentation on Etg and Ets test results, followed by a short question and answer session.

NOTE: Dr. Minns left the board meeting at this point, which was during the lunch break.

VII. ADMINISTRATIVE PROCEEDINGS (cont'd.)

ROBERT SEAN JACKSON, M.D., DOCKET #14-HA00019 - Conference Hearing on Request to Terminate Monitoring. Ms. Weiler appeared for the Board. Dr. Jackson appeared in person with counsel, Mr. Scott Logan.

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

Board Decision: Terminate monitoring.

ANTHONY FRANCIS, M.D., DOCKET #89-HA00025 - Conference Hearing on Licensee's Request for Reconsideration of Final Order. Ms. Weiler appeared for the Board. Dr. Francis 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: no recusals.

Board Decision: Modify stipulation to allow Dr. to do social security evaluations and testimony only.

MARTHA BYERS, M.D., DOCKET #12-HA00092 - Conference Hearing on Request to Terminate Consent Order. Ms. Weiler appeared for the Board. Dr. Byers 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. Leinwetter, Dr. Minns and Ms. Hodgdon.

Board Decision: Grant request to terminate consent order when Dr. Byers proves competence through CPEP or SPEC exam.

ALICIA BEAN, M.D., DOCKET #11-HA00021 - Conference Hearing on Request to Terminate Consent Order. Ms. Weiler appeared for the Board. Dr. Bean 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. Leinwetter and Dr. Templeton.

Board Decision: Terminate consent order.

VIII. SETTLEMENT AGREEMENT

Reggie Jo Voboril, M.D., - Review of Proposed Consent Order. Ms. Gering appeared for the Board. Dr. Voboril appeared in person *pro se*.

Recusals: none

Board Decision: Approve consent order.

Amanda Watson, A.T. – Ratification of Consent Order. Ms. Fredley appeared for the Board. Ms. Watson appeared in person *pro se*.

Recusals: none

Board Decision: Ratify consent order.

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

Recusals: none

Board Decision: Approve consent order.

Sindra Schueler, A.T. – Ratification of Consent Order. Ms. Fredley appeared for the Board. Mr. Schueler appeared in person *pro se*.

Recusals: none

Board Decision: Ratify consent order.

Carolyn Clark, M.D., Docket #16-HA00114 – Review of Proposed Consent Order. Ms. Fredley appeared for the Board. Dr. Clark appeared in person *pro se*.

Recusals: none

Board Decision: Approve consent order with censure and \$500 fine.

IX. STAFF REPORTS

The Board President called the board meeting back to order.

Licensing Administrator:

Approval of Administrative Actions

(Hutchins/Durrett) Approve administrative actions. Carried

Approval of Licensee/Registrant List

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

Minutes of Committee/Council Meetings

Minutes of all council meetings held since last board meeting were included in the board packet. There were no questions or discussion.

Licensing Report

Mr. Nichols reviewed the new team structure in the licensing department and distributed licensure statistics for the MD renewal cycle, which just completed.

A few board members indicated that they would like for staff to send a letter to licensee's letting them know when their license is cancelled for failure to renew. Ms. Selzler Lippert stated that both first and second renewal notices contain renewal deadlines and cancellation dates for non-renewal.

Litigation Counsel:

Litigation Report

Ms. Gering reviewed litigation department statistics for this reporting period.

Disciplinary Counsel:

Disciplinary Report

Physician Needed for Respiratory Therapy Council - (Hutchins/Beezley)
Appoint Dr. Thomas Estep to the Respiratory Therapy Council. Carried.

Mr. Riley stated that two anesthesiologists are needed for two of the review committees and that another pain management committee member is needed.

Mr. Riley also reviewed the statistical report for the disciplinary department for this period. He stated that numbers have flattened out a bit.

General Counsel:

General Counsel Report

Ms. Stevens reviewed appellate cases involving the board and stated that Ms. Bond had received a favorable opinion from Judge Theis this past week in the Li case.

General Counsel staff will be meeting with the Kansas Association of Oriental Medicine practitioners to see what is needed for regulations for the new acupuncture practice act and will be working on the regulations in September.

Regulation Update for Certified Nurse Midwives

General Counsel staff is attempting to get drafts of regulations to the Nursing Board by August 30th for review at their board meeting. We will need to set up a special board meeting to review the drafts prior to that date.

Request for Attorney General Opinion on Foreign Professional Corporations Doing Business in Kansas

The Board declined to request an AG Opinion on this issue.

Information on Retroactive Reinstatements of Licensure

Ms. Stevens provided additional information on the lack of statutory authority to grant retroactive reinstatements.

Assistant General Counsel:

PT Council Recommendation on Proposed Dry Needling Training Regulation

Draft regulations regarding education and requirements to practice dry needling were presented to the board for review. The regulations are based more on competence outcomes than specific hours of instruction. Practitioners are restricted to those anatomical regions of the body for which they have completed training.

(Beezley/Hodgdon) Approve drafts; continue to move forward with completing regulations. Carried.

PT Supervision Request

The board approved the supervision request.

Executive Director:

Budget Update

Monthly fiscal reports were included the board's packet of materials.

Legislative Update

During the interim legislative period this year Ms. Selzler Lippert expects that KSBHA and Kansas Board of Nursing efficiencies will be addressed by the Interim Committee on Combining Certain Public Health Boards. During the last legislative session Committee Chairman Hawkins invited the two boards to consider how back-end resources could be shared, and to find economies of scale, efficiencies and synergies.

Actions Taken Since Last Board Meeting

A list of all actions taken was included in the board's packet of materials.

IPP Report

Third and fourth quarter reports for 2016 for MDs and PAs were included in the board's packet of materials.

Misc. Items/Information for the Board

New APRN Certified Nurse Midwife Council for Independent Practice – Council members have been appointed and they have had two meetings to date.

PA Regulation Update – Staff have worked to obtain compliance with new PA regulations. Out-of-compliance warning letters and emails have been sent to practitioners.

Joint Pain Policy – A new draft policy which deals only with chronic pain was presented to the board for review. The Pharmacy and Nursing Board will also take this policy to their boards for review and approval. (DeGrado/Hutchins) Adopt the draft policy. Carried.

K-TRAC and PMP Update – Dr. Templeton and Dr. Leinwetter joined this committee a few months ago and their participation has been very helpful. Renewal questions were reviewed and the board agreed that they were appropriate.

Education Subcommittee Update – Ms. Selzler Lippert gave the board a copy of a commentary article for Academic Medicine that is ready for publication.

Operations Updates – Ms. Selzler Lippert provided the board members with pictures and information regarding updates made to office work spaces. She also

discussed an upcoming change in our I.T. department utilization, where we will be adding another I.T. staff member to support additional web hosting for the Board of Optometry. The board approved of this change.

Licensing Department Changes – Ms. Selzler Lippert explained that the new department organization will provide backup systems and reduce compartmentalization.

Status of BITCO File Scanning Project – MD and DO applications have been scanned and applications for allied health professions were just shipped to BITCO.

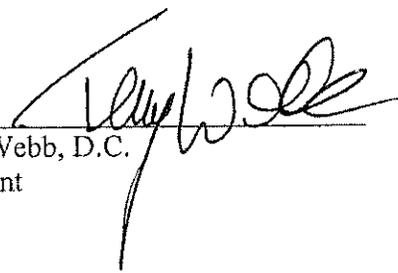
Executive Session

(Board Member/Board Member) Go into executive session for 15 minutes pursuant to K.S.A. 75-4319(b)(1) for the purpose of non-elected personnel matters.

X. ADJOURNMENT

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

The meeting adjourned at 5:30 p.m.



Terry Webb, D.C.
President



Kathleen Selzler Lippert
Executive Director