

KANSAS STATE BOARD OF HEALING ARTS

800 SW Jackson, Lower Level-Suite A

Topeka, Kansas 66612

(785) 296-7413 or

Toll Free (888) 886-7205

(785) 368-7103 (FAX)

www.ksbha.org

DISCIPLINARY PROCEDURE

The Kansas State Board of Healing Arts is comprised of 15 members appointed by the Governor, 12 licensees, and 3 members from the general public. The Board licenses or registers 13 health care professions and out-of-state contact lens distributors. The mission of the Board is to protect the public by requiring those professionals to meet and maintain certain qualifications and standards of conduct.

WHOM DOES THE BOARD REGULATE?

- Medical Doctors (M.D.)
- Osteopathic Doctors (D.O.)
- Chiropractic Doctors (D.C.)
- Podiatric Doctors (D.P.M.)
- Naturopathic Doctors (N.D.)
- Physician's Assistants (P.A.)
- Physical Therapists (P.T.)
- Physical Therapist Assistants (P.T.A.)
- Occupational Therapists (O.T.)
- Occupational Therapy Assistants (O.T.A.)
- Respiratory Therapists (R.T.)
- Athletic Trainers (A.T.)
- Radiologic Technologists (L.R.T.)
- Contact Lens Distributors

The Board does NOT have disciplinary jurisdiction over any other healthcare professions, hospitals, or other healthcare facilities. Please see last page for other regulatory agencies.

When a complaint is received by the Board of Healing Arts, staff for the Board makes an initial determination: the complaint must pertain to the practice of the healing arts, and must allege facts constituting a violation of the laws administered by the Board. These two requirements are necessary to open a case for investigation. Sometimes the complaint contains insufficient information and more information may be requested of the complainant.

EXAMPLES OF PROHIBITED CONDUCT

- Commissions of acts of gross negligence or multiple acts of ordinary negligence;
- Conviction of a felony or Class A misdemeanor;
- Fraudulent or false advertising;
- Fraudulent billing;
- Prescribing or distributing drugs for other than lawful purposes;
- The inability to practice the healing arts with reasonable skill and safety to patients by reason of illness, alcoholism, excessive use of drugs, or any mental or physical condition;
- Sexual abuse, misconduct or exploitation related to the person's practice;
- Referring a patient to a health care entity for services, if the licensee/registrant has a significant investment interest in the entity, (10% ownership or more) unless the person regulated by the Board informs the patient of the interest in writing, and that patient may obtain such services elsewhere;
- Other acts as proscribed by law.

Once a case is opened, it is investigated by an investigator. This usually involves getting medical records from the licensee/registrant and any health care facility that is involved. It may also involve interviewing witnesses, visiting facilities, obtaining drug profiles and getting information from law enforcement or other regulatory agencies, in this state or elsewhere. Board investigations are time consuming and may take several months, depending on the seriousness and complexity of the allegations.

Board investigations are required by law to be confidential, pursuant to K.S.A. 65-2898a. Therefore, there are limits to what information may be released, even to the person making the complaint. The Board has broad authority to obtain information even though the information may otherwise be confidential as a privileged communication. However, other information may be available only with the patient's specific consent.

Once a complaint is investigated, it undergoes a review process. If the issue involves competency, the case may be reviewed by a panel of peers to determine whether the standard of care has been met.

If the issue involves unprofessional conduct (sexual misconduct, false advertising, etc.), the case is reviewed by a staff attorney to determine whether there is sufficient evidence of a violation of the statutes and regulations. If there is evidence of a violation, the case is reviewed by a panel of the Board to determine what action, if any, to take. At that time, a petition may be filed against the licensee/registrant. The purpose of the petition is to seek public disciplinary action against the licensee/registrant.

The petition may be heard by a Hearing Officer who will provide an initial determination to the Board about the case. The licensee/registrant or the Board's attorney may then ask the Board to review the case. Either before or after the hearing, the attorneys representing the Board and the licensee/registrant may negotiate an agreement to resolve the case, for submission to the Board for approval.

The Board has the legal authority to revoke, suspend, or limit licenses/registrations, impose fines, reprimand, require monitoring or additional education, or other remedial measures. **The Board does not represent individuals, nor obtain compensation on behalf of individuals. Each person is free to seek legal representation if they believe it is necessary. Board investigations and reviews are not subject to discovery by private litigants.**

If you have any questions regarding the functions of the Board, please call (785) 296-7413.

OTHER STATE REGULATORY AGENCIES/BOARDS

- Kansas State Board of Nursing
- Landon State Office Building
- 900 SW Jackson, Room 1051
- Topeka, KS 66612
- (785) 296-4929 www.ksbn.org

- Kansas Department on Aging
- New England Building
- 503 S. Kansas Ave
- Topeka, KS 66603
- (785) 296-4986 www.agingkansas.org

- Behavioral Sciences Regulatory Board
- 712 S. Kansas Ave
- Topeka, KS 66603
- (785) 296-3240 www.ksbsrb.org

- KS Dept of Health & Environment Bureau of Health Facilities
- Curtis State Office Building
- 1000 SW Jackson, Suite 200
- Topeka, KS 66612
- (800) 842-0078 www.kdheks.gov/bhfr

- Kansas Optometric Association
- 1266 SW Topeka Blvd
- Topeka, KS 66612
- (785) 232-0225 www.kansasoptometric.org

- Kansas State Board of Pharmacy
- 800 SW Jackson, Suite 1414
- Topeka, KS 66612
- (785) 296-4056 www.kansas.gov/pharmacy

- Kansas State Board of Mortuary Arts
- 700 SW Jackson, Suite 904
- Topeka, KS 66603
- (785) 296-3980 www.kansas.gov/ksbma

- Kansas Insurance Department
- 420 SW 9th
- Topeka, KS 66612
- (785) 296-3071 www.ksinsurance.org

- Kansas Dental Board
- Landon State Office Building
- 900 SW Jackson, Room 564-S
- Topeka, KS 66612
- (785) 296-6400 www.kansas.gov/kdb

- Kansas Attorney General
- Memorial Hall
- 120 SW 10th 2nd Floor
- Topeka, KS 66612
- (785) 296-2215 (Main) www.ksag.org
- (785) 296-3751 (Consumer Protection Division)
- (785) 296-2359 (Crime Victims Compensation Board)

- Kansas Board of Cosmetology
- 714 SW Jackson, Suite 100
- Topeka, KS 66603
- (785) 296-3155 www.accesskansas.org

KANSAS STATE BOARD OF HEALING ARTS
ATTN: COMPLAINT COORDINATOR
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612
(785) 296-7413 or
Toll Free (888) 886-7205
(785) 368-7103 (FAX)

COMPLAINT FORM

INSTRUCTIONS: (Please type or print legibly.)

Please furnish all identifying information for the complainant, the patient and all practitioners and facilities involved in the complaint. When providing your address, the address of the patient or the practitioner, list the street address, not a post office box. Please complete all pages of this form. Additional pages may be added if necessary.

PERSON MAKING COMPLAINT: (Please notify this agency if the following information changes.)

NAME: _____
 First Middle Last Other Names Used

ADDRESS: _____
 Street

 City State Zip Code

HOME PHONE: () _____ WORK PHONE: () _____

May we contact you at your place of employment? YES _____ NO _____ (Agency working hours are 8:00 a.m. to 4:30 p.m.)
Best time to contact you would be? _____ a.m./p.m. to _____ a.m./p.m.

PATIENT INFORMATION:

NAME: _____
 First Middle Last Other Names Used

ADDRESS: _____
 Street

 City State Zip Code

DATE OF BIRTH: _____ SSN: _____

HOME PHONE: () _____ WORK PHONE: () _____

PRACTITIONER(S) AGAINST WHOM ALLEGATION IS MADE: (Please identify practitioner with the appropriate title: (M.D., D.O., D.C., D.P.M., P.A., P.T., P.T.A., O.T., O.T.A., R.T., A.T.)

NAME: _____ NAME: _____

ADDRESS: _____ ADDRESS: _____

PHONE: () _____ PHONE: () _____

FACILITIES INVOLVED IN THE INCIDENT: (Hospitals, Nursing Homes, Clinics, Etc.)

FACILITY: _____

ADDRESS: _____

PHONE: () _____

FACILITY: _____

ADDRESS: _____

PHONE: () _____

FACILITY: _____

ADDRESS: _____

PHONE: () _____

FACILITY: _____

ADDRESS: _____

PHONE: () _____

WITNESS(ES) TO THE INCIDENT: (If known.)

NAME: _____

ADDRESS: _____

PHONE: () _____
Home and Work

NAME: _____

ADDRESS: _____

PHONE: () _____
Home and Work

NAME: _____

ADDRESS: _____

PHONE: () _____
Home and Work

NAME: _____

ADDRESS: _____

PHONE: () _____
Home and Work

PLEASE LIST A FRIEND OR RELATIVE WHO WILL KNOW YOUR MOST CURRENT ADDRESS AND PHONE NUMBER.

NAME: _____

ADDRESS: _____

PHONE: () _____
Home and Work

PHONE: () _____

NARRATIVE

Please describe in detail all allegations against the practitioner(s). Describe each incident with specific dates and list any witnesses. Attach copies of any documents you have concerning the allegations. Use additional sheets if necessary.

DATE OF INCIDENT: _____ PATIENT'S NAME: _____

YOUR RELATIONSHIP TO PATIENT, IF OTHER THAN YOURSELF: _____

I acknowledge that the Kansas Board of Healing Arts may provide a copy of this form to the person against whom the allegations are made.

I agree to testify in any hearings which may arise as a result of these allegations. The statements I have made are true and correct to the best of my knowledge and belief.

DATE: _____ SIGNED: _____

GENERAL AUTHORIZATION FOR RELEASE OF INFORMATION

I, _____ hereby authorize the use or disclosure of my health information as described in this authorization.

1. Specific person/organization authorized to provide the information:

2. The Kansas Board of Healing Arts, ("the Board") its representatives, agents or employees are specifically authorized to receive and use my health information. Please send information to:

Kansas State Board of Healing Arts
ATTN: _____
800 SW Jackson, Lower Level-Suite A
TOPEKA, Kansas 66612

3. I specifically authorize the release of all my health information in your possession or control including medical records of every kind, billing information, films, monitor strips, and any record requested by the Board.

4. The purpose of this request is to permit the Kansas Board of Healing Arts access to all of my health information necessary in furtherance of health oversight activities.

5. I understand I have the right to revoke this authorization at any time by notifying the Kansas Board of Healing Arts in writing at 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612. I understand that the revocation is only effective after it is received by the Board.

6. I understand that after this information is disclosed, federal law might not protect it and the recipient might re-disclose it to other health oversight agencies and law enforcement entities as permitted by state law.

7. I understand that if I do not sign this authorization, the Kansas Board of Healing Arts may not be able to fully investigate my complaint. I also understand that in furtherance of health oversight activities, the Kansas Board of Healing Arts possesses subpoena power that permits them to command the disclosure of my health information from certain individuals and entities without my permission. This authorization is intended to permit individuals and entities not subject to the Board's subpoena power to provide copies of my health information to the Board.

8. I understand that I am entitled to receive a copy of this authorization.

9. I understand that this authorization will expire upon completion of the Kansas Board of Healing Arts' investigation into the matter(s) about which I am complaining, or upon the completion of any legal proceedings that might arise out of my complaint, whichever event is latest.

Signature of Patient

Date

OR:

Signature of Personal Representative
(signature warrants he/she has authority to sign as Personal Representative)

Date

Patient's Date of Birth