

**BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS**

In the Matter of)
Ronald Carson, D.O.)
)
Request for Approval for Supervision of)
Additional Physician Assistants)
_____)

Docket No. 24-HA00016

FINAL ORDER

On December 8, 2023, this matter came before the Kansas State Board of Healing Arts (“Board”) for a Conference Hearing on Ronald Carson, D.O.’s (“Petitioner” or “Dr. Carson”) request for approval for supervision of additional physician assistants. Applicant appeared in person, *pro se*.

Under the authority granted to the Board by the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*, the Kansas Physician Assistant Licensure Act, K.S.A. 65-28a01 *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act, (“KAPA”), K.S.A. 77-501 *et seq.*, the Board enters this Final Order. After reviewing the agency record, hearing the oral arguments and testimony of the Petitioner, and being duly advised in the premises, the Board makes the following findings, conclusions, and orders.

PROCEDURAL HISTORY

On or about October 27, 2023, Petitioner submitted a request for approval for supervision of additional physician assistants at a different practice location.

On or about November 30, 2023, Petitioner submitted a supplemental request for approval to supervise additional physician assistants at a different practice location.

A Notice of Hearing was filed and served on November 14, 2023, and November 28, 2023, setting a Conference Hearing regarding Petitioner’s request and supplemental request to supervise additional physician assistants at a different practice location in Kansas. No objection to the Notice of Hearing was filed.¹

¹ In advance of the oral arguments, the Board was provided the entire agency record to facilitate a comprehensive understanding of the underlying matter, including all exhibits, briefs, and motions filed by the parties in advance of oral arguments. The entire agency record was considered by the Board in rendering the decision.

FINDINGS OF FACT

1. On October 27, 2023, the Board received Request for Approval for Supervision of Additional Physician Assistants (“Request”) from Melissa B. Caruso, Vice President, Legal and Corporate Development, at UKHS on behalf of Dr. Carson. This Request is asking for Board approval for Dr. Carson to supervise four physician assistants (“PAs”) at different practice locations.
2. On November 30, 2023, Dr. Carson filed Supplemental Request for Approval to Supervise Additional Physician Assistants (“Supplemental Request”) which requested supervision of a fifth PA at a different practice location.
3. The Supplemental Request also provided two exhibits:
 - a. Exhibit A: A copy of Dr. Carson’s original request.
 - b. Exhibit B: A report of hours worked previously by the four PAs listed in Dr. Carson’s original request.
4. There is no record of any actions taken against Petitioner’s license to practice medicine and surgery.

CONCLUSIONS OF LAW

I. Applicable Law

K.S.A. 65-2801 articulates the statutory mission of the Board and states:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

Under K.S.A. 65-28a08(b)(1) a “person licensed as a physician assistant may perform, only under the direction and supervision of a physician, acts which constitute the practice of medicine and surgery to the extent and in the manner authorized by the physician responsible for the physician assistant and only to the extent such acts are consistent with rules and regulations adopted by the board which relate to acts performed by a physician assistant under the supervising physician’s direction and supervision. A physician assistant may prescribe drugs pursuant to a written agreement as authorized by the supervising physician.”

K.A.R. 100-28a-17 states requirements for supervising physicians:

(a) Except as otherwise specified in subsection (b), each supervising physician shall determine the number of physician assistants under the supervising physician's supervision. The supervising physician shall use professional judgment regarding that individual's ability to adequately supervise each physician assistant based upon the following factors:

- (1) The supervising physician's ability to meet the requirements for supervision specified in K.A.R. 100-28a-10 for each physician assistant;
- (2) the supervising physician's ability to provide the types of supervision that may be specified in the written agreement with each physician assistant;
- (3) the specialty and setting of each practice location at which each physician assistant will provide services;
- (4) the complexity of the patient population that each physician assistant will be treating; and
- (5) the clinical experience and competency of each physician assistant.

(b)(1) A supervising physician shall not supervise more than a total of three physician assistants who provide services at a different practice location under K.A.R. 100-28a-14, regardless of the number of different practice locations, without the prior approval of the board. A supervising physician shall not under any circumstances supervise more than five physician assistants who provide services at a different practice location.

(2) The approval to supervise more than a total of three physician assistants who will provide services at a different practice location may be granted by the board if the supervising physician submits a signed request on a board-provided form that meets the following requirements:

- (A) Verifies that the combined number of work hours of all the physician assistants who will provide services at a different practice location will not exceed 200 hours per week; and
- (B) demonstrates that the supervising physician is able to adequately supervise each physician assistant under the supervising physician's supervision based on the factors specified in subsection (a).

A "different practice location" means a "practice location at which a supervising physician is physically present less than 20 percent of the time that the practice location provides medical services to patients," and does not include a medical care facility as defined in K.S.A. 65-425. K.A.R. 100-28a-1a.

K.A.R. 100-28a-10 lists the requirements of a supervising physician:

(a) Each supervising physician shall meet all of the following requirements:

- (1) Engage in the practice of medicine and surgery in Kansas;
- (2) verify that the physician assistant has a current license issued by the board;
- (3) at least annually, review, evaluate, and determine whether the physician assistant has performed patient services constituting the practice of medicine and surgery with professional competence and with reasonable skill and safety;

(4) at least annually, review the active practice request form required by K.A.R. 100-28a-9 and determine if any amendments are necessary. Each amendment shall be conveyed to the physician assistant, specified in all copies of the active practice request form, and provided to the board within 10 days of being made;

(5) report to the board any knowledge of disciplinary hearings, formal hearings, public or private censure, or other disciplinary action taken against the physician assistant by any state's licensure or registration authority or any professional association. The supervising physician shall report this information to the board within 10 days of receiving notice of the information;

(6) report to the board the termination of responsibility by the supervising physician or any litigation alleging conduct by the physician assistant that would constitute grounds for disciplinary action under the physician assistant licensure act. The supervising physician shall report this information to the board within 10 days of receiving notice of the information;

(7) arrange for a substitute supervising physician to provide supervision on each occasion when the supervising physician is temporarily absent, is unable to be immediately contacted by telecommunication, or is otherwise unavailable at any time the physician assistant could reasonably be expected to provide professional services; and

(8) delegate to the physician assistant only those acts that constitute the practice of medicine and surgery and meet the following conditions:

(A) The supervising physician believes or has reason to believe that the acts can be competently performed by the physician assistant, based upon the physician assistant's background, training, capabilities, skill, and experience; and

(B) the acts are within the supervising physician's clinical competence and customary practice.

(b) The supervising physician shall develop and implement a written method for evaluating whether the physician assistant has performed patient services constituting the practice of medicine and surgery with professional competence and with reasonable skill and safety.

(1) During the first 30 days of the supervising physician-physician assistant supervisory relationship, the supervising physician shall review and authenticate all medical records of each patient evaluated or treated by the physician assistant within seven days of the date the physician assistant evaluated or treated the patient. The supervising physician shall authenticate each record by original signature or initials and shall record the date of the review. Electronically generated signatures shall be acceptable if reasonable measures have been taken to prevent unauthorized use of the electronically generated signature.

(2) After the first 30 days of the supervising physician-physician assistant supervisory relationship, the supervising physician shall document the periodic review and evaluation of the physician assistant's performance required by paragraph (a)(3), which may include the review of patient records. The supervising physician and the physician assistant shall sign the written review and evaluation and maintain a copy at each practice location, which shall be made available to the board upon request.

The definition of "different practice location" is explained in K.A.R. 100-28a-14:

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Any physician assistant may perform acts that constitute the practice of medicine and surgery at a different practice location if all of the following requirements are met:

(a) Before providing any services at the different practice location, the physician assistant shall have spent at least 80 hours since being licensed under the direct supervision of a physician licensed in this state.

(b) The supervising physician or substitute supervising physician shall remain available to provide guidance, direction, and coordination of the activities of the physician assistant. This availability may be provided by electronic means.

(c) The different practice location shall be listed on the active practice request form required by K.A.R. 100-28a-9.

(d) Written notice that the different practice location is staffed primarily by a physician assistant shall be posted in a location where the notice is likely to be seen by patients.

II. Conclusion

A. Petitioner's request for approval for supervision of additional physician assistants at different practice locations is granted.

To carry out its mission to protect the public, the Board is granted discretionary authority to approve or deny a supervising physician's request to supervise more than three (and up to five) physician assistants if the criteria under K.A.R. 100-28a17 and K.A.R. 100-28a-10 are met.

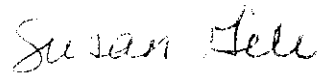
After consideration of the entire agency record and testimony from Petitioner, the Board approved the request to approve the additional PAs outlined in his request, at a different practice location.

ORDER

IT IS THEREFORE ORDERED, Petitioner's request for approval for supervision of additional PAs at different practice locations as articulated in his request and supplemental request is **GRANTED** and was reflected on the record at the Conference Hearing on December 8, 2023.

IT IS SO ORDERED this 19th day of December 2023.

KANSAS STATE BOARD OF HEALING ARTS



Susan Gile, Executive Director

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NOTICE OF APPEAL RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Under K.S.A. 77-529, parties may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, a party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court, as authorized by K.S.A. 77-601, *et seq.* Reconsideration of a Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the Final Order. A copy of any petition for judicial review must be served upon Susan Gile, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **FINAL ORDER** was served, by depositing the same in the United States mail, postage prepaid, and emailed on this 19th day of December 2023, addressed to:

Ronald Carson, D.O.

CONFIDENTIAL

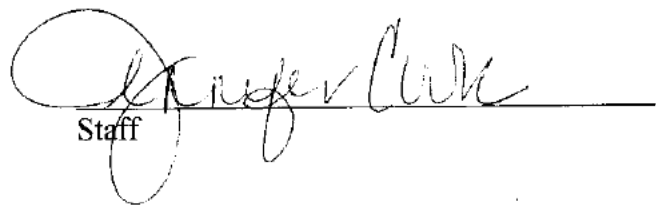
Petitioner

A copy was hand-delivered to:

Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

and the original was filed with the office of the Executive Director:

Susan Gile
Executive Director
Kansas Board of Healing Arts
800 S.W. Jackson, Lower Level-Suite A
Topeka, Kansas 66612


Staff