

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

In the Matter of	)	
Boremy Ly, D.P.M.	)	KSBHA Docket No. 24-HA <u>00048</u>
	)	
<u>KSBHA License No. 12-00289</u>	)	

CONSENT ORDER

COMES NOW, Disciplinary Panel No. 39 ("Panel"), an appointed committee of the Kansas State Board of Healing Arts ("Board"), by and through Matthew Gaus, Deputy Litigation Counsel, and Boremy Ly, D.P.M. ("Licensee"), *pro se*, and move the Board for approval of this Consent Order affecting Licensee's license to practice podiatry in Kansas. The Panel and Licensee stipulate to the following:

1. Licensee's last mailing address known to the Board is: **CONFIDENTIAL**  
**CONFIDENTIAL** . Licensee's last email address known to the Board is **CONFIDENTIAL**
2. Licensee is or has been entitled to practice as a podiatrist in the State of Kansas, having been issued License No. 12-00289 on or about August 16, 1997. Licensee last renewed such license on or about September 25, 2023. Licensee's current license status is Active.
3. Except as noted below, at all times relevant to the facts and allegations set forth in this Consent Order, Licensee has held an Active license to practice as podiatry in the State of Kansas.
4. The Board has received information and investigated the same, and has reason to believe there are grounds to take action under the Kansas Podiatry Act, K.S.A. 65-2001 *et seq.* Specifically:

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- a. On November 1, 2021, Licensee's Active license to practice podiatry in Kansas was cancelled for failure to renew.
- b. Despite such cancellation, Licensee continued to practice podiatry in Kansas without a license for approximately 20 months, treating patients and residents of at least six residential care facilities in Kansas, and collected fees for such treatments.
- c. On or about April 21, 2023, Licensee applied for his Active license to practice podiatry to be reinstated.
- d. On his reinstatement application, Licensee stated he had been practicing in Missouri during the period his License was cancelled but did not disclose he had been practicing in Kansas.
- e. Due in part to his failure to disclose his unlicensed practice in Kansas Licensee's reinstatement application was granted on June 15, 2023.
- f. However, following the restatement of his license, the Board received information from third parties regarding Licensee's period of unlicensed practice, leading to a Board investigation.
- g. During the course of this Board investigation, Licensee admitted: he had omitted any mention of his unlicensed practice in Kansas; that such omission was intentional; and the motivation behind such omission was financial in nature – i.e. he believed disclosing his unlicensed practice to the Board would cause unwanted financial consequences to his podiatry practice.

5. Licensee's conduct, if proven, constitutes violations of the Kansas Podiatry Practice Act, including:

a. K.S.A. 65-2006(a)(6), in that Licensee willfully violated the Kansas Podiatry Act by practicing without a license;

b. K.S.A. 65-2006(a)(1), in that Licensee has committed fraud in securing his license to practice podiatry;

c. K.S.A. 65-2006(a)(2), as further defined by K.S.A. 65-2837(b)(12), in that Licensee committed acts of unprofessional conduct by representing and/or implying to Kansas patients he was licensed to practice podiatry in Kansas;

d. K.S.A. 65-2006(a)(2), as further defined by K.S.A. 65-2837(b)(18), in that Licensee committed acts of unprofessional conduct by obtaining any fee by fraud, deceit or misrepresentation, in that records show he billed for treatments in Kansas while unlicensed in Kansas.

6. The Board is the sole and exclusive administrative agency in Kansas authorized to regulate the practice of the healing arts, and specifically the practice of podiatry. K.S.A. 65-2001 *et seq.*

7. The Kansas Podiatry Act is constitutional on its face and as applied in this case. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

8. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A.

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77-505. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

9. Licensee acknowledges if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses, or other evidence, the Board has sufficient evidence to prove that Licensee has violated the Kansas Podiatry Act with respect to the above allegations. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

10. Licensee voluntarily and knowingly waives his right to a hearing. Licensee voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

11. All pending **CONFIDENTIAL** materials **CONFIDENTIAL** regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 39 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

12. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

13. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 77-505 and K.S.A. 65-2006. This Consent Order shall constitute the Board's Order when filed with the office of the Executive Director for the Board and no further Order is required.

14. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, Licensee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Licensee's license to practice podiatry in Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee has failed to comply with any of the terms or conditions set forth in this Consent Order. The Board acknowledges that at any such hearing, Licensee retains the right to confront and examine all witnesses, present evidence, testify on his own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Podiatry Act, K.S.A. 65-2001 *et seq.*

15. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Podiatry Act or to investigate complaints received under the Risk Management Law, K.S.A. 65-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Kansas Podiatry Act.

16. Licensee hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees and agents, hereinafter collectively referred to as

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“Releasees”, from any and all claims, including but not limited to those for alleged damages, actions, liabilities, both administrative and civil, including the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.* arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

17. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

18. Licensee agrees all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.

19. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

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20. Licensee acknowledges he has read this Consent Order and fully understands the contents.

21. Licensee acknowledges this Consent Order has been entered into freely and voluntarily.

22. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.

23. Licensee acknowledges the Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

24. Licensee shall obey all federal, state, and local laws and rules governing the practice of podiatry in Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

25. Licensee shall immediately notify the Board or its designees of any citation, arrest or charge filed against him or any conviction for any traffic or criminal offense excluding speeding and/or parking violations.

26. Licensee shall immediately notify the Board or its designee of any complaint filed, or investigation opened, by the proper licensing authority of another state, territory, District of Columbia, or other country, or by a peer review body, a health care facility, a professional association or society, or by a governmental agency.

27. Licensee shall at all times keep Board staff informed of his current practice locations, addresses and telephone numbers. Licensee shall provide the above information in writing to the Board within ten days of any such change.

28. This Consent Order constitutes **public disciplinary action**.

29. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following actions against his license to practice podiatry:

**PUBLIC CENSURE**

30. **IT IS HEREBY ORDERED** Licensee is **PUBLICLY CENSURED** by the Board.

**SUSPENSION**

31. **IT IS HEREBY ORDERED** Licensee's license to practice podiatry in Kansas is **SUSPENDED** for a period of **twenty-nine (29)** days from the date of execution of this Consent Order.

**IT IS HEREBY ORDERED** that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

**IT IS SO ORDERED** on this 14<sup>th</sup> day of June, 2024.

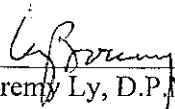
**FOR THE KANSAS STATE BOARD OF  
HEALING ARTS:**

*Susan Bell*

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6/14/24  
Date



  
Boremy Ly, D.P.M.  
Licensee

04/15/2024  
Date

PREPARED BY:

**/s Matthew Gaus**

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Matthew Gaus, #22609  
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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, as well as via email, on this 14<sup>th</sup> day of June, 2024, to the following:

Boremy Ly, D.P.M.

**CONFIDENTIAL**

*Licensee*

And the original was hand-filed with:

Office of the Executive Director

And a copy was hand-delivered to:

Litigation Counsel  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

Compliance Coordinator  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

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

  
Staff Member

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