



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

KS State Board of Healing Arts

In the Matter of)
Tonguc Pinar, M.D.)
)
Application for License to)
Practice Medicine and Surgery)
_____)

KSBHA Docket No. 24-HA00017

FINAL ORDER

On December 8, 2023, this matter came before the Kansas State Board of Healing Arts (“Board”) for a Conference Hearing on Dr. Tonguc Pinar, M.D.’s (“Applicant”) application for a license to practice medicine and surgery in Kansas. Applicant appeared in person and through counsel, Jordan T. Stanley. The Board’s disciplinary panel appeared through Lisa Montgomery, Deputy Licensing Counsel. Board recusals were Dr. Abebe, Dr. Bradbury, Dr. Durrett, Dr. Gould, and Ms. Wolfe Moore.

Under the authority granted to the Board by the Kansas Healing Arts Act, K.S.A. 65-2801 *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, testimony, and the arguments of the parties, and being duly advised in the premises, the Board makes the following findings, conclusions, and orders.

I. Procedural History

On or about May 15, 2023, Applicant submitted an application for a Kansas active license to practice medicine and surgery.

On or about November 1, 2023, the application was deemed complete and filed with the Board.

On or about November 8, 2023, the Board’s disciplinary panel submitted a Response to Application for Active License to Practice Medicine and Surgery.

On both November 14, 2023, and November 28, 2023, a Notice of Hearing was filed and served setting a Conference Hearing regarding Applicant’s application for licensure. No objection to the Notice of Hearing was filed.

On or about December 7, 2023, Applicant filed Exhibit A, a copy of Applicant’s November 2023 Illinois Consent Order that incorporated and included Applicant’s October 2023 Massachusetts Order and Probation Agreement. No objection to Exhibit A was filed.

II. Findings of Fact

1. On his Kansas application Applicant answered “Yes” to the following attestation questions:

Question (9): “Has any licensing authority ever limited, suspended, revoked, censured, or placed you on a probation, or have you had any other disciplinary action taken against any professional license, registration, or certificate you have held?”

Question (10): “Have you ever been requested to appear before a licensing authority?”

2. On or about April 2, 2015, Applicant voluntarily and permanently surrendered his U.S. Drug Enforcement Administration (“DEA”) Registration.

3. On or about April 19, 2021, Applicant was issued a license (No. 309915) by the New York State Board for Medicine and said license is current.

4. On or about October 19, 2023, the Massachusetts Board of Registration in Medicine issued an order (1) terminating Applicant’s July 15, 2016, Voluntary Agreement Not to Practice; and (2) approving a five-year Probation Agreement (“Massachusetts Probation Agreement”).

5. On or about November 29, 2023, the Illinois Department of Financial and Professional Regulation Division of Professional Regulation and Applicant agreed to a Consent Order placing Applicant's Illinois M.D. license on indefinite probation ("Illinois Consent Order"). Applicant may petition to terminate the Illinois probation upon restoration of his Massachusetts physician license to full unencumbered status without any conditions.

6. Applicant currently works for StatRad performing teleradiology using his Massachusetts license and seeks a Kansas physician license to perform teleradiology for StatRad in a similar manner.

7. Applicant's proposed teleradiology practice for StatRad under a Kansas license involves no direct patient care, no need for a DEA Registration, and no need to write prescriptions.

8. Applicant's five-year Massachusetts Probation Agreement requires, but is not limited to, the following:

- a. Applicant will notify the Massachusetts Board prior to beginning any practice of medicine in Massachusetts.
- b. Applicant shall engage in the practice of medicine only under such conditions as the Massachusetts Board may impose.
- c. Applicant shall practice only at a worksite approved by the Massachusetts Board.
- d. Applicant shall have a Board approved worksite monitor.
- e. Applicant has an employment opportunity with StatRad and his practice of medicine at StatRad will be monitored by Dr. Maurice Yu, M.D.;

f. Dr. Yu is required to file quarterly monitoring reports with the Massachusetts Board.

g. Applicant will notify the Massachusetts Board within seven days of any change in his employment status, including change of employer.

h. Applicant will notify the Massachusetts Board within seven days of receiving notice that Dr. Yu is no longer available to serve as monitor.

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9. Applicant's compliance with the Illinois Consent Order requires, but is not limited to, the following:

Applicant will notify the Illinois Board in writing if he plans to practice in Illinois and obtain pre-approval of the practice from the Illinois Board prior to accepting or changing any practice requiring an Illinois physician license.

10. Counsel for the Board's disciplinary panel requested the Board consider whether Applicant's should be subject to a professional development plan or Kansas Medical Society monitoring.

III. Applicable Law

K.S.A. 65-2836 states that a licensee's license may be revoked, suspended or limited, or the licensee may be publicly censured or placed under probationary conditions, or an application for a license may be denied upon a finding of the existence of any of the following grounds:

“(j) The licensee has had a license to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state . . .”

“(s) Sanctions or disciplinary actions have been taken against the licensee by a peer review committee, healthcare facility, a governmental agency or department or a professional association or society for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this section.”

“(u) The licensee has surrendered a license or authorization to practice the healing arts in another state or jurisdiction, has surrendered the authority to utilize controlled substances issued by any state or federal agency, has agreed to a limitation to or restriction of privileges at any medical care facility or has surrendered the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this section.”

IV. Conclusions of Law

There are grounds to deny the application or limit, and/or condition Applicant's licensure under K.S.A. 65-2836(j), K.S.A. 65-2836(s), and K.S.A. 65-2836(u). The Board had the opportunity to hear Applicant's testimony, review evidence, and consider the entire agency record as a whole.

Applicant is currently licensed to practice medicine in New York.

Applicant voluntarily and permanently surrendered his DEA Registration in 2015.

Applicant has had disciplinary action taken against his medical license by the Massachusetts and Illinois medical boards and remains subject to the requirements and practice limitations listed in his: (1) 2023 five-year Massachusetts Probation Agreement; and (2) 2023 Illinois Consent Order.

Under the five-year Massachusetts Probation Agreement, the practice of medicine by Applicant is restricted by extensive limitations, see partial list of limitations above at Findings of Fact 8(a) through (l).

The Illinois Consent Order requires Applicant to obtain Illinois Board pre-approval of his practice of medicine prior to accepting and/or changing practice.

Applicant has proposed to limit his practice under a Kansas license to the practice of teleradiology for StatRad and represents that this practice would involve no direct patient care, no need for a DEA Registration, and no need to write prescriptions.

The Board grants the application for a Kansas active license to practice medicine and surgery with the **following limitations**:

1. Applicant/licensee **shall not** prescribe; dispense; or otherwise professionally utilize drugs, compounds, or controlled substances. Applicant/licensee's practice is limited to teleradiology and shall involve no direct patient care.
2. Applicant/licensee shall notify the Kansas Board in writing prior to beginning the process to apply for a DEA Registration.
3. Applicant/licensee shall maintain complete and uninterrupted compliance with both the Massachusetts Probation Agreement and the Illinois Consent Order. In regard to these two agreements, Applicant/licensee will notify the Kansas Board in writing, within seven calendar days of receiving notice, if: (1) his medical license status changes in either state; (2) he violates or becomes a subject of any investigation or reported noncompliance with either of these two agreements; (3) there are any changes to the provisions or requirements of either of these two agreements; or (4) there are changes or substitutions to the currently approved personnel or practice items under these two agreements.
4. These limitations are not self-terminating. The limitations will remain in place indefinitely, and until Applicant/licensee seeks, and secures Kansas Board approval for modification or removal. Notices related to these license limitations shall be filed with:

Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612
KSBHA_ComplianceCoordinator@ks.gov

IT IS SO ORDERED that the application to practice medicine and surgery in Kansas is
GRANTED subject to the above listed **LIMITATIONS** this 12th day of January 2024.

KANSAS STATE BOARD OF HEALING ARTS

Susan Gile

Susan Gile
Executive Director
Kansas State Board of Healing Arts

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, the undersigned, hereby certify that a true and correct copy of the **FINAL ORDER** was served on this 12th day of January 2024, by depositing the same in the United States Mail, first-class, postage prepaid, and via email addressed to:

Jordan T. Stanley, KS #21990
Gordon Rees Scully Mansukhani, LLP
211 N. Broadway Blvd., Suite 2150
St. Louis, Missouri 63102
Tel: (314) 961-6686
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jtstanley@grsm.com
Attorney for Applicant

Tonguc Pinar, M.D.

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Applicant

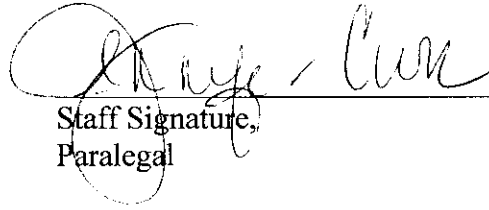
Lisa D. Montgomery
Deputy Licensing Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612
lisa.montgomery@ks.gov

And a copy was delivered to:

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

Compliance Coordinator
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.



Staff Signature,
Paralegal