



Court: Shawnee County District Court
Case Number: 2019-CV-000266
Case Title: State of Kansas ex rel KS State Board Healing Arts
vs. Shawn Parcels
Type: Journal Entry Granting Plaintiff Summary Judgment
and Ordering Injunctive Relief

SO ORDERED.

A handwritten signature in cursive script that reads "M.E. Christopher".

/s/ Honorable Mary E Christopher, District Judge

**IN THE DISTRICT COURT OF SHAWNEE COUNTY KANSAS
DIVISION NO. 8**

STATE of Kansas ex rel.)	
KANSAS STATE BOARD OF HEALING)	
ARTS)	
)	
V.)	No. 2019-CV-000266
)	
SHAWN PARCELLS)	
)	
_____)	

**JOURNAL ENTRY GRANTING PLAINTIFF SUMMARY JUDGMENT AND
ORDERING INJUNCTIVE RELIEF**

On August 20, 2020, the above captioned matter came before the Court, for oral arguments on Plaintiff’s Motion for Summary Judgment or in the Alternative, Default Judgment as a Sanction Under K.S.A. 60-237 and Plaintiff’s Renewed Motion for Default Judgment as a Sanction Under K.S.A. 60-237. The Plaintiff, the Kansas State Board of Healing Arts (“Board”) appeared through counsel Courtney E. Manly, Deputy General Counsel, and Tucker L. Poling, General Counsel.¹ Defendant Shawn Parcels appeared via video conference and through counsel Eric Kjorlie. The August 20, 2020 hearing was conducted via Zoom videoconference without objection. This hearing occurred during the existence of the state of emergency declared in this state by the Governor on March 12, 2020 pursuant to K.S.A. 48-924 and K.S.A. 48-925 and thereafter ratified and continued by the Legislature in House Bill 2016.

At the conclusion of oral arguments, the Court announced its decision on the record granting the Board’s Motion for Summary Judgment in whole and ordering injunctive relief against Defendant Parcels. The Court directed Plaintiff’s attorney to prepare a journal entry and order consistent with the Court’s ruling according to Kansas Supreme Court Rule 170.

¹ Both Ms. Manly and Mr. Poling are Special Assistant Attorney Generals.

STATEMENT OF FACTS

1. On April 4, 2019, the Board filed a Petition against Defendant Parcels seeking injunctive relief and asking the Court to assess the reasonable costs of the investigation and prosecution against Defendant Parcels pursuant to K.S.A. 65-2868(d).
2. Defendant Parcels is a resident of Johnson County, Kansas.
3. This court has jurisdiction over this action, the parties, and all claims herein.
4. Venue is proper in this Court.
5. Defendant Parcels has never held: a license to practice medicine and surgery; a license to engage in the practice of a physician assistant, or; any license to practice any profession regulated by the Board and/or described in Chapter 65 of the Kansas Statutes.
6. Defendant Parcels has maintained a general corporation offering services that constitute the practice of medicine and surgery, including but not limited to, autopsies, including operating as: Parcels Forensic Pathology Group; National Autopsy Services, LLC; Kansas Regional Forensic Services; Kansas Forensics Experts; Kansas Forensics; Kansas Forensics and Tissue Recovery Services; Parcels & Company; and/or National Autopsy & Tissue Recovery Services Inc.
7. Defendant Parcels is not a member of the American Association of Pathologists' Assistants ("APPA").
8. Defendant Parcels is not certified by the American Society for Clinical Pathology – Board of Certification ("ASCP – BOC") and has never taken the ASCP – BOC examination.
9. Defendant Parcels has never completed a NAACLS accredited Pathologist's Assistant Training Program.
10. Defendant Parcels has never attended medical school.
11. Defendant Parcels has used the acronym "PA" after his name.

12. Defendant Parcels has performed autopsies in Kansas without the presence of a pathologist licensed in Kansas to practice medicine and surgery.
13. Defendant Parcels has written an autopsy report for an autopsy performed in Kansas.
14. Defendant Parcels performed an autopsy of Patient 1 in Kansas.
15. On June 18, 2019, the Board served on Defendant Parcels and his attorney its first set of discovery requests, which included Interrogatories, Request for Production, and Request for Admissions.
16. As the Board did not receive any response to its discovery request, the Board filed a Motion to Compel in the district court on September 23, 2019.
17. The same day, the Board also filed a Motion to Enter Defendants Admissions to the Record.
18. On October 10, 2019, this Court issued an Order granting the Board's Motion to Compel and Defendant Parcels was ordered to respond to the Board's discovery requests by October 25, 2019. That same Order deemed Defendant's Admissions to the Record admitted as a matter of law. Defendant Parcels did not provide any response to the Board's discovery request or this Court's Order.
19. On November 27, 2019, the Board moved for summary judgment or in the alternative, default judgment as a sanction under K.S.A. 60-237. The Defendant filed a Motion for Additional Time to respond to our Motion for Summary Judgment or Default Judgment. Also, he requested discovery to be stayed until after his criminal preliminary hearing.² The Board opposed his motion.
20. On December 23, 2019, this Court issued an Order. The Court allowed Defendant Parcels until January 31, 2020, to respond to the Board's Motion for Summary Judgment, "but that

² *State of Kansas v. Shawn L. Parcels*, Case No. 2019-CR-17, Wabaunsee County District Court.

is conditioned on [Parcells] providing answers to [the Board's] interrogatories and responses to request for production of documents. **Defendant must answer written discovery by January 31st, and no further delays will be tolerated.**" (emphasis in original).

21. Defendant Parcells has not provided any answers to the Board's written discovery request or this Court's Order.
22. The Court noted on the record that Defendant Parcells joined the August 20, 2020 Zoom videoconference hearing with the login name "DocParcells" appearing on the screen as he entered the video conference.

CONCLUSIONS OF LAW

Under K.S.A. 60-256(a), a party may file a motion for summary judgment at appropriate stages of the proceedings. K.S.A. 60-256(c)(2) states that, "[t]he judgment sought should be rendered if the pleadings, the discovery and disclosure materials on file, and any affidavits or declarations show that there is *no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.*" (emphasis added). Furthermore, courts have consistently held summary judgment should be granted when the moving party shows no issue of material fact and is therefore entitled to judgment as a matter of law. *Moon v. City of Lawrence*, 267 Kan. 720, 726 (1999).

Further, summary judgment is not to be precluded unless the facts subject to the dispute are *material to the conclusive issues* in the case. *Pate v. Riverbend Mobile Home Village, Inc.*, 25 Kan.App.2d 48, 50 (1998) (emphasis added). Under K.S.A. 60-256(e)(2):

When a motion for summary judgment is properly made and supported, an opposing party may not rely merely on allegations or denials in its own pleadings; but rather, its response must, by affidavits or by declarations pursuant to K.S.A. 53-601, and amendments thereto, or as otherwise provided in this section, set out

specific facts showing a genuine issue for trial. If the opposing party does not so respond, summary judgment should, if appropriate, be entered against that party.

Here, the Board timely moved for summary judgment. And, as discussed in detail below, there are no genuine issues as to any material fact and the Board is entitled to judgment as a matter of law.³ Each Count in the Board's Petition is discussed below, with the uncontroverted material facts showing the Board is entitled to summary judgment as a matter of law.

A. Count I - Defendant Parcels violated K.S.A. 65-2803 and K.S.A. 65-2869.

K.S.A. 65-2803(a) provides, “[u]nless otherwise specified...it shall be unlawful for any person who does not have a license, registration, permit or certificate to engage in the practice of any profession regulated by the Board...” *Id.*

Further, K.S.A. 65-2869 states:

For the purpose of this act the following persons shall be deemed to be engaged in the practice of medicine and surgery: (a) Persons who publicly profess to be physicians or surgeons, or publicly profess to assume the duties incident to the practice of medicine or surgery or any of their branches; (b) Persons who prescribe, recommend or furnish medicine or drugs, or perform any surgical operation of whatever nature by the use of any surgical instrument, procedure, equipment or mechanical device for the diagnosis, cure or relief of any wounds, fractures, bodily injury, infirmity, disease, physical or mental illness or psychological disorder, of human beings; (c) Persons who attach to their name the title M.D., surgeon, physician, physician and surgeon, or any other word or abbreviation indicating that they are engaged in the treatment or diagnosis of ailments, diseases or injuries of human beings.

Under Kansas law, autopsies must be performed by a physician. K.S.A. 65-2893; K.S.A. 22a-233; K.S.A. 65-2859.

It is undisputed that Defendant Parcels has never held: a license to practice medicine and surgery; a license to engage in the practice of a physician assistant, or; any license to practice any

³ This Court found Defendant Parcels did not adhere to Kan. Supreme Court Rule 141 in response to Summary Judgment nor has he responded to any discovery requests or discovery orders.

profession regulated by the Board and/or described in Chapter 65 of the Kansas Statutes. Despite not having a license of any kind, he has engaged in the practice of medicine and surgery by performing autopsies in Kansas and writing autopsy reports. Defendant Parcels' blanket and unsupported assertion that he was "qualified" to perform autopsies or had adequate supervision fails to raise any issue of material fact that would preclude summary judgment. Blanket assertions disputing facts are insufficient. See K.S.A. 60-256(e)(2). Defendant Parcels has had ample time and opportunity in this matter to adequately dispute this fact but has not.

The record reflects the undisputed facts that Defendant Parcels has practiced medicine and surgery without a license in violation of the Kansas Healing Arts Act. The Board is entitled to summary judgement as a matter of law on Count I.

B. Count II– Defendant Parcels violated K.S.A. 65-2867.

K.S.A. 65-2867(a) further provides it is unlawful for any person who is not licensed under the Kansas Healing Arts Act ... to open or maintain an office for the practice of the healing arts as defined in this act or to announce or hold out to the public the intention, authority or skill to practice the healing arts as defined in the Kansas Healing Arts Act by the use of any professional degree or designation, sign, card, circular, device, advertisement or representation.

Defendant Parcels is not licensed under any profession regulated by the Board, including the healing arts. Nevertheless, he has maintained general corporations where he unlawfully practiced the healing arts, including but not limited to performing autopsies, when operating: Parcels Forensic Pathology Group; National Autopsy Services, LLC; Kansas Regional Forensic Services; Kansas Forensics Experts; Kansas Forensics; Kansas Forensics and Tissue Recovery

Services; Parcels & Company; and/or National Autopsy & Tissue Recovery Services Inc.⁴ Additionally, he has repeatedly held himself out to the public that he has the skill or authority to practice the healing arts. The names of some of his companies are prime, undisputed, examples. Another example occurred during the hearing on these pending motions when Defendant Parcels joined the hearing with the login name “DocParcells” emblazoned across his screen window.

Summary judgment is granted on Count II, as it is undisputed that Defendant Parcels is not licensed under the Kansas Healing Arts Act, but he maintained companies under which he unlawfully engaged in the practice of medicine and surgery, and held himself out to the public that he had the intention, authority, or skill to do so.

C. **Count III – Defendant Parcels violated K.S.A. 65-2867 and engaged in the unlawful unlicensed corporate practice of medicine.**

In order to practice the healing arts, a corporation must be properly organized as a professional corporation under K.S.A. 17-2706 *et seq.* and K.S.A. 17-2707. Furthermore, in *Early Detection Center, Inc. v. Wilson*, 248 Kan. 869, 866 (1991), the Kansas Supreme Court held general corporations who have unlicensed directors or shareholders are not authorized to practice the healing arts.

Defendant Parcels has maintained general corporations: Parcels Forensic Pathology Group; National Autopsy Services, LLC; Kansas Regional Forensic Services; Kansas Forensics Experts; Kansas Forensics; Kansas Forensics and Tissue Recovery Services; Parcels & Company; and/or National Autopsy & Tissue Recovery Services Inc.⁵ Through these companies, Defendant Parcels unlawfully engaged in the corporate practice of medicine by unlawfully performing autopsies and writing autopsy reports as established above.

⁴ This Court took judicial notice of public records for these general corporations on file with the Kansas Secretary of State pursuant to K.S.A. 60-409.

⁵ *Id.*

Based on the undisputed facts, the Board is entitled to summary judgment as a matter of law on Count III.

D. Count IV – Defendant Parcels violated K.S.A. 65-28a06.

K.S.A. 65-28a06(b) states, “no person shall use any title, abbreviation, letters, figures, sign, card or device to indicate that any person is a licensed physician assistant, nor shall any person represent oneself to be a licensed physician assistant unless such person has been duly licensed as a physician assistant in accordance with the provisions of this act.”

It is undisputed Defendant Parcels has used the abbreviation “PA” after his name in the context of his professional activities related to the practice of the healing arts in Kansas, indicating that he is a licensed physician assistant, despite not being licensed as a physician assistant in Kansas. A reasonable interpretation of the acronym “PA” in such context is indicating one is a physician assistant. In response to the motions, Defendant Parcels claims “PA” refers to him being a what he describes as a “pathology assistant”, however, he is: not a member of the American Association of Pathologists’ Assistants; he is not certified by the American Society for Clinical Pathology – Board of Certification (ASCP – BOC); he has never completed a NAACLS accredited Pathologists’ Assistant Training Program; and he has never taken the ASCP – BOC Pathologists Assistant Certification exam. Any argument that he is a trained pathology assistant is unsupported by any facts in the record.⁶

Therefore, he has violated K.S.A. 65-28a06 as he has used the designation “PA” after his name in the context of providing services within the scope of practice of physicians and/or physician assistants under Kansas law, indicating to the public he is a physician assistant, while he

⁶ Defendant has been provided ample opportunity to provide any facts in his defense to the discovery record. He has failed to do so, even after having been ordered by the Court to provide discovery. He is responsible for his failure to provide any facts to support his blanket assertions.

is not licensed as such. Accordingly, the Board is entitled to summary judgment as a matter of law on Count IV.

E. Relief

K.S.A. 65-2857 provides, “an action in injunction...may be brought...to enjoin or oust from the unlawful practice of any profession regulated by the board...a person practicing such profession without being duly licensed therefore.”

It is established Defendant Parcels has unlawfully engaged in the practice of medicine and surgery in Kansas in violation of the Kansas Healing Arts Act. Accordingly, the Board is entitled to injunctive relief.

F. The Motion for Default Judgment.

Although the Court noted on the record during the hearing facts, law, and factors that would support granting the motion for default judgment in the case, the Court declines to rule upon that motion at this time. Given that the Court has granted summary judgment, which fully resolves the case before this Court, it is unnecessary for the Court to rule on the motion for default judgment.

CONCLUSION & ORDER

For the reasons stated above, the Court **GRANTS** the Board’s Motion for Summary Judgment. Furthermore, pursuant to K.S.A. 65-2857, it is **ORDERED, ADJUDGED, and DECREED** that Defendant Parcels, is permanently enjoined from:

- a. Performing, offering to perform, or rendering medical diagnoses in the context of, autopsies without the supervision of a physician licensed to perform medicine and surgery in Kansas.
- b. Attaching in connection to his name words or abbreviation indicating that he is engaged in the practice of medicine and surgery.
- c. Representing himself as a practitioner of forensic medicine.
- d. Representing himself as a pathologist and/or forensic pathologist.

- e. Representing himself as a medical examiner.
- f. Representing himself as “Dr. Parcels”, “DocParcels”, or any substantially similar representations, in the context of offering autopsy services or any other services related to the practice of medicine and surgery.
- g. Maintaining an office in Kansas for the practice of medicine and surgery.
- h. Engaging in the corporate practice of medicine by employing physician(s) to provide services to third parties that constitute the practice of medicine and surgery, including but not limited to autopsies.
- i. Using titles, abbreviations, words, letters, figures, signs, cards, or devices that represent that he is, or offers the professional services of, a physician assistant.

IT IS SO ORDERED.

This Order is effective on the date and time shown on the electronic file stamp.

**HON. MARY E. CHRISTOPHER
DISTRICT COURT JUDGE**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above document was filed electronically, and placed in the U.S.

Mail if required, on the date stamped on the order providing notice to the following:

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