

**KANSAS STATE BOARD OF HEALING ARTS  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612**

**BOARD MINUTES – Friday  
August 9, 2013**

FORMAT OF MINUTES – Prior to each motion there appears the names of two Board Members in parenthesis. The first made the motion, the latter seconded the motion. Ayes, nays, abstentions and recusals are recorded when requested.

**FRIDAY, AUGUST 9, 2013**

**I. CALL TO ORDER - ROLL CALL**

The Kansas State Board of Healing Arts met at the Board Office, 800 Jackson, Lower Level-Suite A, Topeka, Kansas on Friday, August 9, 2013. The meeting was called to order at 8:30 a.m. by Kimberly Templeton, M.D. and President.

Eustaquio Abay, M.D. -	present
Michael Beezley, M.D. -	present
Ray Conley, D.C. -	present
Gary Counselman, D.C. -	present
Robin Durrett, D.O.	present
Anne Hodgdon, public member -	present
David Laha, DPM -	present
M. Myron Leinwetter, D.O.	present
Rick Macias, public member -	present
Garold O. Minns, M.D. -	present
John Settich, public member -	present
Kimberly Templeton, M.D.	present
Terry L. Webb, D.C.	present
Joel Hutchins, M.D. -	present

Staff members present were Kathleen Selzler Lippert, Executive Director; Kelli Stevens, General Counsel; Ann Halferty, Assistant General Counsel; Reese Hays, Litigation Counsel; Jessica Bryson, Stacy Bond, Seth Brackman and Jane Weiler, Associate Litigation Counsel; Kathy Moen, Medical Litigation Support Specialist; Dan Riley, Disciplinary Counsel; Joshana Offenbach, Associate Disciplinary Counsel; Katy Lenahan, Licensing Administrator; John McMaster, M.D., Medical Director; and Cathy Brown, Executive Assistant. The attached sign-in sheet indicates those people who were present during portions of the meeting.

Barb Hoskinson, CSR, Appino and Biggs Reporting Service, took and recorded the administrative proceedings conducted.

## II. APPROVAL OF AGENDA

(Conley/Counselman) Approve agenda with the following changes:  
Deletion of Administrative Hearings for William Ciskey, MD; Jeffrey Fenn, DC;  
Charles Weintz, DO; and Shawna Ruple, MD. Carried.

### APPROVAL OF BOARD MEETING MINUTES

(Conley/Abay) Approve minutes of February 25, 2011 regular meeting with the following change: remove Dr. Conley from the motion in the Scott settlement proceeding as he was recused, and replace with correct board member. Carried.

## III. OTHER BUSINESS

### Election of Board Officers

Mr. Settich was nominated and unanimously elected as President of the board for the ensuing year.

Dr. Leinwetter was nominated and unanimously elected as Vice President of the board for the ensuing year.

### General Counsel Review – Executive Session

(Conley/Minns) Go into executive session for 15 minutes, pursuant to K.S.A. 75-4319(b)(2), for the purpose of consultation with an attorney for the Board, which would be deemed privileged in the attorney-client relationship. Carried.

(Abay/Laha) Return to open session. Carried.

## IV. SETTLEMENT AGREEMENT

**Kirk Andrew Turpin, D.C.** – Consideration of Proposed Consent Order. Mr. Hays appeared for the Board. Dr. Turpin appeared in person with counsel, Mr. John McEntee.

Mr. McEntee announced that Dr. Turpin had a recent address change to 2155 S. Victoria, Wichita, KS 67211.

(Durrett/Abay) Go into closed session for to discuss confidential matters under investigation pursuant to K.S.A. 65-2839a(d). Carried.

(Conley/Counselman) Return to open session. Carried.

(Counselman/Durrett) Approve Consent Order. Carried.

**Rebecca Loomis, P.A.** – Consideration of Proposed Consent Order. Mr. Hays appeared for the Board. Ms. Loomis appeared in person, *pro se*.

(Conley/Minns) Go into closed session for to discuss confidential matters under investigation pursuant to K.S.A. 65-2839a(d). Carried.

(Beezley/Conley) Return to open session. Carried.

(Beezley/Conley) Approve Consent Order. Carried.

**Robert Sean Jackson, M.D.** – Consideration of Proposed Consent Order. Mr. Hays appeared for the Board. Dr. Jackson appeared in person with counsel, Mr. Scott Logan. Dr. Templeton recused herself from this matter and Mr. Settich presided.

(Minns/Abay) Go into closed session for to discuss confidential matters under investigation pursuant to K.S.A. 65-2839a(d). Carried.

(Conley/Beezley) Return to open session. Carried.

(Laha/Durrett) Approve Consent Order. Carried.

**Karim Nahra, M.D., Docket #14-HA00008** – Consideration of Proposed Consent Order. Ms. Bryson appeared for the Board. Dr. Nahra appeared via teleconference, *pro se*.

(Conley/Counselman) Go into closed session pursuant to K.S.A. 77-523(f) to discuss matters which are confidential under K.S.A. 65-4925. Carried.

(Conley/Abay) Return to open session. Carried.

(Conley/Abay) Approve Consent Order. Carried.

**Dane Kelley, P.T.A., Docket #14-HA00012** – Consideration of Proposed Consent Order. Ms. Bryson appeared for the Board. Mr. Kelley appeared in person, *pro se*.

Applicant's Exhibit #1 was admitted into the record.

(Conley/Leinwetter) Go into closed session pursuant to K.S.A. 77-523(f) to discuss matters which are confidential under K.S.A. 65-4925. Carried.

(Conley/Abay) Return to open session. Carried.

(Conley/Abay) Appoint a Presiding Officer to make decisions regarding Consent Order, as written. Carried.

Ms. Hodgdon was appointed as the Presiding Officer.

**Matthew Steadham, P.A., Docket #13-HA00062** – Consideration of Proposed Consent Order. Ms. Bond appeared for the Board. Mr. Steadham appeared in person with counsel, Ms. Patricia Dengler, who appeared by teleconference.

(Conley/Macias) Approve Consent Order. Carried.

**Terri Jones-Meineke, L.R.T., Docket #13-HA00106** – Ratification of Consent Order. Ms. Byson appeared for the Board. Dr. Jones-Meineke appeared in person, *pro se*.

(Conley/Hodgdon) Go into closed session pursuant to K.S.A. 77-523(f) to discuss matters which are confidential under K.S.A. 65-4925. Carried.

(Conley/Abay) Return to open session. Carried.

(Conley/Hodgdon) Approve Consent Order with correction to show potential violation of K.A.R. 100-73-6, subsection H. Carried.

**Joel P. Higgins, D.C.** – Ratification of Consent Order. Ms. Bryson appeared for the Board. Dr. Higgins appeared in person, *pro se*.

(Conley/Hodgdon) Go into closed session pursuant to K.S.A. 77-523(f) to discuss matters which are confidential under K.S.A. 65-4925. Carried.

(Beezley/Laha) Return to open session. Carried.

(Webb/Abay) Approve Consent Order. Carried.

## V. ADMINISTRATIVE PROCEEDING

**MOHSEN TAHANI, M.D., DOCKET #14-HA00007** - Conference Hearing on Application for Licensure by Endorsement. Mr. Hays appeared for the Board. Dr. Tahani appeared in person, *pro se*.

(Minns/Conley) Grant licensure by endorsement. Carried.

**SHIVARAJAN MANICKAVASAGAM AMUDHAVALLI, M.D., DOCKET #14-HA00004** - Conference Hearing on Application for Licensure by Endorsement. Mr. Hays appeared for the Board. Dr. Manickavasagam Amudhavalli appeared in person, *pro se*.

(Conley/Beezley) Grant licensure by endorsement. Carried.

**NAHID SHAHROOZ, M.D., DOCKET #14-HA00005** - Conference Hearing on Application for Licensure by Endorsement. Mr. Hays appeared for the Board. Dr. Shahrooz appeared via teleconference, *pro se*.

(Abay/Beezley) Grant licensure by endorsement. Carried.

**ALEXANDER O. NELSON, D.C., DOCKET #14-HA00006** - Conference Hearing on Application for Licensure by Endorsement. Mr. Hays appeared for the Board. Dr. Nelson appeared in person, *pro se*.

(Hodgdon/Beezley and Durrett) Go into executive session pursuant to K.S.A. 75-4319(b)(2) for 15 minutes for the purpose of attorney-client consultation. Carried.

(Counselman/Abay) Return to open session. Carried.

(Counselman/Conley) Allow applicant to withdraw his application. Carried.

Dr. Nelson verbally withdrew his application for licensure by endorsement.

**ASHLEY L. COFFMAN MARKLEY, L.R.T., DOCKET #13-HA00052** - Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Ms. Coffman appeared in person with counsel, Trey Meyer.

Licensee's Exhibit #1 was admitted into the record.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Minns, Dr. Conley, Dr. Leinwetter and Ms. Hodgdon.

(Durrett/Settich) Go into executive session pursuant to K.S.A. 75-4319(b)(2) for 10 minutes for the purpose of attorney-client consultation. Carried.

(Durrett/Abay) Return to open session. Carried.

(Durrett/Webb) Deny application. Carried.

**LINDSEY HERBIG, R.T., DOCKET #13-HA00054**- Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Ms. Herbig appeared in person, *pro se*.

Applicant's Exhibit #1 was admitted into the record.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Conley, Dr. Leinwetter, Dr. Minns and Ms. Hodgdon.

(Settich/Beezley) Approve application for licensure. Motion Failed. Application denied.

**JODIE L. EVANS, R.T., DOCKET #14-HA00010** - Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Ms. Evans did not appear.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Abay, Dr. Counselman, Dr. Durrett, Dr. Laha and Mr. Macias.

(Webb/Leinwetter) Find the applicant in default and deny licensure. Carried.

**DIANE R. CHAVEZ, D.C., DOCKET #14-HA00009** - Conference Hearing on Application for Licensure. Ms. Bryson appeared for the Board. Dr. Chavez did not appear.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Abay, Dr. Counselman, Dr. Durrett, Dr. Laha and Mr. Macias.

(Conley/Webb) Find the applicant in default and deny licensure. Carried.

## **VI. OTHER BUSINESS**

### **Presentation by Doug Smith, Executive Director, KAPA, on Proposed Legislation for 2014**

Mr. Smith reviewed amendments to Physician Assistant statutes that will be introduced during the 2014 legislative session.

### **FSMB Presentation – Ralph Loomis, M.D.**

Dr. Ralph Loomis, M.D. and Mr. Todd Phillips from the Federation of State Medical Boards attended the board meeting and presented information that included maintenance of licensure and multi-state compact for licensure.

## **VII. ADMINISTRATIVE PROCEEDINGS (cont'd.)**

**RONDA A. COPPLE, R.T., DOCKET #09-HA00032** - Conference Hearing on Request for Termination of Monitoring. Ms. Weiler appeared for the Board. Dr. Copple appeared in person, *pro se*.

Exhibit A was admitted into the record.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Beezley, Dr. Leinwetter and Dr. Conley.

(Laha/Abay) Go into closed session pursuant to K.S.A. 77-523(f) to discuss matters which are confidential under K.S.A. 65-4915 and 65-4925. Carried.

(Counselman/Durrett) Return to open session. Carried.

(Counselman/Macias) Terminate monitoring. Carried.

**JACK W. JAEGER, M.D., DOCKET #12-HA00014** - Conference Hearing on Petition to Terminate Practice Restrictions. Ms. Weiler appeared for the Board. Dr. Jaeger appeared in person with counsel, Ms. Carol Ruth Bonebrake.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Counselman, Dr. Leinwetter and Dr. Templeton. Mr. Settich presided.

Board Exhibits A and B were admitted into the record.

(Conley/Durrett) Terminate practice monitoring with all other requirements remaining in place. Carried.

**RICHARD L. BROWN, M.D., DOCKET #13-HA00020** - Review of Initial Order. Ms. Bryson appeared for the Board. Dr. Brown appeared in person with counsel, Ms. Carol Ruth Bonebrake and Ms. Megan Lewis.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Minns, Dr. Leinwetter, Dr. Conley and Ms. Hodgdon.

(Counselman/Abay) Go into closed session pursuant to K.S.A. 77-523(f) to discuss matters which are confidential under K.S.A. 65-4925. Carried.

(Abay/Webb and Counselman) Return to open session. Carried.

(Counselman/Abay) Dr. Brown is sufficiently rehabilitated to warrant public trust. Carried.

(Counselman/Abay) Approve the Initial Order as the Final Order of the board. Carried.

**CHRISTOPHER POUNDS, D.C., DOCKET #13-HA00083** - Conference Hearing on Motion to Terminate Consent Order. Ms. Weiler appeared for the Board. Dr. Pounds appeared in person, *pro se*.

Board Exhibits A through F were admitted into the record.

Following are the members of the disciplinary panel and those members present at the board meeting recused themselves from the proceedings: Dr. Conley, Dr. Leinwetter, Dr. Minns and Ms. Hodgdon.

(Abay/Counselman) Go into closed session pursuant to K.S.A. 77-523(f) to discuss matters which are confidential under K.S.A. 65-4925. Carried.

(Durrett/Webb) Return to open session. Carried.

(Webb/Durrett) Deny request for modification. Carried.

## VIII. OTHER BUSINESS (cont'd.)

### **Annual Certification for Board Member Conflict of Interest Policy, Kelli Stevens, General Counsel**

Ms. Stevens reviewed Board Member Conflict of Interest Policy #11-03. Certification forms were distributed to all board members for signature and return to the Executive Assistant.

### **IT Security Training and Annual Certification, Todd Standeford, I.T. Manager**

Mr. Standeford conducted the annual IT security training and certification that is required by OITS.

### **Policy 13-01 – Ultrasound and Laser Fat Reduction**

Ms. Stevens provided the board members with an update on the activities of the Ultrasound and Laser Fat Reduction Subcommittee.

## IX. STAFF REPORTS

### **Licensing Administrator:**

#### **Approval of Administrative Actions**

(Conley/Counselman) Approve administrative actions. Carried

#### **Approval of Licensee/Registrant List**

(Conley/Counselman) Approve licensee/registrant list. Carried.

#### **Minutes of Committee/Council Meetings**

Minutes of all council meetings held since last board meeting were included in the board packet and distributed at the board meeting. There were no questions or discussion.

#### **Licensing Report**



Ms. Lenahan distributed copies of the licensing report and presented licensure information and statistics. She stated that there has been an 8% increase in applications received this year, as compared to last year.

### **Delegation of Authority**

(Webb/Abay) Approval of licensure by endorsement with one missing requirement that can be proved by other means is delegated to Executive Director. Carried.

### **Litigation Counsel:**

#### **Litigation Report**

Mr. Hays distributed the Litigation Report and reviewed information and statistics for that department. He stated that more cases were closed during this period than last period so the number of open cases is down.

### **Disciplinary Counsel:**

#### **Disciplinary Report**

Mr. Riley distributed the Litigation Report and reviewed information and statistics for that department.

### **General Counsel:**

#### **General Counsel Report**

Ms. Stevens presented an update on appellate cases, department statistics, and the lawsuit filed by Planned Parenthood.

#### **Possible Amendment to Obesity Treatment Regulation K.A.R. 100-23-1**

Ms. Stevens discussed possible amendments to K.A.R. 100-23-1. The board decided not to amend the regulation.

#### **Unauthorized Practice Case Update and Requests for Authority to Seek Injunctions (Executive Session)**

The board went into executive session pursuant to K.S.A. 75-4319(b)(2) for 10 minutes for the purpose of attorney-client consultation. Following the close of executive session the board granted staff the authority to seek an injunction on an unauthorized practice case.

#### **Medical Education Subcommittee Update**

Ms. Stevens presented an update on the activities of the Medical Education Subcommittee, who are working on possible amendments to the Healing Arts Act statutes and corresponding regulations relating to approved healing arts schools and requirements for licensure. She stated that there were a large number of

participants for the first meeting and that most of the discussion centered around increasing the ACGME requirement to three years.

**Executive Director:**

**Budget Update**

Budget information was included in the board's packet of materials and Ms. Selzler Lippert briefly reviewed this.

**Actions Taken Since Last Board Meeting**

The list of all actions taken were included in the board's packet of materials. There were no questions or discussion regarding this item.

**Impaired Provider Program Reports**

Fourth quarter FY2013 reports from the various providers were included in the board's packet of materials. Ms. Selzler Lippert is planning to hold another meeting soon for all stakeholders, to discuss program requirements and subcontractors.

**Misc. Items/Information for the Board**

A Physician Assistant Legislation Subcommittee was appointed. Members are Dr. Templeton, Dr. Leinwetter, Dr. Hutchins, Dr. Durrett, Dr. Abay and Dr. Minns.

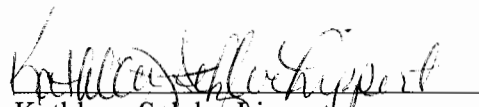
**X. ADJOURNMENT**

(Boardmember/Boardmember). This meeting is adjourned. Carried.

The meeting adjourned at 3:45p.m.



John Settich  
President



Kathleen Selzler Lippert  
Executive Director