

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

**BOARD MINUTES – FEBRUARY 9, 2024**

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 upon request.

**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 and via virtual meeting on Friday, February 9<sup>th</sup>, 2024. The meeting was called to order at 9:00 a.m. by Jerry DeGrado, D.C., President.

Abebe Abebe, M.D.		absent
Mark Balderston, D.C.	present	
Molly Black, M.D.	present (virtual)	
Richard Bradbury, D.P.M.	present	
Jerry DeGrado, D.C.	present	
Robin Durrett, D.O.		absent
Thomas Estep, M.D.	present	
Steven Gould, D.C.	present	
Camille Heeb, M.D.		absent
David Jordan, public member	present	
Jennifer Koontz, M.D.	present (virtual)	
Stephanie Suber, D.O.		absent
Ronald Varner, D.O.	present	
Sherri Wattenbarger, public member	present	
Kathy Wolfe Moore, public member		absent

Staff members present were Susan Gile, Executive Director; Scott Henricks, Operations Manager; Rikki Price, Human Resources Manager; Cameron Charity, Performance and Outreach Coordinator; Warran Wiebe, Deputy General Counsel; Jennifer Cook, Paralegal to General Counsel; LeeAnn Hunter-Roach, Legal Assistant to General Counsel; Nancy Dodik, Disciplinary Counsel; Tammi Mundil, Deputy Disciplinary Counsel (virtual); Britani Potter, Assistant Disciplinary Counsel; Jennifer McArthur, Disciplinary Administrative Staff Supervisor; John Blonigen, Administrative Specialist, Disciplinary; Todd Hiatt, Litigation Counsel; Lisa Montgomery, Deputy Licensing Counsel; Matthew Gaus, Deputy Litigation Counsel; Brad Taylor, Associate Litigation Counsel; Sebastian Orosco, Associate Litigation Counsel; Janice Ayers, Litigation Legal Assistant; John McMaster, M.D., Medical Director; Rebekah Moon, Licensing Administrator; Chandni Bhakta, Deputy Licensing Administrator; Anissa Tuttle, Licensing Analyst; Jay Spurgeon, Licensing Analyst; Kathy Moen, Medical Litigation Support Specialist; Kady Curtis, Support Staff Supervisor; Callie Dunlap, Litigation Legal Assistant; Dawn Frey,

Litigation Legal Assistant; Ivan Perez, Compliance Coordinator; Larry Bowles, IT Director; Kelly Clubb, Technology Support Consultant;

### **APPROVAL OF AGENDA**

- **Additions:**
  - Discussion on the potential for a board retreat
  - Discussion of a personnel matter
- **Deletions:**
  - None

(Varner/Gould) Motion to approve minutes with the addition board retreat and personnel matter. Carried.

### **APPROVAL OF BOARD MEETING MINUTES**

Dr. Estep requests a correction to the 12/7/2023 board minutes.

- Section currently reads: Consider approval for Dr. Estep to put forward his nomination for the Federation of State Medical Boards (FSMB) nominating committee.

(Estep/DeGrado) Motion to approve the minutes with the correction. Carried.

- Section shall be amended to read: *“Consider approval for Dr. Estep to put forward his nomination for the Federation of State Medical Boards.”*

### **NEW STAFF INTRODUCTIONS**

- **General housekeeping information by Executive Director, Susan Gile**
  - Request by executive director to meet with General Counsel recruitment workgroup.
  - Email received for voluntary course from OITS.
  - Executive Director made remarks recognizing the efforts of agency staff.
  - Commendation of Board members for their dedication
    - Member Sherri Wattenbarger was recognized for her induction to American College of Bankruptcy as a fellow. She will be inducted in March of 2024. She has been recognized for her professional excellence and exceptional contributions to bankruptcy and insolvency practice.
- **New Staff Introductions**
  - Anissa Tuttle, Licensing Analyst.
    - She was previously employed with the Insurance Department where she was also a Licensing Analyst
  - Javaren “Jay” Spurgeon, Licensing Assistant
    - Jay has prior experience at the UPS and began employment on Monday.
- **Internal Promotions**

- Haley Marr, Licensing Assistant, has been promoted to Licensing Analyst for the Healing Arts.
- Cameron Charity, who previously worked in the licensing department, has been promoted to Performance and Outreach Coordinator.

## II. STAFF REPORTS

### Executive Director:

#### **FSMB Artificial Intelligence Symposium**

The Federation of State Medical boards is offering a course on artificial intelligence in healthcare. Director Gile notes that Artificial Intelligence is here and that we must be innovative and ready to adapt. President Degrado notes that the technology is currently in its infancy, and that there are currently more questions than answers.

#### **Legislative Updates**

Remarks on proposed legislation pertinent to the agency

Remarks on HB 2358 & HB 2492

Remarks on HB 2643, discussion on position of testimony.

(Estep/Bradbury) Motion to submit opposition testimony on HB2643. Carried.

#### **Budget Report**

Recap of previous actions on budget:

1. Budget submitted in September.
2. Division of Budget and Governor's office approved it as submitted.
3. Testimonies provided to House Higher Education Budget Committee and the Senate Transparency & Ethics Committee, both of whom recommend the budget be passed as submitted.
4. Senate Ways and Means Committee recommended that budget be passed as-submitted.
5. The House Appropriations Committee had concerns on the budget. Director Gile in further conversations to address these issues.
  - a. Committee removed requested FTE for FY2025
  - b. Committee indicated that a proviso may be introduced to reduce all licensing fees by 15%

#### **FCLB Voting Delegates:**

FCLB requires voting delegates be appointed each year. To ensure timely submission, we have already submitted our proposed members. Dr. Gould is the alternate and Dr. Balderston is the primary delegate.

(Estep/Bradbury) Motion to ratify the appointment of these two delegates to the FCLB and NBCE. Carried.

### **FSMB Annual conference attendees**

Request as to whether there's interest in attending the conference. Ms. Wattenbarger indicates that she would attend if she were able. Dr. Abebe has requested next year's dates.

Dr. Estep plans to attend FSMB conference as a voting member. Motion required. Dr. Gould says that he would be happy to go but defers to the MD/DO.

President DeGrado says that Dr. Durrett should be asked.

Dr. Estep says that Dr. McMaster would be a good option for the conference, should the rules allow.

Executive Director will follow-up to determine whether Dr. McMaster is eligible to attend.

### **Board Case Assignment**

(Estep/Wattenbarger) Motion for the Board to recess into executive session pursuant to K.S.A. 75-4319(b)(2) for the purpose of attorney client consultation to discuss matters that are confidential and privileged related to assignment of administrative hearing cases for 10 minutes. Return to open meeting in the Board room at 9:45 a.m. Carried.

(Wattenbarger/Estep), Motion to return to open meeting. Carried.

### **Kansas Medical Society Presentation**

Kansas Medical Society gave a presentation to the Board on their Professionals Health Program (PHP).

## **III. ADMINISTRATIVE PROCEEDINGS**

(Estep/Wattenbarger) Motion to recess the open Board Meeting to conduct administrative proceedings under the Kansas Administrative Procedure Act. Carried.

### **Danny Spoon, L.Ac., Docket #24-HA00025 Conference Hearing on Application for Licensure**

Mr. Sebastian Orosco appeared for the Board. Mr. Spoon did not appear.

Recusals: Dr. Abebe, Dr. Bradbury, Dr. Durrett, Dr. Gould and Ms. Wolfe Moore.

Oral motion for default order pursuant to K.S.A. 77-520 requested by Mr. Orosco. The motion for default included a request to delay issuing a proposed default order for two weeks to allow Mr. Spoon to file a request to withdraw his application.

(Wattenbarger/Estep) Motion to approve request for default order as stated. Carried.

**David Rosas, D.C. #24-HA00026**  
**Conference Hearing on Application for Licensure**

Ms. Lisa Montgomery and Mr. Todd Hiatt appeared for the Board. Dr. David Rosas, D.C., appeared in person, *pro se*.

Recusals: Dr. Abebe, Dr. Bradbury, Dr. Durrett, Dr. Gould, and Ms. Wolfe Moore

(Estep/Wattenbarger) Motion to recess into closed hearing due to confidential information pursuant to K.S.A. 77-523(f), K.S.A. 65-2839a(d). Carried.

(Wattenbarger/Jordan) Motion to return to open hearing. Carried

(Estep/Wattenbarger) Motion to go into executive session for attorney/client consultation. Carried.

(Estep/Wattenbarger) Motion to return to open hearing. Carried.

(Wattenbarger/Balderston) Motion to grant license. Carried Unanimously.

**Cassady Ryder, LRT, Docket #17-HA00030**  
**Conference Hearing on Motion to Terminate Consent Order**

Mr. Matthew Gauss appeared for the Board. Cassady Ryder, LRT, appeared in person, *pro se*.

Recusals: None

(Varner/DeGrado) Motion to adjourn to closed hearing due to confidential information pursuant to K.S.A. 77-523(f), K.S.A. 65-4925. Carried.

(Estep/Wattenbarger) Motion to return to open hearing. Carried.

(Estep/Varner) Motion to terminate the consent order. Carried Unanimously.

**Dezstini Howard, M.D. Docket #24-HA00027**  
**Conference Hearing on Application for Licensure**

Ms. Lisa Montgomery appeared for the Board. Dr. Dezstini Howard, M.D., did not appear.

Recusals: None

Dr. Howard has made a request to withdraw her application.

(Wattenbarger/Estep) Motion to accept Dr. Howard's withdrawal of her application. Carried.

**Billy Richardson, Jr, MD Docket #16-HA00113  
Conference Hearing on Motion to Terminate Consent Order**

Dr. Richardson appears in person and through his attorney Kelli J. Stevens. Mr. Sebastian Orosco appeared for the Board.

Recusals: Dr. Estep

(Wattenbarger/Gould) Motion to adjourn to closed hearing due to confidential information pursuant to K.S.A. 77-523(f), K.S.A. 65-4925. Carried.

(Wattenbarger/Gould) Motion to return to open hearing. Carried

(Wattenbarger/Gould) Motion to grant motion to terminate consent order. Carried Unanimously

(Estep/Varner) Motion to leave administrative proceedings and return to open Board meeting. Carried.

Reconvene open Board meeting.

**Diversity, Equity, and Inclusion ("DEI") Letter from Representative Howe,  
February 2024**

(Estep/Wattenbarger) Motion for the Board to recess into executive session pursuant to K.S.A. 75-4319(b)(2) for the purpose of attorney client consultation to discuss matters that are confidential and privileged related to the DEI letter for 10 minutes. Return to open meeting in the Board room at 11:32 a.m. Carried.

(Wattenbarger/Estep) Motion to return to open meeting. Carried.

(Estep/Varner) Motion for the Board to recess into executive session pursuant to K.S.A. 75-4319(b)(1) to discuss personnel matters of non-elected personnel for a period of five minutes. Return to open meeting in the Board room at 11:38 a.m. Carried.

(Wattenbarger/Estep) Motion to return to open meeting. Carried

(Varner/Estep) Motion for the Board to recess into executive session pursuant to K.S.A. 75-4319(b)(1) to discuss personnel matters of non-elected personnel for a period of ten minutes. Return to open meeting in the Board room at 11:54 a.m. Carried.

(Gould/Wattenbarger) Motion to return to open meeting, Carried

### **Discussion of Board Retreat**

Dr. Estep presented remarks on a potential board retreat for members. Consensus was that members are interested but require advance notice due to scheduling conflicts.

### **Disciplinary Counsel Report by Sarah Peterson Herr**

Information regarding pending investigations provided with Board Packet.

### **General Counsel Report by Warran Wiebe**

GC Memo and appellate case memo provided with Board Packet.

### **Licensing Administrator Report by Rebekah Moon**

Information regarding licensing statistics provided with Board packet. There are two new staff in the licensing department, and we are currently entering our busy season.

(Gould/Bradbury) Motion to approve licensee/registrant list. Carried.

### **Litigation Counsel Report by Todd Hiatt**

Hired a new intern, hoping to retain this member after their mentorship. Deputy Licensing Counsel has been sending back many cases, and we will have close to 80 closures come Monday.

## **IV. ADJOURNMENT**

(Bradbury/Wattenbarger) Motion to adjourn the meeting. Carried.  
The meeting adjourned at 2:20 p.m.



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Jerry DeGrado, D.C.  
President



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Susan Gile  
Executive Director