

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

BOARD MINUTES – April 12, 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 when requested.

FRIDAY, 4/12/2024

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, April 12, 2024. The meeting was called to order at 9:00 a.m. by Jerry DeGrado, D.C., President.

Abebe Abebe, M.D.	present
Mark Balderston, D.C.	present
Molly Black, M.D.	present @ 9:18
Richard Bradbury, D.P.M.	present
Jerry DeGrado, D.C.	present
Robin Durrett, D.O.	present
Thomas Estep, M.D.	present
Steven Gould, D.C.	present
Camille Heeb, M.D.	present
David Jordan, public member	absent
Jennifer Koontz, M.D.	present
Stephanie Suber, D.O.	present
Ronald Varner, D.O.	present
Sherri Wattenbarger, public member	absent
Kathy Wolfe Moore, public member	present

Staff members present were Susan Gile, Executive Director; Scott Henricks, Operations Manager; Rikki Price, Human Resources Manager; Warran Wiebe, Deputy General Counsel; Nancy Dodik, Disciplinary Counsel; Tammi Mundil, Deputy Disciplinary Counsel; Britani Potter, Assistant Disciplinary Counsel; Angela Mordecai, Complaint Coordinator; Todd Hiatt, Litigation 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; Joe Crumpton – Special Investigator – Supervisor; Kathy Moen, Medical Litigation Support Specialist; Kady Curtis, Support Staff Supervisor; Dawn Frey, Litigation

Legal Assistant; Ivan Perez, Compliance Coordinator; Larry Bowles, IT Director; Kelly Clubb, Technology Support Consultant; Patti Welty, Administrative Specialist, Disciplinary; Jennifer Cook, Paralegal to General Counsel; LeeAnn Hunter-Roach, Legal Assistant to General Counsel; and Cameron Charity, Performance & Outreach Coordinator.

Others:

APPROVAL OF AGENDA

(Estep/Varner) Motion to approve agenda with additions of ACGME Postgraduate Training Requirements, Office Based Surgery Protocol Discussion, and Social Media Discussion Carried.

APPROVAL OF 2/9/2024 BOARD MEETING MINUTES

(Estep/Varner) Motion to approve minutes of 2/9/2024 with no changes. Carried.

II. OTHER BUSINESS

General Housekeeping:

Parking stickers – talk to Scott Henricks

Dr. McMaster was commended in the March 2024 edition of the MSSC (Medical Society of Sedgewick County) newsletter in an article titled *Healthcare Advocacy, Football & Taylor Swift*.

New Staff Introductions

By Susan Gile, Executive Director:

No new staff since last Board meeting – 3 offers out, all but 1 have accepted.

Turnover rate tracked by HR – 5.45% since January, which is a low turnover.

Appreciation comments for staff by Director Gile

III. STAFF REPORTS

Executive Director:

• Executive Director Report

- **Website Redesign:** Ali Diaz and Kelly Clubb have been working on the redesign of the KSBHA website. Director Gile notes that this will be mobile-friendly and provide a more straightforward user interface for license applications and renewals
- **KHA Physician Leadership Committee:** Director Gile attended to discuss the Board's attestation question on physician wellness. The meeting was productive. KHA mentioned that the Board's shift in handling cases has been apparent. KHA appreciates that the Board is taking a more collaborative approach. They have stated that this helps both patients and providers.

- **Budget:** Passed both chambers and sent to the Governor. Board members asked some questions about the budget and the process. Karla Eigenman, Accountant provided explanation as to what categories are used to pay for what types of expenses.

Report and Updates on Agency by Susan Gile, Executive Director

ACGME-I Presentation

Dr. James Arrighi, MD (President and CEO, ACGME International) presented on the ACGME-I's mission and accreditation process for International Medical Graduates (IMGs).

Questions were raised regarding their relationship to ACGME. Dr. Durrett requested that ACGME submit a letter stating that ACGME-I operates under the umbrella of the ACGME.

SCDRB Nomination

(Varner/Estep) Motion to ratify nomination of Harley Schainost, M.D. to the State Child Death Review Board. Carried.

IV. ADMINISTRATIVE PROCEEDINGS

(Estep/Varner) Recess open meeting and go into closed meeting to conduct administrative proceedings under the Kansas Administrative Procedures Act. Carried.

Jessica Craine, P.T., Docket #23-HA00003 Conference Hearing on Motion to Terminate Limitations

Mr. Matthew Gaus, Deputy Litigation Counsel, appeared for the Board. Ms. Crane appeared in person, pro se.

(Varner/DeGrado) Motion to recess into closed session under K.S.A. 77-523(f) due to confidential information pursuant to 65-2839(b). Carried.

(Varner/Gould) Return to open hearing. Carried.

(Estep/Varner) Motion to terminate limitations. Carried.

(Estep/Varner) Motion to make the termination effective immediately. Carried.

Brian Lahey, M.D., Docket #19-HA00005 Conference Hearing on Request for Modifications. Mr. Sebastian Orosco, Associate Litigation Counsel, appeared for the Board. Dr. Lahey appeared in person, pro se.

(Estep/Varner) Motion to recess into closed session under K.S.A. 77-523(f) due to confidential information pursuant to K.S.A. 65-4925. Carried.

(Estep/Varner) Motion to transition to formal hearing for the purposes of interviewing witnesses pursuant to K.S.A. 77-506(a) and K.S.A 77-523(b). Carried.

(Durrett/Estep) Motion to recess into executive session for attorney/client consultation. Carried.

11:09 (Durrett/Balderston) Return to open hearing. Carried.

(Durrett/Gould) Motion to come out of executive session. Carried.

(Durrett/Varner) Motion to approve the changes to Dr. Lahey's practice setting. Carried.

Kimberley Yoo, D.C., Docket #23-HA00018 Conference Hearing on Motion to Modify Final Order. Mr. Matt Gaus, Deputy Litigation Counsel, and Todd Hiatt, Litigation Counsel, appeared for the Board. Dr. Yoo appeared in person, pro se.

(Durrett/Abebe) Motion to return case to Disciplinary Panel to determine substantially equivalent program.

Tyler Hennes, P.A., Docket #24-HA00039 Conference Hearing on Application. Mr. Matt Gaus appeared for the Board. Mr. Hennes appeared in person, pro se.

(Durrett/Gould) Motion to grant 6-month extension on temporary license expiration, effective 4/12/2024. Carried.

V. CONSENT ORDERS

Jacqueline Woodrum, M.D.,

Review of proposed Consent Order. Mr. Bradley Taylor, Associate Litigation Counsel and Todd Hiatt, Litigation Counsel, appeared for the Board. Dr. Woodrum appeared in person, through her attorney John Hicks.

(Estep/Varner) Motion to recess into closed session under K.S.A. 77-523(f) due to confidential information pursuant to 65-2839a(b). Carried.

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

(Durrett/Gould) Motion to recess into executive session for attorney-client consultation. Carried.

(Durrett/Heeb) Return to closed hearing. Carried.

(Balderston/Varner) Motion to recess for 15 minutes to allow disciplinary panel to discuss appropriate action. Carried.

(Varner/Abebe) Motion to return to closed hearing. Carried.

(Varner/Abebe) Motion to proceed as discussed. Carried.

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

Celice Stancil OTA,

Review of proposed Consent Order. Mr. Bradley Taylor, Associate Litigation Counsel, and Todd Hiatt, Litigation Counsel, appeared for the Board. Ms. Stancil appeared in person, *pro se*

(Estep/Durrett) Motion to recess into closed session under K.S.A. 77-523(f) due to confidential information pursuant to K.S.A. 65-2839a(b). Carried.

(Estep/Varner) Motion that the Board go into executive session for attorney-client consultation. Carried.

(Estep/Abebe) Motion to come out of executive session and return to closed hearing. Carried.

(Estep/Varner) Motion to recess into executive session for attorney/client consultation. Carried.

(Estep/Varner) Motion to come out of executive session and return to closed hearing. Carried.

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

(Durrett/Gould) Motion to approve consent order as presented. Fails.

(Varner/Durrett) Motion to return to closed hearing under K.S.A. 77-523(f) due to confidential information pursuant to K.S.A. 65-2839a(b). Carried.

(Estep/Durrett) Motion to proceed as discussed. Carried.

(Varner/Abebe) Motion to come out of closed session. Carried.

(Balderston/Varner) Administrative hearings concluded – Motion to reconvene Board Meeting. Carried.

Legislative Update

Updates provided by Director Gile on pending legislation affecting the agency.

General Counsel:

General Counsel Report by Warran Wiebe

Information regarding GC report included with packet.

Appellate Case Updates.

Appellate Case Updates provided to Board with packet.

Presiding Officer Case Updates

(Estep/Varner) Motion to recess to executive session pursuant to K.S.A. 75-4319(b)(2) for attorney-client consultation regarding pending presiding officer cases. Return to open meeting in Board room in 10 minutes at 1:30pm

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

Licensing Administrator by Rebekah Moon:

Licensing Report

The statistical report for the Licensing Department was included in the Board's packet of materials, for their review. There were no questions or discussion.

Approval of Licensee/Registrant List

(Varner/Abebe) Approve licensee/registrant list. Carried.

Disciplinary Counsel by Nancy Dodik:

Disciplinary Report

The statistical report for the Disciplinary Department was included in the Board's packet of materials, for their review. No questions.

Litigation Counsel by Todd Hiatt:

Litigation Report

The statistical report for the Litigation Department was included in the Board's packet of materials, for their review. Mr. Hiatt also notes that Mr. Sebastian Orosco will be attending the annual FSMB conference in Nashville.

Additions

Office-Based Surgery Workgroup – Dr. Durrett and Dr. Templeton have requested a meeting of the OBS working group. Director Gile cautioned against excluding other contributors from the discussion and bringing it directly to the Board. Dr. Durrett has requested that the incumbent General Counsel join the workgroup with several Board members.

Resident Active License Discussion – Dr. Durrett ACGME postgraduate training requirements Re: transitioning from a Resident Active License to Active License.

Social Media Discussion

Cameron Charity, Performance & Outreach Coordinator, requested Board approval of an agency Instagram account

(Durrett/Balderston) Motion to authorize an official KSBHA Instagram Account. Carried.


VI. ADJOURNMENT

(Durrett/Heeb) Motion to adjourn meeting. Carried.

The meeting adjourned at 1:45 p.m.



R. Jerry DeGrado, D.C.
President



Susan Gile
Executive Director