

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

BOARD MINUTES – June 14, 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, 6/14/2024

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, June 14, 2024. The meeting was called to order at 9:05 a.m. by R. Jerry DeGrado, D.C., President.

| | |
|------------------------------------|---------|
| Abebe Abebe, M.D. | absent |
| Mark Balderston, D.C. | present |
| Molly Black, M.D. | present |
| 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 | present |
| Jennifer Koontz, M.D. | present |
| Stephanie Suber, D.O. | present |
| Ronald Varner, D.O. | present |
| Sherri Wattenbarger, public member | present |
| Kathy Wolfe Moore, public member | present |

Staff members present were Susan Gile, Executive Director; Scott Henricks, Operations Manager; Rikki Price, Human Resources Manager; Derenda Mitchell, General Counsel (arrives 9:27 a.m.); Warran Wiebe, Deputy General Counsel; Brad Taylor, Deputy General Counsel; Nancy Dodik, Disciplinary Counsel; Tammi Mundil, Deputy Disciplinary Counsel; Sarah Peterson-Herr, Associate Disciplinary Counsel; Todd Hiatt, Litigation Counsel; Matthew Gaus, Deputy Litigation Counsel; Jacob Overbey, 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; Larry Bowles, IT Director; Kelly Clubb, Technology Support Consultant; John Blonigen, Disciplinary Legal Assistant; Wendy Powell, Healing Arts Analyst; Devlin Sotkovski, Licensing Assistant' Tonya Sotkovski, Disciplinary Administrative Specialist; Jennifer Cook, Paralegal to General Counsel; and LeeAnn Hunter-Roach, Legal Assistant to General Counsel.

Others:

APPROVAL OF AGENDA

(Estep/Gould) Motion to approve agenda with the following additions:

- Letter from constituent
- Approval of Minutes from Special Board meeting on 5/22

Carried.

APPROVAL OF 4/12/2024 BOARD MEETING MINUTES

(Estep/Varmer) Motion to approve minutes of 4/12/2024 with no changes.

Carried.

APPROVAL OF 5/22/2024 BOARD SPECIAL MEETING MINUTES

(Balderston/Durrett) Motion to approve minutes of 5/22/2024 with no changes.

Carried.

II. OTHER BUSINESS

Today is the last Board meeting for Drs. Durrett, Heeb and Koontz. They are presented with plaques recognizing their service.

New Staff Introductions

By Susan Gile, Executive Director:

Two new staff in the Licensing Department since the last meeting - Wendy Powell is a new Licensing Analyst. Devlin Sotkovski is also new to the Licensing Department as he joins us as our new Licensing Assistant. The Disciplinary Department welcomes John Perrine as a new Special Investigator. Brad Taylor has moved from Litigation to the Deputy General Counsel position. Tonya Sotkovski has accepted the Performance and Outreach Assistant Coordinator position in the administration department. MaryAnn Frevert has been promoted to a Special Medical Investigator position. Jacob Overbey is new to the litigation department as an associate attorney.

General questions regarding outgoing Board members replacements process.

Consent Orders

(Durrett/Balderston) Executive Session pursuant to K.S.A. 65-75-4319(b)(2) for consultation with attorneys regarding discuss consent orders for 10 minutes.

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

(Durrett/Balderston) Motion to return to executive session for another 10 minutes.

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

(Durrett/Estep) Motion to return to executive session for 5 minutes.

(Durrett/Suber) Motion to return to open session. Carried.

Naturopathic Doctor Topic – presentation by Ms. Laura Farr, Executive Director of the American Association of Naturopathic Physicians regarding recent legislation changes in Idaho and how it could affect Kansas.

Break: 10 minutes.

Continued discussion regarding naturopathic doctor topic. No directive from Board.

III. ADMINISTRATIVE PROCEEDINGS

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

John Harris, D.C., Docket #24-HA00012

Conference Hearing on Motion to Lift Suspension Todd Hiatt appeared for the Board. Dr. Harris appeared in person, and with attorney Diane Bellquist.

DP: #38 – Dr. Abebe, Dr. Bradbury, Dr. Durrett, Dr. Gould and Ms. Wolfe Moore

Gen Counsel: Derenda Mitchell

Recusals: Bradley Taylor

(Durrett/Varner) Motion to recess into closed session due to confidential information pursuant to K.S.A. 77-523(f), 65-2836, 65-2839(b), 65-2898a. Carried.

(Durrett/Estep) Motion to recess into executive session.

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

(Balderston/Durrett) Return to open hearing. Carried.

Motion to lift suspension denied. Carried.

Recess: 5 minutes

Gautam Jayaswal, M.D., Docket #24-HA00028

Conference Hearing on Summary Order Mr. Todd Hiatt appeared for the Board. Dr. Jayaswal appeared in person, pro se.

DP: #38 – Dr. Abebe, Dr. Bradbury, Dr. Durrett, Dr. Gould and Ms. Wolfe Moore

Gen Counsel: Derenda Mitchell

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

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

(Estep/Jordan) Return to open hearing. Carried.

(Wattenbarger/Varner) Motion to uphold Summary Order granted. Carried.

Lunch – 15 minutes.

Jessica Mobley, D.C., Docket #24-HA00042

Conference Hearing on Application. Mr. Matthew Gaus appeared for the Board. Dr. Mobley appeared in person, pro se.

DP: n/a

Gen Counsel: Derenda Mitchell

Recusals: n/a

(Varner/Bradbury) Motion to grant licensure. Carried.

(Varner/Wattenbarger) Motion to amend to grant licensure immediately. Carried.

Derek Mobley, D.C., Docket #24-HA00043

Conference Hearing on Application. Mr. Matthew Gaus appeared for the Board. Dr. Mobley appeared in person, pro se.

DP: n/a

Gen Counsel: Derenda Mitchell

Recusals: n/a

(Bradbury/Varner) Motion to grant licensure. Carried.

(Varner/Bradbury) Motion to amend to grant licensure immediately. Carried.

Ahmad Bayrakdar, M.D., Docket #24-HA00037

Conference Hearing on Application. Mr. Matt Gaus appeared for the Board. Dr. Bayrakdar did not appear.

DP: n/a

Gen Counsel: Warran Wiebe

Recusals: n/a

(Durrett/Gould) Motion to continue to next Board meeting. Carried.

IV. CONSENT ORDERS

Boremy Ly, D.P.M., Docket #24-HA00048

Review of proposed Consent Order. Mr. Matthew Gaus appeared for the Board. Dr. Ly does not appear.

DP: #39 – Dr. Balderston, Dr. Bradbury, Dr. Estep, Mr. Jordan and Dr. Varner

Gen Counsel: Derenda Mitchell

Recusals: n/a

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

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

(Durrett/Bradbury) Motion to continue. Carried.

William Shelton N.D., Docket #24-HA00034

Conference Hearing on Reinstatement Application. Mr. Matt Gaus appeared for the Board. Dr. Shelton did not appear.

DP: #39 – Dr. Balderston, Dr. Bradbury, Dr. Estep, Mr. Jordan and Dr. Varner

Gen Counsel: Warran Wiebe

Recusals: Dr. Balderston, Dr. Bradbury, Dr. Estep, Mr. Jordan and Dr. Varner

(Durrett/Gould) Motion for default based on pleadings. Carried.

**(Durrett/Varner) Reconvene Board Meeting
Call open Board meeting back to order.**

FSMB Conference Review.

This year's FSMB Annual Conference was held April 18-20 in Nashville, TN. The Kansas State Board of Healing Arts attendees included Scott Henricks, Operations Manager, Dr. Estep, Board Member, and Kansas Delegate, Dr. Durrett, Board Member and Dr. McMaster, Medical Director, and Susan Gile. This year's conference focused on alternate pathways to licensure for international graduates, professional health plans, and artificial intelligence.

FCLB Conference Review.

This annual FCLB Conference was held May 1-5 in Phoenix, AZ. The Kansas State Board of Healing Arts attendees included Dr. Balderston, Board Member and Kansas Delegate, Dr. Gould, Board Member, and me. The meeting topics included artificial intelligence, a case study of how a professional can be caught up in fraud, overview of FCLB services, leading through actions, not words, and remediation.

PHP Contracts

Mr. Henricks presents information on contracts with the professional associations for many of the professions we license. These are up and before the Board for consideration.

(Durrett/Varner) Motion to approve PHP Contracts. Carried.

Board Retreat

Discussion regarding possibility of Board retreat. Board members were in favor of adding topics to existing Board meetings rather than meeting separately for a retreat. This item will be tabled.

Executive Director Delegation of Authority Policy.

General discussion.

(Varner/Gould) Motion to approve delegation of authority policy. Carried.

Letter from constituent. Discuss regarding proposed response. Board authorizes Ms. Gile to send proposed response.

Budget questions: none

General Counsel:

General Counsel Report by Derenda Mitchell

Three highlights on top of Board memo in Board packet. Brad Taylor has joined department as additional Deputy General Counsel. Ms. Mitchell thanks Mr. Wiebe for his assistance during transition and attainment of \$49,000 grant for legal electronic records. Overall thank you to staff.

Licensing Administrator by Rebekah Moon:

Approval of Licensee/Registrant List

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

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.

Ms. Gile mentions email of appreciation received from KU regarding expedited licensure situation.

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

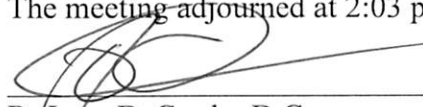
The statistical report for the Litigation Department was included in the Board’s packet of materials, for their review.

ADJOURNMENT

Thank you to outgoing members.

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

The meeting adjourned at 2:03 p.m.



R. Jerry DeGrado, D.C.
President



Susan Gile
Executive Director