Investigation Process

As a **complaint based agency**, KSBHA receives notification from a variety of sources such as patients, employers, law enforcement, notification of disciplinary action taken in other states, etc.

Kansas
AD ASTRA PER ASPERA
State Board of Healing Arts

Complaint reviewed by Disciplinary Counsel

An attorney reviews the complaint to determine if a Kansas licensee may have violated the profession's practice act

Complaint is closed
if allegations are not a violation of law

Open Investigation
if allegations may be a violation of law

Complaint assigned to Investigator

Investigators are neutral fact gatherers. They acquire information by requesting medical records, interviewing witnesses, and getting a statement from the licensee who is the subject of the investigation

NOTE: Investigations are triaged and prioritized by risk of imminent harm or risk to patients

Investigation material presented to Review Council or Review Committee

Each profession has its own committee or council that reviews the case to determine if a violation of standard of care has likely occurred

The members are licensed practitioners of the same profession

Standard of Care was met
the Investigation is closed without further action

NOTE: Investigations regarding conduct or behavior (and not patient care) are forwarded directly to Litigation without presentation to a Review Committee or Council

Investigation transferred to Litigation for review

When the Review Committee or Council has determined Standard of Care was *not* met, the case is referred to the Litigation for review and analysis of possible disciplinary action

Assigned to Attorney for Disciplinary Panel

The Disciplinary Panel is a sub-group of KSBHA Board Members who review investigations and make recommendation for possible resolution

Refer for Evaluation
to third party evaluator to determine fitness to practice or clinical competency

Present case to Disciplinary Panel

The Disciplinary Panel reviews cases monthly and provides authority to resolve a case. Cases can be closed, settled confidentially via remediation, or publicly disciplined up to revocation of licensure

Remediation (Compliance Monitoring)

Public Disciplinary Action (Litigation)

Closed without Action

Authorizing public disciplinary action is similar to filing a case at court. The subject of the investigation will be given due process, experts may be consulted, depositions or other testimony given, including up to an in person trial before a Presiding Officer