

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

BOARD MINUTES – August 11, 2023

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, 8/11/2023

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, August 11, 2023. The meeting was called to order at 9:00 a.m. by Ronald Varner, D.O., President.

Abebe Abebe, M.D.	present	
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		absent
Jennifer Koontz, M.D.	present	
Stephanie Suber, D.O.		absent
Ronald Varner, D.O.	present	
Sherry 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; Courtney Cyzman, General Counsel; Warran Wiebe, Deputy General Counsel; Cody Bebout, Assistant General Counsel; James McSweyn, Assistant 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; Lisa Montgomery, Associate 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; Callie Dunlap, Litigation Legal Assistant; Dawn Frey, Litigation Legal Assistant; Ivan Perez, Compliance Coordinator; Larry Bowles, IT Director; Kelly Clubb, Technology Support Consultant; Delylah Mordecai, Licensing Analyst; Patti Welty, Administrative Specialist, Disciplinary; Jennifer Cook, Paralegal to General Counsel; and LeeAnn Hunter-Roach, Legal Assistant to General Counsel.

Others:

APPROVAL OF AGENDA

(Estep/DeGrado) Motion to approve agenda with the addition of item to appoint member to Federation of Podiatric Medical Boards (FPMB) interstate compact and deletion of conference hearing regarding KSBHA Docket No. 23-HA00034, *In the Matter of John Romito M.D.*, which will be continued to the October Board meeting. Carried.

APPROVAL OF 6/9/2023 BOARD MEETING MINUTES

(Durrett/Abebe) Motion to approve minutes of 6/9/2023 with no changes. Carried.

II. OTHER BUSINESS

New Staff Introductions

By Susan Gile, Executive Director

Executive Director Susan Gile reports that Delylah Mordecai has joined the Licensing Department as a Healing Arts Analyst and another person is expected to join shortly. HR Manager, Rikki Price, attended a job fair and continues to work on getting the Licensing Department fully staffed. John Blonigen has joined the Disciplinary Department as Senior Administrative Specialist. Dawn Frey has joined the Litigation Department as a Legal Assistant.

III. STAFF REPORTS

Executive Director:

Elect President/Vice President

Board members received the information about the election process from the Executive Director.

(Durrett/Estep) Motion to elect Dr. DeGrado as President of the Board and Dr. Bradbury as Vice President. Carried.

Presentation to Dr. Varner for his Board service and as out-going Board President.

Report and Updates on Agency by Susan Gile, Executive Director

Collaborative Drug Therapy Management

The 2022 Legislature enacted SB 200 which gave the Collaborative Drug Therapy Management Committee (CDTM) authority to draft protocols for Pharmacists to initiate therapy within the framework of a statewide protocol for three health conditions: influenza, streptococcal pharyngitis, and urinary tract infection. On July 7, 2023, the Board sent an email blast, in conjunction with Alexandra Blasi, Executive Secretary, Board of Pharmacy, to all licensed MDs and DOs in Kansas to ensure they were aware of these protocols and abilities and limitations they provide for Pharmacists.

Federation of State Boards of Physical Therapy-Leadership Issues Forum

Susan Gile, Executive Director, attended the FSBPT Leadership Issues Forum (LIF) July 14th-16th in Alexandria, VA. Overall, it was a good meeting with a variety of topics related to PT. Many of the conversations were specific to PT and the use of some of the reporting mechanisms for FSBPT specifically. However, there was some discussion about the use of AI in the PT world and telehealth which can be generalized to other professions. She believes it was time well spent and appreciated the opportunity to attend and network with other professionals.

Budget

General information regarding budget. Excess funds cannot be swept by Legislature. Current statute prohibits sweeps. General discussion.

(Varner/Durrett) Motion that the Board go into executive session pursuant to K.S.A. 65-4319(b)(1) for the purpose of discussion of non-elected personnel matters for 10 minutes. Return to open meeting at 9:25 a.m.

(Varner/Durrett) Motion to return to open Board meeting.

(Varner/Durrett) Motion to return to executive session pursuant to K.S.A. 65-4319(b)(1) for the purpose of discussion of non-elected personnel matters for another five minutes, to return to the open meeting of the Board at 9:30 a.m.

(Varner/Abebe) Motion to return to the open meeting of the Board.

(Estep/Varner) Motion for Executive Director to proceed as authorized.

Staff Compliments

Information regarding compliments received by the Board: one to Licensing staff from KU credentialing employee; another from a KS licensee saying “Kansas is the most efficient Board they’ve worked with”; a specific example of the Executive Director being contacted by an individual whose license had been accidentally canceled and whose license was reinstated with the assistance of Cameron Charity and Rebekah Moon of Licensing, and who contacted Executive Director Gile twice to thank the agency for their efforts.

PBI presentation

Kasey Cleary and Dr. Chris Green presented information regarding courses available and what licensees can expect if they are undergoing one of their courses.

Consideration for approval of proposed KSBHA Board Policy #24-01 – Athletic Trainers practicing on a Federal Enclave in Kansas.

Dr. Phil Vardiman, President of the Kansas Athletic Trainers Society is present to answer questions and participate in discussion.

(Durrett/Varner) Motion to approve KSBHA Board Policy #24-01 – Athletic Trainers practicing on a Federal Enclave in Kansas. Carried.

Remote work discussion

General discussion by Executive Director Gile regarding how remote work is utilized by the agency. Board supports current agency policy and practice.

Consideration for approval of proposed KSBHA Board Policy #24-02 – Board Member virtual attendance at a Board Meeting

(Varner/Abebe) Motion to approve KSBHA Board Policy #24-02 – Board member virtual attendance at a Board meeting. Durrett opposed. Carried.

Disciplinary data presentation

Britani Potter, Associate Disciplinary Counsel, presents power point presentation on disciplinary department data.

Recess – 10 minutes

IV. ADMINISTRATIVE PROCEEDINGS

(Varner/Estep) Motion to recess open meeting to conduct administrative proceedings under the Kansas Administrative Procedures Act. Carried.

Susan Hollander M.D., Docket #24-HA00001 Conference Hearing on Application for Licensure.

Ms. Lisa Montgomery appeared for the Board. Dr. Hollander appeared virtually, *pro se*.

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

(Varner/Estep) Motion to go into closed hearing for the presentation of confidential information pursuant to K.S.A. 77-523(f), K.S.A. 65-2839a(d). Carried.

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

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

William Mack, M.D., Docket #24-HA00002 Conference Hearing on Motion to Compel Evaluation.

Mr. Sebastian Orosco appeared for the Board. Dr. Mack appeared in person, *pro se*.

Recusals: Dr. Balderston, Dr. Bradbury, Dr. Heeb, Dr. Suber and Ms. Wattenbarger and James McSweyn

(Estep/Varner) Motion to go into closed hearing for the presentation of confidential information pursuant to K.S.A. 77-523(f) and 65-4925. Carried.

(Durrett/Varner) Motion to go into executive session for attorney client consultation. Carried.

(Durrett/Estep) Motion to return to closed hearing.

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

Motion to Compel Evaluation granted.

Farhaad Riyaz, M.D., Docket #24-HA00003 Conference Hearing on Summary Order.

Mr. Bradley Taylor appeared for the Board. Dr. Riyaz appeared virtually, *pro se*.

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

(Varner/Wattenbarger) Motion to go into closed hearing for the presentation of confidential information pursuant to K.S.A. 77-523(f) and K.S.A. 65-4925. Carried.

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

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

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

Matter continued to the October board meeting.

Arian Culp, M.D., Docket #24-HA00005 Conference Hearing on Application.

Ms. Lisa Montgomery appeared for the Board. Dr. Culp appeared in person, and through attorney Ronald Muller.

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

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

Amarnath Kadimella, M.D., Docket #23-HA00010 Conference Hearing on Application for Licensure.

Dr. Kadimella appeared virtually, *pro se*.

(Durrett/Varner) Motion to go into executive session for attorney client consultation. Carried.

(Estep/Wattenbarger) Motion to go into a closed hearing pursuant to K.S.A. 65-2838a. Carried.

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

(Varner/Abebe) Motion to return to closed hearing pursuant to K.S.A. 65-2838a. Carried.

(Varner/Durrett) Motion to go into executive session for attorney client consultation.

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

Matter will be taken under advisement.

(Durrett/Varner) Motion to return to the open meeting of the Board. Carried.

Open Board meeting called back to order.

Appoint Federation of Podiatric Medical Board – Compact Task Force Member

(Varner/Durrett) Motion to appoint Dr. Bradbury as Federation of Podiatric Medical Board Compact Task Force member. Carried.

Consideration of KSBHA Strategic Plan by Executive Director Susan Gile.

(Estep/Varner) Motion to approve Strategic Plan FY24-26 as outlined. Carried.

General Counsel:

General Counsel Report by Courtney Cyzman

Appellate Case Updates

Hodes & Nauser, PA, Nauser, Fowler, Comp. Health of Planned Parenthood Great Plains v. Kobach et al.

The hearing on the temporary injunction regarding the Woman’s Right to Know Act and the Reversal Amendment was held on August 8, 2023, in Division 12 in Johnson County District Court. At the conclusion of the hearing, the Judge took the matter under advisement and the Board is awaiting an order by the Judge.

Presiding Officer Cases: OAH Cases – 1; Board member as presiding officer – 5. Three cases have trial dates.

Regulation and promulgation – K.A.R. 100-11-1 as amended before Board today for final adoption. K.A.R. 100-6-6 set for JCARR on August 21, 2023, and public hearing is set for September 13, 2023.

Education outreach: 22 presentations given year-to-date.

In FY23 General Counsel Department has responded to 228 open records requests, issued 170 professional certificates (year-to-date), and has responded to an increasing number of third-party subpoenas.

(Varner/Estep) Motion for Final Adoption of amended K.A.R. 100-11-1. Amount.

Roll call vote. Balderston absent; DeGrado and Gould oppose. Carried.

General Counsel presentation – The Life of a Case

(Durrett/Varner) Motion to move presentation to October Board meeting. Carried.

Licensing Administrator Report by Rebekah Moon:

Approval of Licensee/Registrant List

(Varner/Durrett) Motion to 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.

Disciplinary Counsel Report 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 Report by Todd Hiatt:

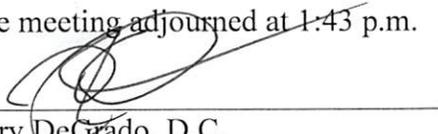
Litigation Report

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

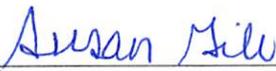
V. ADJOURNMENT

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

The meeting adjourned at 1:43 p.m.



Jerry DeGrado, D.C.
President



Susan Gile
Executive Director