

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

**BOARD MINUTES – December 8 and 9, 2022**

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.

**THURSDAY, December 8, 2022**

**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 Thursday, December 8, 2022. The meeting was called to order at 1:00 p.m. by Ronald Varner, D.O., 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.		absent
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, Acting Executive Director and Operations Manager; Courtney Cyzman, General Counsel; Warran Wiebe, Deputy General Counsel; Ruslan Ivanov, Assistant General Counsel; Cody Bebout, Assistant General Counsel; Nancy Dodik, Disciplinary Counsel; Tammi Mundil, Deputy Disciplinary Counsel; Britani Potter, Assistant Disciplinary Counsel; Joe Crumpton, Special Investigator – Supervisor; Nikki Schumann, Medical Investigator; Todd Hiatt, Litigation Counsel; Matthew Gaus, Deputy Litigation Counsel; James McSweyn, Associate Litigation Counsel; Lisa Montgomery, Associate Litigation Counsel; Brad Taylor, Associate Litigation Counsel; John McMaster, M.D., Medical Director; Rebekah Moon, Licensing Administrator; Chandni Bhakta, Deputy Licensing Administrator; Kathy Moen,

Medical Litigation Support Specialist; Kady Curtis, Support Staff Supervisor; Ivan Perez, Compliance Coordinator; Kelly Clubb, Technology Support Consultant; Jennifer Cook, Paralegal to General Counsel; LeeAnn Hunter-Roach, Legal Assistant to General Counsel; and Ali Diaz, Administrative Specialist, Administration.

Others: Mitch DePriest, 1861 Consulting; Jennifer Caswell, APTA – KS Chapter; William Mack, Leawood Pediatric Associates; Dr. Moser.

#### **APPROVAL OF AGENDA**

(Estep/DeGrado) Motion to approve agenda with the following changes: addition: Final adoption of regulation K.A.R. 100-54-13 (temporary). Carried.

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

(Estep/DeGrado) Motion to approve minutes of October 14, 2022, Board meeting with the following changes: None. Carried.

## **II. OTHER BUSINESS**

**General housekeeping information from Acting Executive Director Susan Gile.**

#### **New Staff Introductions**

We have several new employees at the Board of Healing Arts: Brad Taylor, Associate Litigation Counsel; Sebastian Orosco, Associate Litigation Counsel; and Richard Young, Medical Investigator. Joe Crumpton has been promoted to Supervisor over the investigators. Judy Nichols has been promoted to Accounting Assistant.

#### **Executive Director:**

#### **Report and Updates on Agency by Acting Executive Director Susan Gile**

Discussion regarding Human Resources Department's efforts regarding staff recruitment. The Board is in discussion with KHA regarding compiling an expert witness list. Outline of budget information and questions from Board members.

#### **Appoint Disciplinary Panel #38**

(Estep/DeGrado) Motion to appoint Dr. Abebe, MD, Dr. Durrett, D.O., Dr. Gould, D.C., Dr. Bradbury, DPM and Ms. Wolfe Moore as members of Disciplinary Panel #38. Carried.

#### **APTA – Kansas Chapter presentation**

Presentation regarding PT profession overview given by Ms. Jennifer Caswell and Mitch DePriest.

**Appoint FCLB and NBCE voting and alternate delegates for calendar year 2023.**

(Estep/DeGrado) Motion to appoint FLCB and NBCE voting and alternate delegates - Dr. Balderston, D.C. (voting); Dr. Gould, D.C. (alternate). Carried.

**IT solutions**

Discussion on IT solution to question raised at previous Board meeting. No questions.

**Executive session under K.S.A. 75-4319(b)(1) to discuss personnel matters of non-elected personnel.**

(DeGrado/Estep). Motion for executive session under K.S.A. 75-4319(b)(1) to discuss personnel matters of non-elected personnel for 10 minutes. Return to the open meeting of the Board at 1:40 p.m. Carried.

(Balderston/Estep) Motion to return to the open meeting of the Board. Carried.

**General Counsel:**

**General Counsel Report by Courtney Cyzman, General Counsel**

Update of district and appellate cases involving the Board:

*Bejar v. Kansas State Board of Healing Arts* – We are waiting on a Kansas Court of Appeals’ opinion.

*Trust Women v. Bennett et al.* – This matter was reversed and remanded to the District Court with directions. There is a temporary injunction on enforcement of K.S.A. 65-4a10 issued by Judge Watson in the Shawnee County District Court following Kansas Court of Appeals opinion.

*KSBHA v. Shawn Parcels* - Kansas Court of Appeals affirmed the District Court’s Order granting the Board Summary Judgment and injunctive relief against Parcels. Parcels had 30 days to Petition to the Kansas Supreme Court for Review, but he did not. This matter has completely concluded in the Board’s favor.

Currently there are 8 active Presiding Officer cases and 2 cases at the Office of Administrative Hearings.

**Regulations:**

The number of pending proposed and amended regulations we have in the promulgation process is voluminous and will continue to grow. Many are before the Board today for final adoption.

**Education/Outreach:**

Year to date, we have given 47 presentations (many of these include both Licensing & Professionalism), with 4 additional presentations scheduled for the rest of the calendar year.

**KSBHA Policy Workgroup – replace Ms. Wattenbarger’ s position**

(DeGrado/Estep) Motion approving David Jordan to assume Ms. Wattenbarger’s position on the KSBHA Policy Workgroup. Carried.

**Final adoption of amended K.A.R. 100-69-10 (perm)**

(DeGrado/Estep) Motion to adopt amended K.A.R. 100-69-10 (permanent). Roll call vote. Unanimous [Dr. Durrett temporarily absent for vote]. Carried.

**Final adoption of amended K.A.R. 100-73-7 (perm)**

(Estep/Black) Motion to adopt amended K.A.R. 100-73-7 (permanent). Roll call vote. Unanimous [Dr. Durrett temporarily absent for vote]. Carried.

**Performance Improvement: Starting the Conversation**

Presentation by Dr. Moser and Dr. Kimberly Templeton regarding peer review and symposium. Challenges: Hard to get providers engaged in peer review, few providers in rural areas to participate, and some concerns reporting and investigating SOC IIIs.

[Dr. Durrett back in meeting]

**Final adoption of K.A.R. 100-28b-2 (perm)**

(DeGrado/Estep) Motion to adopt K.A.R. 100-28b-2 (permanent). Roll call vote. Unanimous. Carried.

**Final adoption of K.A.R. 100-28b-4 (perm)**

(Estep/DeGrado) Motion to adopt K.A.R. 100-28b-4 (permanent). Roll call vote. Unanimous. Carried.

**Final adoption of K.A.R. 100-28b-7 (perm)**

(DeGrado/Estep) Motion to adopt K.A.R. 100-28b-7 (permanent). Roll call vote. Unanimous. Carried.

**Final adoption of K.A.R. 100-28b-11 (perm)**

(DeGrado/Estep) Motion to adopt K.A.R. 100-28b-11 (permanent). Roll call vote. Unanimous. Carried.

**Final adoption of K.A.R. 100-28b-12 (perm)**

(DeGrado/Gould) Motion to adopt K.A.R. 100-28b-12 (permanent). Roll call vote. Unanimous. Carried.

**Final adoption of K.A.R. 100-28b-19 (perm)**

(Estep/DeGrado) Motion to adopt K.A.R. 100-28b-19 (permanent). Roll call vote. Unanimous. Carried.

**Final adoption of K.A.R. 100-54-13 (temp)**

(DeGrado/Gould) Motion to adopt K.A.R. 100-54-13 (temporary). Roll call vote. Unanimous. Carried.

**Initial approval of amended K.A.R. 100-6-6 (perm)**

(DeGrado/Estep) Motion to approve amended K.A.R. 100-6-6 (permanent). Carried.

**Initial approval of K.A.R. 100-6-8 (temp/perm)**

(Gould/DeGrado) Motion to approve amended K.A.R. 100-6-8 (temporary and permanent). Carried.

**Discussion on HB 2087**

Slide presentation by Courtney Cyzman, General Counsel, regarding review of regulations now being required pursuant to HB 2087. Our first report is due July 15, 2026. General discussion and questions.

Recess 2:30 – 2:40 p.m. Will return to open meeting at 2:41 p.m.

**III. STAFF REPORTS**

**Licensing Administrator: Rebekah Moon**

**Approval of Licensee/Registrant List**

(Bradbury/Gould) 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.

**Disciplinary Counsel: Nancy Dodik**

**Disciplinary Report**

The statistical report for the Disciplinary Department was included in the Board's packet of materials for their review. There have been 111 cases closed since last meeting and there are currently 237 open investigations. General questions.

**Litigation Counsel: by Matt Gaus, Deputy Litigation Counsel**

**Litigation Report**

The statistical report for the Litigation Department was included in the Board's packet of materials for their review. There have been 69 cases closed since last meeting and there are currently 233 open cases, along with 91 monitoring cases.

Motion to Recess the open meeting of the Board until tomorrow, December 9, 2022, at 9 a.m.: (DeGrado/Estep). Carried

## BOARD MINUTES – December 8 and 9, 2022

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**Friday, December 9, 2022**

### IV. 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, December 9, 2022. The meeting was called to order at 9:00 a.m. by Ronald Varner, D.O., President.

Abebe Abebe, M.D.	absent
Mark Balderston, D.C.	present
Molly Black, M.D.	present (arrives 9:58 a.m.)
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.	presentt
David Jordan, public member	present (arrives 9:10 a.m.)
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, Acting Executive Director and Operations Manager; Courtney Cyzman, General Counsel; Warran Wiebe, Deputy General Counsel; Ruslan Ivanov, Assistant General Counsel; Cody Bebout, Assistant General Counsel; Nancy Dodik, Disciplinary Counsel; Todd Hiatt, Litigation Counsel; Matthew Gaus, Deputy Litigation Counsel; James McSweyn, Associate Litigation Counsel; Lisa Montgomery, Associate Litigation Counsel; John McMaster, M.D., Medical Director; Chandni Bhakta, Deputy Licensing Administrator; Kathy Moen, Medical Litigation Support Specialist; Kady Curtis, Support Staff Supervisor; Ivan Perez, Compliance Coordinator; Kelly Clubb, Technology Support Consultant; Jennifer Cook, Paralegal to General Counsel; LeeAnn Hunter-Roach, Legal Assistant to General Counsel; and Ali Diaz, Administrative Specialist, Administration.

Others: Jennifer Cortez, Kemper Tell, Sandra Wilkes, Doug Petrie, Deane Lehmann, Kevin Baron, Mary Jo Fleming Ph.D., Angie Gritman.

**9:15 a.m. Board Pictures**

**9:30 a.m. Staff Reports**

**Executive Director**

**NBCE-SPEC Presentation**

Slide presentation given by Dr. Jason Jaeger, D.C. and Dr. Bruce Shotts, D.C. regarding National Board of Chiropractic Examiners specialty exams.

**General Counsel:**

**Reassess in-person continuing education requirement waiver**

(Jordan/Gould). Motion to continue waiver of enforcement of any regulations requiring in-person continuing education for all healthcare professions it licenses for one more year. Carried. The Board will reassess this waiver at its December 2023 Board meeting.

**Policy Update**

- Proposed KSBHA Board Policy #23-01 – Social Media Use for Healthcare Professionals.

(DeGrado/Durrett). Motion to approve KSBHA Board Policy #23-01 – Social Media Use for Healthcare Professionals. Carried.

- Proposed KSBHA Board Policy #23-03 – CME Credit for Board Members Attending Board Meetings and Disciplinary Panel Meetings

General discussion.

(Estep/DeGrado). Motion to reject proposed KSBHA Board Policy #23-03. Carried.

**Role of Special Advisor and options**

(Wattenbarger/Estep) Motion to go 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 legal analysis of the role of the special advisor and consideration of options for 10 minutes. Return to the open meeting at 10:16 a.m. Carried.

(Varner, Balderston) Motion to return to open meeting of the Board.

(Wattenbarger/Estep) Motion to go 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 legal analysis of the role of the special advisor and consideration of options for 10 minutes. Return to the open meeting at 10:26 a.m.

(Gould, Varner) Motion to return to open meeting of the Board.

(Estep/Wattenbarger) Motion to amend appointment term of informal role of special advisor to 2-year term and upon conclusion of the term, informal role of Special Advisor will dissolve. Carried.

## V. ADMINISTRATIVE PROCEEDINGS

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

**Farah Gohari, P.T., Docket #22-HA00022**– Conference Hearing on Motion to Terminate Monitoring

Mr. Gaus appeared for the Board. Ms. Gohari appeared in person, *pro se*.

Recusals: Dr. Black, Dr. Durrett, Dr. Gould, and Ruslan Ivanov.

(Estep/DeGrado) Motion to terminate monitoring early approved. Carried.

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

Dr. Kadimella appeared in person, *pro se*.

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

(Gould/Estep) Motion to return to open administrative hearing.

This matter will be continued to the next regularly scheduled Board meeting, February 10, 2023, to allow Applicant additional time to submit evidence to support his qualifications for licensure in Kansas; Applicant is also permitted to withdraw his application. Applicant is permitted to appear virtually at the February 10, 2023, Board meeting.

**Amy Messer, L.Ac, Docket #23-HA00014**– Conference Hearing on Application for Licensure

Ms. Messer appeared in person, and with attorney Anne Kindling.

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

(Heeb/Estep) Motion to return to open administrative hearing.

(Gould/DeGrado). Motion to grant licensure. Carried.

**Asif Uddin, M.D., Docket #19-HA00053**– Conference Hearing on Motion to Terminate Final Order

Mr. Gaus appeared for the Board. Dr. Uddin appeared in person, with counsel Matt Chiasson.

Recusals: Dr. DeGrado, Dr. Estep, Dr. Varner, Dr. Durrett, and Courtney Cyzman.

(Balderston/Suber) Motion to go into closed hearing pursuant to K.S.A. 77-523(f) for the presentation of information which is confidential under K.S.A. 65-4925. Carried.

(Balderston/Wattenbarger) Return to open administrative hearing. Carried.

(Wattenbarger/Balderston) Motion to Terminate Final Order granted. Carried.

**Anuradha Rao, M.D., Docket #23-HA00013**– Conference Hearing on Application for Licensure.

Dr. Rao appeared virtually, *pro se*.

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

(Gould/Wattenbarger) Return to open administrative hearing. Carried.

This matter will be continued to the next regularly scheduled Board meeting, February 10, 2023, to allow Applicant additional time to submit evidence to support his qualifications for licensure in Kansas; Applicant is also permitted to withdraw his application. Applicant is permitted to appear virtually at the February 10, 2023, Board meeting.

(Estep/DeGrado) Motion to return to the open meeting of the Board. Carried.

**Working Lunch. Presentation by Dr. McMaster, KSBHA Medical Director.**

Power Point presentation by Dr. McMaster regarding the role of the Medical Director.

(DeGrado/Gould). Motion to recess open meeting of the Board to conduct administrative proceedings under the Kansas Administrative Procedures Act. Carried.

**Christopher Stubbs, M.D., Docket #19-HA00049**– Conference Hearing on Motion to Terminate Final Order.

Mr. Gaus appeared for the Board. Dr. Stubbs appeared in person and with counsel Kelli Stevens.

Recusals: Dr. Estep, Dr. DeGrado, Dr. Varner, Dr. Durrett, and Courtney Cyzman.

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

(Wattenbarger/Bradbury) Motion to convert to formal hearing under the Kansas Administrative Procedure Act. Carried.

(Wattenbarger/Suber) Motion to return to open administrative hearing. Carried.

(Wattenbarger/Koontz) Motion to recess into executive session for attorney client consultation. Carried.

(Jordan/Koontz) Motion to go into closed hearing pursuant to K.S.A. 77-523(f) for the presentation of information which is confidential under K.S.A. 65-4925. Carried.

(Balderston/Suber) Motion to return to open administrative hearing.

(Wattenbarger/Heeb) Motion to Terminate Final Order granted. Carried.

**Kirk Potter, D.O., Docket #17-HA00024**– Conference Hearing on Motion to Terminate Final Order

Mr. Gaus appeared for the Board. Dr. Potter appeared in person, and with counsel Shannon Holmberg.

Recusals: Dr. Gould, Dr. Varner, Dr. Durrett.

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

(Estep/Balderston) Motion to return to open administrative hearing. Carried.

(Estep/Balderston) Motion to terminate Final Order Granted, effective today. Carried.

**Mark Allen, M.D., Docket #17-HA00064** – Conference Hearing on Motion to Terminate Monitoring

Mr. Gaus appeared for the Board. Dr. Allen appeared in person, and with counsel Kelli Stevens.

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

(Estep/Wattenbarger) Motion to convert to formal hearing under the Kansas Administrative Procedure Act. Carried.

(Estep/Gould) Motion to return to open administrative hearing. Carried.

(Estep/DeGrado) Motion to terminate Monitoring. Carried.

(DeGrado/Estep) Motion to return to open Board meeting. Carried.

**1:20 p.m.**

**Staff Reports Continued/New Business**

Items continued from Dec. 8, 2022, 1:00 p.m. block and Dec. 9, 2022, 9:00 a.m. block.

**VI. ADJOURNMENT**

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

The meeting adjourned at 1:41 p.m.



Ronald Varner, D.O.  
President



Susan Gile  
Acting Executive Director