

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

F I L E D

AUG 14 2000

In the Matter of)
)
ANN K. NEUHAUS, M.D.)
Kansas License No. 04-21596)
_____)

Docket No. 00-HA-20
KANSAS STATE BOARD OF
HEALING ARTS

**FINAL ORDER DENYING MODIFICATION OF STIPULATION AND
ORDER OF EMERGENCY LIMITATION OF LICENSE**

NOW, on this 12th day of August, 2000, comes before the Kansas State Board of Healing Arts ("Board") in a conference hearing, the request of Ann K. Neuhaus, M.D. ("Licensee") to modify the Stipulation and Agreement and Enforcement Order filed in the Board office on October 18, 1999.

Licensee appears in person *pro se*. Kelli J. Benintendi, Associate Counsel, appears for and on behalf of the Board. After reviewing Licensee's request, the Response to Licensee's Request for Modification of Stipulation, hearing testimony of Licensee, and hearing arguments of the parties, the Board finds and orders as follows:

1. The Board and Licensee entered into a Stipulation and Agreement and Enforcement Order which was filed in the Board office on October 18, 1999, and which in paragraph 10(a)(i) prohibits Licensee from purchasing any controlled substances for office use other than injectable Valium or its generic equivalent.

2. On July 24, 2000, Licensee filed a request that the Stipulation and Agreement and Enforcement Order be modified to permit her to use ketamine in select patients at her Lawrence facility and at Wichita Family Planning as the need arises, if diazepam (Valium) is not effective for producing safe anesthesia.

3. A Notice of Conference Hearing on Licensee's request was filed in the Board office on July 26, 2000, setting this matter to be heard by the Board at 10:00 a.m. on August 12, 2000.

4. In her request, Licensee acknowledges that ketamine is not generally appropriate for use with adults due to the high incidence of psychomotor agitation and hallucinations.

5. In Licensee's testimony and presentation before the Board on her request for modification, Licensee advised that she was currently not certified in Advanced Cardiac Life Support; that she does not always establish an IV line when inducing conscious sedation to patients in the two clinics at which she practices; and that she heavily relies on the experience of her nursing staff to provide expertise in the administration of medications for conscious sedation or anesthesia.

6. Licensee's administration of conscious sedation to patients at her clinic facilities in the manner described in the request filed July 24, 2000, and as described in her testimony and presentation before the Board in support of her request to modify Stipulation, demonstrates a potential lack of knowledge in the proper administration of conscious sedation on an out-patient basis and Licensee's ability to manage complications which may arise. To that extent, the continuation of such practices constitutes an imminent danger to the public health, safety and welfare.

7. Pursuant to K.S.A. 65-2838(c), the Board may temporarily limit the license of any licensee in accordance with the emergency adjudicative proceedings under the Kansas administrative procedure act described in K.S.A. 77-536 if the Board determines that there is cause to believe that grounds exist under K.S.A. 65-2836 and amendments thereto for disciplinary action against the licensee and that licensee's continuation in practice would constitute an imminent danger to the public health and safety.

8. Licensee's manner of administration of conscious sedation in her clinics constitutes a pattern of practice which demonstrates a manifest incapacity or incompetence to practice that area of medicine and constitutes a violation of K.S.A. 65-2836(b).

9. Licensee's license should be limited upon the filing of this Order to prohibit Licensee from administering or ordering any anesthetic agent, controlled substance or narcotic of any nature whatsoever to any patient.

10. This emergency limitation does not preclude Licensee's authority to perform surgery or to order conscious sedation or anesthesia services. If any procedure to be performed by Licensee requires the administration of anesthesia or conscious sedation, such shall be administered only by a licensed physician who specializes in anesthesiology or certified registered nurse anesthetist under the supervision of an anesthesiologist.

11. Counsel for the Board is directed to prepare and file a Petition to Revoke, Suspend or Limit the license of Licensee as soon as feasible; further, a further hearing shall be conducted on the need for the continuation of the emergency limitation hereby imposed on Licensee's license within 10 working days of this date. Dr. Jana Jones, M.D. is appointed to serve as presiding officer to consider the need for continuing the emergency limitation and then, to issue an Initial Order.

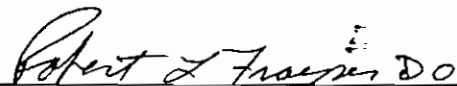
12. That portion of this Order denying Licensee's request for modification of Stipulation constitutes an order following conference hearing. Either party may seek judicial review of the Final Order by filing a petition in the district court. A petition for judicial review is not timely unless filed within thirty days following service of this order. Reconsideration is not a prerequisite to a petition for judicial review. Additionally, a party may seek judicial review of a non-final agency order upon service of an emergency order. Any petition for judicial review shall be served upon the Board's Executive Director at 235 S. Topeka Blvd., Topeka, KS 66603.

IT IS SO ORDERED.

DATED this 12th day of August, 2000.

KANSAS STATE BOARD OF HEALING ARTS

BY



ROBERT FRAYSER, D.O., PRESIDENT

CERTIFICATE OF SERVICE

I, Betty J. Johnson, Administrative Assistant, Kansas Board of Healing Arts, hereby certify that I served a true and correct copy of the **FINAL ORDER DENYING MODIFICATION OF STIPULATION AND ORDER OF EMERGENCY LIMITATION OF LICENSE** by United States mail, postage prepaid, on this 14th day of August, 2000, to the following:

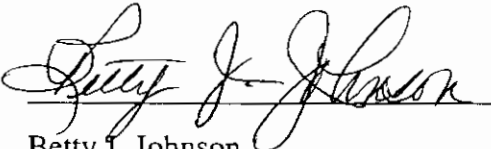
Ann K. Neuhaus, M.D.
205 W. 8th Street
Lawrence, Kansas 66044

and a copy was hand-delivered to:

Kelli J. Benintendi
Associate Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

and the original filed with the office of:

Lawrence T. Buening, Jr.
Executive Director
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603


Betty J. Johnson