

Kansas State Board of Healing Arts  
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Kathleen Selzler Lippert  
Executive Director

Sam Brownback, Governor

November 1, 2011

Robert V. Eye  
Kauffman & Eye  
The Dibble Building  
123 SE 6<sup>th</sup> Avenue Suite 200  
Topeka, KS 66603

Re: Docket #12-HA00040; Ann K. Neuhaus, M.D.-Application to Change Status of License

Dear Mr. Eye,

On or about June 29, 2011, Dr. Neuhaus submitted an application to change the status of her license from exempt to active. The Disciplinary Panel reviewed Dr. Neuhaus' application and has requested that the full Board review her application.

Enclosed is Dr. Neuhaus' application, which was filed with the Board today. Also enclosed is Counsel for the Board's Response to Dr. Neuhaus' application along with proposed exhibits. You will receive a Notice for Conference Hearing when Dr. Neuhaus' application is scheduled.

If you have any questions or concerns, please feel free to contact me.

Sincerely,

Jessica A. Bryson  
Associate Litigation Counsel

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BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

FILED CAP

NOV 01 2011

KS Board of Healing Arts

12-HA00040

In the Matter of: )

ANN K. NEUHAUS, M.D. )

License #04-21596 )

Application To Change Status of License )

From Exempt to Active. )

Docket No. 12-HA-

**RESPONSE TO THE APPLICATION TO CHANGE THE STATUS OF THE  
LICENSE TO PRACTICE MEDICINE AND SURGERY  
FROM EXEMPT TO ACTIVE**

COMES NOW the Kansas Board of Healing Arts ("Board"), by and through Reese H. Hays, Litigation Counsel, and Jessica A. Bryson, Associate Litigation Counsel, ("Respondent") and states the following in response to the Application for a Status Change filed by Ann K. Neuhaus, M.D. ("Licensee/Applicant"):

1. Licensee/Applicant changed the status of her license to practice medicine and surgery in Kansas from active to exempt effective July 1, 2010.
2. On her application to change her license to exempt status, Licensee/Applicant stated that her professional activities in Kansas would constitute "Charitable Health Care, Treatment of Family and Friends with no compensation." Exhibit 1.
3. On or about, June 29, 2011, Licensee/Applicant submitted an application to change the status of her license to practice medicine and surgery in the State of Kansas from exempt to active. Such application was filed with the Board on November 1, 2011.
4. Licensee/Applicant's mailing address as provided to the Board is: 17127 Osage Road, Nortonville, Kansas 66060.

**RESPONSE TO APPLICATION TO CHANGE THE STATUS OF THE LICENSE**  
**Ann K. Neuhaus, M.D.**

5. Licensee/Applicant was asked by the Licensing Department if she had practiced medicine since July 1, 2009. Bates Stamped Page 23. Licensee/Applicant failed to respond to the Licensing Department's request for information.
6. In an August 18, 2011, letter, Licensee/Applicant was again asked to provide information regarding whether she had practiced medicine since July 1, 2009. Exhibit 2.
7. On August 24, 2011, Licensee/Applicant, through her attorney, provided a timeline of her professional activities. Exhibit 3.
  - a. From January 2009 to the present time, Licensee/Applicant wrote that she volunteered at the KUMC Department of Family Medicine, Research Division. Licensee stated that her duties included volunteering as a physician "for health fairs and other KUMC health events in Kansas (statewide)."
  - b. From February 2010 to September 2010, Licensee/Applicant wrote that she worked for Advanced Correctional Healthcare. Licensee stated that she "[p]rovided general medical (routine and urgent) services for several county detention adult and juvenile centers including Leavenworth, Atchison and Junction City, KS; on call for those facilities 24/7[.]"
  - c. From May 2008 to May 2010, Licensee/Applicant wrote that she worked for the Wyandotte (Unified Government) County Health Department in the Family Planning Department.
  - d. From September 2006 to February 2010, Licensee/Applicant wrote that she worked for CSL Plasma.

8. Based on Licensee/Applicant's indication that she was practicing medicine on an exempt license from July 1, 2010, to September 2010, subpoena #13797 was issued asking that she provide the following: "Copies of ANY and ALL records in your possession and control or subject to your possession and control, and regardless of source pertaining to employment with Advanced Correctional Healthcare, Inc. including employment dates, employment duties, locations and dates employment duties performed" by September 15, 2011. Exhibit 4.
9. Licensee/Applicant's curriculum vitae (CV) was also obtained. Exhibit 5. The CV provides the following information:
  - a. From September 2010 to the present time, Licensee/Applicant has been a Research Instructor for KUMC's Department of Family Medicine. Licensee/Applicant also volunteered at health fairs and KUMC related events. *Compare with Paragraph 7(a)* where Licensee/Applicant indicated that she had been with KUMC's Department of Family Medicine since January 2009.
  - b. From February 2010 to September 2010, Licensee/Applicant stated that she "[p]rovided medical services for several county detention centers including Leavenworth, Atchison and Junction City, KS." *Compare with Paragraph 7(b)* where Licensee/Applicant stated that she worked for Advanced Correctional Healthcare for the same time period.
  - c. From May 2008 to May 2010, Licensee/Applicant stated that she worked for the Wyandotte (Unified Government) County Health Department in the Family Planning Department. *Compare with Paragraph 7(c)*.

d. From September 2007 to February 2010, Licensee/Applicant stated that she worked for CSL Plasma. *Compare with Paragraph 7(d) where Licensee/Applicant stated that she worked at CSL Plasma from September 2006 to February 2010.*

10. On September 28, 2011, Licensee/Applicant provided a response stating that she does “not have specific employment records relating to the subpoena, as far as termination of services with any of the places [she] was contracting with in 2009.” She continued to state, “By September 2009, I was no longer working with the correctional company, and was only working at the plasma center (in an administrative and supervisory role, with no direct client medical services provision) until February of 2010, although at that time I still had an active license status. I have not been employed or contracted services as a physician during the time of my exempt license status, nor have I provided any medical service outside the scope of that permitted with an exempt license.” Exhibit 6. *Compare with Paragraph 7(b) and Paragraph 9(b).*

11. Pursuant to K.S.A. 65-2809(f), “The board may issue an exempt license to a person who is not regularly engaged in the practice of the healing arts in Kansas and who does not hold oneself out to the public as being professionally engaged in such practice. . .”

12. According to K.A.R. 100-10a-4(a), “Exempt licenses may be issued to qualified applicants if the professional activities of the applicant will be limited to the following:

(1) Performing administrative functions, including peer review, disability determinations, utilization review and expert opinions;

(2) providing direct patient care services gratuitously or providing supervision, direction or consultation for no compensation. Nothing in this subsection shall prohibit an exempt license holder from receiving payment for subsistence allowances or actual and necessary expenses incurred in providing such services;

(3) rendering professional services as a 'charitable health care provider' . . . ; and

(4) providing services as a district coroner or deputy coroner.”

13. Furthermore, K.A.R. 100-10a-6(a) states, “The holder of an exempt license shall not engage in any professional activities relating to the healing arts not divulged to the board on the application for exempt license, any renewal application or on a request submitted and approved by the board pursuant to 100-10a-2.”

14. Pursuant to K.S.A. 65-2836(a), the Board may revoke, suspend or limit, publicly or privately censure, place under probationary conditions, or deny reinstatement of a license if the Board finds that the licensee has committed fraud or misrepresentation in applying for or securing an original, renewal, or reinstated license.

15. Pursuant to K.S.A. 65-2836(f), the Board may revoke, suspend or limit, publicly or privately censure, place under probationary conditions, or deny reinstatement of a license if the Board finds that the licensee has “willfully or repeatedly violated this act, the pharmacy act of the state of Kansas or the uniform controlled substances act, or any rules and regulations adopted pursuant thereto, or any rules

and regulations of the secretary of health and environment which are relevant to the practice of the healing arts.”

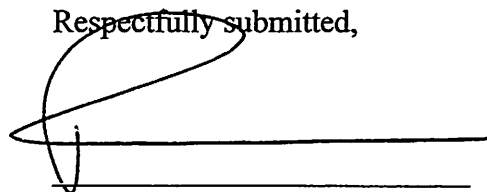
16. Pursuant to K.S.A. 65-2836(k), the Board may revoke, suspend or limit, publicly or privately censure, place under probationary conditions, or deny reinstatement of a license if the Board finds that the licensee has “violated any lawful rule and regulation promulgated by the board or violated any lawful order or directive of the board previously entered by the board.”

17. Licensee/Applicant’s application to change the status of her license from exempt to active to practice medicine and surgery in Kansas may be denied if there is a preponderance of the evidence to show that she has (1) committed fraud or misrepresentation in applying for or securing her license, or (2) practiced medicine and surgery on an exempt license.

WHEREFORE, Respondent respectfully requests the Board consider the facts as stated herein and determine whether Applicant’s application for an active license to practice medicine and surgery should be denied and for such other relief as the Board deems appropriate.

WHEREFORE, Petitioner further requests this matter be set for a conference hearing pursuant to K.S.A. 77-533. It would be appropriate to set this matter for hearing at the Board meeting scheduled for February 24, 2011.

Respectfully submitted,



Reese H. Hays, #22700  
Litigation Counsel

Jessica A. Bryson, # 22669  
Associate Litigation Counsel  
Kansas State Board of Healing Arts  
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Topeka, Kansas 66612  
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## CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the Response To Application to Change the Status of the License from Exempt to Active by United States mail, postage prepaid, on this 1<sup>st</sup> day of November, 2011 to the following:

Ann K. Neuhaus, M.D.  
Licensee/Applicant  
C/O Robert V. Eye  
Attorney for Licensee/Applicant  
Kauffman & Eye  
The Dibble Building  
123 SE 6<sup>th</sup> Avenue, Suite 200  
Topeka, Kansas 66603

And the original was hand-delivered to:

Kathleen Selzler Lippert  
Executive Director  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Ste A  
Topeka, Kansas 66612

Jessica A. Bryson  
Jessica A. Bryson