

## MINUTES OF THE SENATE HEALTH CARE STRATEGIES COMMITTEE

The meeting was called to order by Chairperson Susan Wagle at 1:30 P.M. on February 6, 2008 in Room 136-N of the Capitol.

Committee members absent: Senator David Haley- excused  
Senator Nick Jordan- excused

Committee staff present: Ms. Emalene Correll, Kansas Legislative Research Department  
Ms. Nobuko Folmsbee, Revisor of Statutes Office  
Ms. Renae Jefferies, Revisor of Statutes Office  
Ms. Margaret Cianciarulo, Committee Secretary

Conferees appearing before the committee: Dr. Andrew Jacobs, Ph.D., Leawood, KS  
Dr. Rory Murphy, PhD, Leawood, KS

Others in attendance: Please see attached guest list

**Continued hearing on Board of Healing Arts responsiveness to complaints from the public**

Upon calling the meeting to order, Chairperson Wagle referred the Committee to the handout from Mr. Steve Eddy which was a copy of the primary pages of the case against Dr. John Schroll. A copy of this handout is (Attachment 1) attached hereto and incorporated into the Minutes by reference..

The Chair then called upon the first of two conferees, Dr. Andrew Jacobs, a practicing psychologist from Kansas City, Missouri who offered an account of his filing an official complaint with the Board of Healing Arts regarding his wife's relationship with Dr. Douglas Geenens. In his testimony, he also included his letter to Governor Sebelius and her response, a copy of the consent order, information on "The Principles of Medical Ethics, with Annotations Especially Applicable to Psychiatry, a copy of the BHA's mission statement, it's philosophy and goals established to assist with agency mission, and three letters:

1. A letter to Mr. Buening from Dr. David Blakely, President of the Kansas Psychiatric Society regarding his concern that KPS has when issues come before BHA's Board that particularly concerns psychiatry;
2. A letter from Ms. Tina Steinman, Executive Director, Division of Professional Registration to Dr. Jacobs advising him that Dr. Geenens had retired his license to practice medicine in the State of Missouri, which according to Dr. Jacobs, with Dr. Jacobs offering this letter, it is not publicized; and,
3. A letter to Dr. Geenens Psychiatry Patients from Dr. Geenens and Ms. Ronda Gray, ARNP stating that Ms. Gray will no longer be working at Geenens Psychiatry and Dr. Geenens' transition out of practice.

A copy of his testimony and his attachments are (Attached 2) attached hereto and incorporated into the Minutes by reference..

The second and last conferee, Dr. Rory Murphy, gave a background of his education, employment, when he first began working with Dr. Geenens at the Menninger Foundation during his residency training, and finally, joining Dr. Geenens' practice, where Dr. Murphy became a partner. He went on to describe Dr. Geenens behavior (ex. Inappropriate over time, inability to maintain appropriate boundaries with patients, change in appearance, prescribing to non patients, abandonment of patients by recurrent cancellations, etc.) Dr. Murphy concluded with a time line from being subpoenaed by KBHA in 11-03 through 1-08 when he forwarded additional concerns to KBHA. Dr. Murphy had no written testimony, but will forward it to Chairperson Wagle.

## CONTINUATION SHEET

MINUTES OF THE Senate Health Care Strategies Committee at 1:30 P.M. on February 6, 2008 in Room 136-N of the Capitol.

Page 2

Committee discussion and questions from Senators Palmer, Barnett, and Wagle relating to:

- clarification of Dr. Geenens still having a license in Kansas, but losing his Missouri license;
- meds given to people that are not patients;
- not a political situation;
- statement of understanding of how notification is given when a doctor closes his practice;
- clarification of Dr. Geenens being assured that he would not be investigated or that there would be no action by Dr. Ellis, President, BHA, who was terminated and while he was reapplying to be reinstated, his license was pulled in Missouri;
- there were some funds swept from the BHA during difficult budget times, and would like to know if that played role in this situation as well
- in reference to Mr. Eddy's handout, page 5, who does the law firm of Wright, Henson, Somers, Sebelius, Clark & Baker, LLP represent? And,
- not understand why doctors in these circumstances did not report their concerns earlier, what is the reporting process if a doctor wants to report anonymously, is there a mechanism for that to be done, what is stated in the law, and if somebody reported it and if the BHA only investigates if there are three, would that one report lead to an investigation?

The Chair stated this does justify the introduction of a bill. She went on to say as she has been researching, more specifically, talking to two women who do have filed complaints with the BHA that have not been responded to, and as she looks at the history of the BHA, she would like to introduce a bill, they could all agree to, changing the selection of the Board that now is totally appointed by the Governor. She would like the Committee to hear the concerns from the BHA and KMS. She went on to say that she still thinks that peer review is good but still needs to be depoliticized.

Senator Brungardt asked that they look at other states (ex. How they are structured, funded, their investigative procedures, in contrast to what we do?)

The conferees were asked if their complaints were forwarded to the Attorney General's office.

The Chair mentioned that the Committee needs to look at the structure of the Board and also consider the Post Audit and their remediation concerns, and the timeliness and response of the BHA Senator Brungardt suggested that they start by hearing from the BHA, Senator Barnett agreed. The Chair then asked if the Board could be available next week.

The Committee agreed to hold off on the introduction of a bill until more information was gathered.

### **Adjournment**

As it was going on Senate session time, the meeting was adjourned. The time was 2:31 p.m.

The next meeting is scheduled for February 11, 2008

SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

GUEST LIST

DATE: Wednesday, February 6, 2008

16 in  
att.

NAME	REPRESENTING
William Rony Murphy, M.D.	citizen
Jerry Slaughter	KNS
Dan Morin	KNS
Tara Hacker	KHPA
Paul Forbes	VHG

26 in  
att

Please pass on  
after signing



**SECURE SYSTEMS INC.**

10505 SOUTH K-7 HIGHWAY  
OLATHE, KANSAS 66061

PHONE: (913) 780-3294  
FAX: (913) 780-4839  
E-MAIL: STEVE.EDDY@SECURESYSTEMSUSA.COM

# FAX MEMO

To: Senator Susan Wagle	From: Steve Eddy
Fax #: 785-296-6718	RE: Board of Healing Arts
Total Number of Pages (Including This Page) - 17 -	Date: February 5, 2008

- Urgent    
 For Your Review    
 Reply Requested    
 No Reply Needed

Senator Wagle:

Per your request, copies of the primary pages of the cases are attached.

Senate Health Care Strategies  
Committee  
Date: February 6, 2008  
Attachment 1  
Eddy

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

MAY 22 1998

STATE BOARD OF  
HEALING ARTS

In the Matter of )  
)  
JOHN T. SCHROLL, M.D. )  
Kansas license no. 04-17350 )  
\_\_\_\_\_ )

Case No. 98-00248

INITIAL ORDER

NOW ON THIS Twenty-fourth Day of April, 1998, comes before the State Board of Healing Arts a Petition to Revoke, Suspend, or Otherwise Limit Licensure of John T. Schroll, M.D. Sitting as Presiding Officer are Donald B. Blez, M.D., Howard D. Ellis, M.D., Christopher Rodgers, M.D., and Ronald J. Zoeller, D.C. Kevin K. LaChance, Disciplinary Counsel, appears for Petitioner. Respondent John T. Schroll, M.D., appears in person and through Thomas E. Wright, Attorney at Law.

Having the agency record before it, and hearing the evidence and arguments of counsel, the Board makes the following findings of fact, conclusions of law and orders:

1. Respondent is entitled to practice medicine and surgery, having been issued license number 04-17350 on December 9, 1977. He practices gynecology in Shawnee, Kansas.
2. Respondent participates in Amway as a private enterprise separate from his practice of medicine and surgery. As a participant, he is able to make a profit from selling, purchasing or enlisting others to sell or purchase Amway products, the vast majority of which are unrelated to his practice of medicine and surgery.
3. On December 1, 1997, Patient K.M. presented to Respondent's office for an annual check-up and to discuss some specific questions regarding her health history. Respondent

1-2

customarily examines patients in the examination room and then discusses the examination in his office. After the examination, Patient K.M. went to Respondent's office to discuss the examination as she had done on previous occasions. The discussion in Respondent's office lasted approximately ten minutes.

4. While in Respondent's office, Patient K.M. expected to discuss her examination and to ask questions. But the conversation immediately turned to Respondent's Amway business. Respondent gave printed information to Patient K.M. offering her the opportunity to participate in his business. He explained different options for participating. Patient K.M. did not feel pressured to join, but she had no interest in the business. Patient K.M. lost interest in the remainder of the conversation. Patient K.M.'s medical questions were not discussed as she had hoped. The Board finds that Respondent exploited Patient K.M. by using the patient visit to further his economic interest rather than address Patient K.M.'s medical issues as reasonably expected.

5. The Board is authorized by K.S.A. 1997 Supp. 65-2836(b) to revoke, suspend, or limit a license to practice the healing arts, or the Board may censure or fine a licensee, upon the finding of unprofessional conduct, dishonorable conduct, or professional incompetence. The Board does not agree with Respondent's argument that since the healing arts act fails to define Respondent's conduct as unprofessional or dishonorable, the Board lacks authority to take disciplinary action. In *Kansas State Board of Healing Arts v. Foote*, 200 Kan. 447 (1968), the Court stated:

"Considering the entire policy expressed in the [healing arts] act, we believe the legislature, by enumerating certain acts and classifying them as unprofessional conduct, did not thereby intend

to exclude all other acts or conduct in the practice of the healing arts which by common understanding render the holder of a license unfit to practice. It would be difficult, not to say impractical, in carrying out the purpose of the act, for the legislature to list each and every specific act or course of conduct which might constitute such unprofessional conduct of a disqualifying nature." 228 Kan. at 453.

The Board concludes that exploiting a patient by using the patient visit to further a licensee's own outside economic interest rather than addressing the patient's concerns constitutes unprofessional conduct. In light of this conclusion, the Board finds that Respondent committed an act of unprofessional conduct when he exploited the patient interview, attempting to further his own economic interest rather than address the patient's concerns.

6. In concluding that Respondent committed an act of unprofessional conduct, the Presiding Officer does not conclude that either participating in a multi-level marketing system or selling goods or services to a patient constitutes a *per se* violation of the healing arts act.

7. In this case, there was no serious patient harm, and there is not a history of prior discipline of Respondent. However, Patient K.M. was sufficiently concerned so that she terminated the physician-patient relationship with Respondent. The Board concludes that censure is the appropriate remedy.

**IT IS, THEREFORE, ORDERED THAT** Respondent is publicly censured.

**PLEASE TAKE NOTICE THAT** this is an Initial Order. An Initial Order becomes effective as a Final Order 30 days after service unless reviewed by the Agency Head. A Petition

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for Review may be filed with the Executive Director at 235 S. Topeka Blvd., Topeka, Kansas  
6603.

ENTERED THIS 27 DAY OF MAY, 1998.

KANSAS STATE BOARD OF HEALING ARTS

  
Howard D. Ellis, M.D.

Certificate of Service

I certify that a copy of the foregoing Initial Order was served this 27th day of May, 1998  
by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

John T. Schroll, M.D.  
89901 W. 74th Street, Ste 248  
Shawnee Mission, Kansas 66204

Thomas E. Wright  
Attorney at Law  
Commerce Bank Bldg., 2nd Floor  
100 E. 9th Street  
P.O. Box 3555  
Topeka, Kansas 66601

and a copy was hand-delivered to:

Kevin K. LaChance  
Disciplinary Counsel  
235 S. Topeka Blvd.  
Topeka, Kansas 66603





BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

**FILED**

AUG 22 2002

In the Matter of )  
 )  
JOHN T. SCHROLL, M.D. )  
Kansas License No. 4-17350 )  
\_\_\_\_\_ )

Docket No. 02-HA-30

KANSAS STATE BOARD OF  
HEALING ARTS

**FINAL ORDER**

NOW ON THIS Seventeenth Day of August 2002, this matter comes before the Board for review of the Initial Order issued July 11, 2002. Stacy L. Cook, Litigation Counsel, appears for Petitioner. Respondent John T. Schroll, M.D. appears in person and through Thomas E. Wright of Wright, Henson, Somers, Sebclius, Clark & Baker, LLP.

After hearing the arguments of counsel and the statement of Respondent, and having the record of the hearing before it, the Board adopts Paragraphs 1-17 of the Initial Order as the findings and conclusions of the Board. Those findings and conclusions are as follows:

1. Respondent is licensed to practice medicine and surgery in the State of Kansas. He is certified by the American Board of Obstetrics and Gynecology and practices in that specialty.
2. On December 6, 1999, Patient T.K. presented to Respondent's office. She had been referred to Respondent by her primary care physician to discuss mild dyspareunia symptoms.
3. During the examination and discussion that followed, Respondent made statements to Patient T.K. that caused the patient to file a written complaint with the Board. Respondent denies that he made these statements in the manner alleged. Patient T.K. testified regarding her visit to Respondent's office. The Presiding Officer finds her testimony clear and persuasive.

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4. Respondent commented to Patient T.K. during the examination that she had beautiful eyes, and stated that after looking at "hips, butts, boobs and vaginas all day, it was the eyes that did it" for him. This statement was made while Respondent held the patient's hand.

5. Respondent and Patient T.K. discussed the physical examination in Respondent's office following the examination. Respondent recommended a hysterectomy. Respondent told Patient T.K. that after the surgery she would be able to have sex in every position and that her husband would enjoy it.

6. The Presiding Officer finds that Respondent did not intend to invite the patient into a sexual relationship by the comments or by holding her hand. Further, the Presiding Officer concludes that these comments and holding of the patient's hand do not constitute sexual abuse, misconduct or exploitation. But these comments were considered inappropriate by the patient. While some familiarity in communication between the physician and patient is acceptable, a patient does legitimately expect a physician to have a professional demeanor and a clinical level of communication with the patient, particularly when discussing the patient's anatomy or treatment. This is especially true in the relationship between a patient and an obstetrician. That relationship involves intimacy in the physical examination, and it involves discussion of private information about which the patient might be shy or embarrassed.

7. The Presiding Officer concludes that when Respondent used nonprofessional terms to refer to body parts, and when he told the patient what is personally attractive to him while holding her hand, Respondent should have realized that the patient would question whether the visit is a clinical experience for the patient or a personal experience for the physician.

8. The Presiding Officer further concludes that it was not inappropriate for Respondent

to tell the patient she could have intercourse in every position following a hysterectomy. But when Respondent added that the patient's husband would enjoy the sexual experience, he should realize that his statement creates confusion for the patient in understanding whether the procedure is for the patient's medical benefit or for her husband's enjoyment.

9. On November 8, 2001, Patient E.M. presented to Respondent's office for a postpartum visit. After the pelvic exam, Respondent and the patient were discussing birth control, and Respondent observed that Patient E.M.'s bra did not fit properly. The patient was wearing a shirt at the time. Respondent lifted the patient's shirt and adjusted the bra to tuck her breasts back into the bra. While he did touch the patient's breasts, Respondent did not fondle her breasts. These facts are not in dispute.

10. Respondent suggests that there was a medical purpose for adjusting the clothing of this patient. However, the precise medical purpose is not clear from the record, and the incident is not documented in the patient record.

11. A female medical student was present in the examination room with Patient E.M., and the student witnessed Respondent adjusting the patient's clothing. The student testified that she was surprised by Respondent's actions, and observed that the patient was also surprised.

12. Respondent did not ask Patient E.M. for permission to lift her shirt or to touch her clothing or her breasts, and he did not tell the patient in advance what he was doing. Respondent did comment while he was adjusting the bra that the bra did not fit correctly.

13. The Presiding Officer finds and concludes that when Respondent touched the breasts of Patient E.M. he did not do so for his own pleasure, or that he engaged in sexual abuse, misconduct or exploitation. However, the Presiding Officer does find that Respondent confused the

boundaries of the professional relationship by adjusting the patient's bra and touching the patient's breasts without first asking for the patient's permission to do so, or without explaining in advance the clinical nature of what he was about to do.

14. The Presiding Officer finds and concludes that Respondent failed to observe appropriate professional boundaries with two patients. Those failures include making inappropriate comments, even though possibly in jest, and in unauthorized touching. Dr. Bates's testimony emphasized the importance of those boundaries, and the result when the boundaries are violated. As a policy matter, the Presiding Officer finds that for the effective practice of medicine, a patient often must allow a physician to discuss matters or to touch the patient in a manner that the patient would not allow others to do as a matter of personal privacy. But when the physician makes statements or engages in conduct that crosses that personal boundary and the clinical purpose is not clear, the patient can be expected to be embarrassed, to be confused about the nature of the relationship, or even to lose trust in the professional relationship. Patients must be protected from this type of harm.

15. In mitigation, Respondent did not engage in the conduct for his own sexual gratification.

16. The Board may issue a disciplinary order upon the finding that a licensee has engaged in unprofessional, incompetent, or dishonorable conduct. The Kansas Supreme Court has established that the Legislature did not intend an exhaustive list of actions that constitute unprofessional or dishonorable conduct when it enacted K.S.A. 65-2837. The Presiding Officer concludes boundary violations such as those committed by Respondent constitute unprofessional or dishonorable conduct.

17. Disciplinary action authorized by statute includes revocation, suspension, or limitation of a license, or censure or fine of a licensee. In light of the mitigating circumstances found above, the Presiding Officer orders that Respondent be fined \$1000, and that he pay the costs of the disciplinary proceeding.

The Board further finds as follows:

18. Based upon the hearing record as a whole, and based upon prior agency action involving Respondent's failure to observe a proper boundary between himself and a patient when he attempted to engage in a business transaction with that patient, the Board finds that Respondent's license should be limited with a requirement that Respondent attend a Board-approved course in professional boundaries. For purposes of this order, the Board hereby approves the program entitled Professional Renewal Medicine through Ethics, offered September 20-22, 2002 by the Robert Wood Johnson Medical School, University of Medicine and Dentistry of New Jersey.

19. The Board further concludes that the limitation imposed by this order does not reduce the scope of practice or the authority of Respondent to engage in the healing arts, and thus shall not be reported as a limitation upon Respondent's license. The Board further concludes that this order is an open public record.

20. The Board finds that Petitioner's motion for assessment of costs should be considered separately to allow Respondent time to file a written response. The motion shall be heard by Presiding Officer Emily Taylor, who is hereby authorized to issue a Final Order on that motion. Any party may seek reconsideration of that Final Order before the Board.

1-10


**IT IS, THEREFORE, ORDERED** that Respondent is fined \$1000, and that he pay the costs of the proceeding as allowed by statute.

**IT IS FURTHER ORDERED** that Respondent attend a course on professional boundaries as approved by the Board.

**IT IS FURTHER ORDERED** that Emily Taylor is appointed as Presiding Officer and authorized to issue a Final Order on Petitioner's motion for assessment of costs.

**PLEASE TAKE NOTICE** that this is a Final Order. A Final Order is effective upon service. A party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court as authorized by K.S.A. 77-610, et seq. Reconsideration of the Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the Final Order. A copy of any petition for judicial review must be served upon the Board's executive director at 235 S. Topeka Blvd., Topeka, KS 66603.

Dated this 22<sup>nd</sup> day of August 2002.

  
Lawrence T. Bucning, Jr.  
Executive Director

**Certificate of Service**

I certify that a true copy of the foregoing Order was served this 22<sup>nd</sup> day of August 2002 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Thomas E. Wright  
Evelyn Z. Wilson  
Wright, Henson, Somers, Sebelius, Clark & Baker, LLP  
2<sup>nd</sup> Floor, 100 SE 9<sup>th</sup> Street  
P.O. Box 3555  
Topeka, Kansas 66601-3555

and a copy was hand-delivered to the office of:

Stacy L. Cook  
Kelli J. Benintendi  
235 S. Topoka Blvd.  
Topeka, Kansas 66603

  
\_\_\_\_\_

**FILED**

**BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS**

**JAN 15 2002**

**KANSAS STATE BOARD OF  
HEALING ARTS**

In the Matter of )  
 )  
John T. Schroll, M.D. )  
Kansas License No.4-17350 )  
\_\_\_\_\_ )

Docket No. 02-HA-30

**FIRST AMENDED  
PETITION TO REVOKE, SUSPEND OR OTHERWISE LIMIT LICENSE**

COMES NOW the Kansas State Board of Healing Arts ("Petitioner"), by and through Stacy L. Cook, Litigation Counsel, and for its First Amended Petition to Revoke, Suspend or Otherwise Limit License, alleges and states:

1. John T. Schroll, M.D.'s ("Licensee") last known mailing address to the Board is 8901 W. 74<sup>th</sup>, #243, Shawnee Mission, Kansas 66204.

2. Licensee is or has been entitled to engage in the practice of medicine and surgery, having been issued License No. 4-17350 on approximately December 9, 1977. At all times relevant to the allegations set forth in the Petition, Licensee has held a current license to engage in the practice of medicine and surgery, having last renewed his license on May 16, 2001.

3. Since issuance of license, and while engaged in a regulated profession as a medical doctor in the State of Kansas, pursuant to K.S.A. 65-2801 *et seq.*, Licensee did commit the following act(s):

**COUNT ONE**

4. Petitioner incorporates herein by reference paragraphs 1 through 3.

1-13



✓5. On or about April 29, 1997, patient #1 presented to Licensee's office for an annual examination, which was to include a pelvic examination and a pap smear.

✓6. While patient #1 was disrobed and lying on the examination table, Licensee made an inappropriate sexual comment regarding the patient's vaginal area.

7. Pursuant to K.S.A. 65-2836(b), the Board may revoke, suspend or otherwise limit Licensee's license in that Licensee has committed an act of unprofessional conduct by making an inappropriate sexual comment during an examination regarding the patient's vaginal area.

8. Pursuant to K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(16), the Board may revoke, suspend or otherwise limit Licensee's license in that Licensee has committed an act of sexual misconduct related to Licensee's professional practice.

9. Pursuant to K.S.A. 65-2836(b), the Board may revoke, suspend or otherwise limit Licensee's license in that Licensee has engaged in an act of dishonorable conduct.

WHEREFORE, Petitioner prays that the Board make findings of fact and conclusions of law that Licensee committed these acts in violation of the Kansas Healing Arts Act, that Licensee's license to practice the healing arts in the State of Kansas be revoked, suspended or otherwise limited, and that the Board assess such administrative fines and impose such costs against Licensee as it shall deem just and proper and as authorized by law.

#### COUNT TWO

10. Petitioner incorporates herein by reference paragraphs 1 through 9.

✓11. On or about December 6, 1999, patient presented to Licensee's office with various gynecologic issues.

12. Licensee performed a pelvic examination and a breast examination on patient #2.

1-14

~~13.~~ While the patient was still in the examination room, Licensee took the patient's hand and inappropriately commented on the patient's appearance.

~~14.~~ After the examination and while discussing treatment options, Licensee made several inappropriate comments which were sexual in nature and not necessary to any treatment issues.

15. Pursuant to K.S.A. 65-2836(b), the Board may revoke, suspend or otherwise limit Licensee's license in that Licensee has committed acts of unprofessional conduct by making unnecessary and inappropriate sexual comments immediately after a pelvic examination and while the patient was seeking treatment from Licensee.

16. Pursuant to K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(16), the Board may revoke, suspend or otherwise limit Licensee's license in that Licensee has engaged in an act of sexual misconduct related to Licensee's professional practice, as described above.

17. Pursuant to K.S.A. 65-2836(b), the Board may revoke, suspend or otherwise limit Licensee's license in that Licensee has committed acts of dishonorable conduct as described above.

WHEREFORE, Petitioner prays that the Board make findings of fact and conclusions of law that Licensee committed these acts in violation of the Kansas Healing Arts Act, that Licensee's license to practice the healing arts in the State of Kansas be revoked, suspended or otherwise limited, and that the Board assess such administrative fines and impose such costs against Licensee as it shall deem just and proper and as authorized by law.

**COUNT THREE**

18. Petitioner incorporates herein by reference paragraphs 1 through 17.

✓ 19. From approximately May 17, 2001 through November 8, 2001, Licensee provided prenatal care to patient #3 during her pregnancy.

1-15

20. During various prenatal visits, Licensee made inappropriate comments about patient #3's appearance, including statements to the effect of "you are so beautiful" and you have the "nicest body."

21. On approximately November 8, 2001, patient #3 presented for a post-partum exam.

22. During the visit, Licensee touched patient #3's breasts in an inappropriate manner.

23. Licensee also made an inappropriate comment about the size of patient #3's breasts.


24. Pursuant to K.S.A. 65-2836(b), the Board may revoke, suspend or otherwise limit Licensee's license in that Licensee has committed acts of unprofessional conduct by making inappropriate sexual comments and by inappropriately touching the patient while the patient was seeking treatment from Licensee.

25. Pursuant to K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(16), the Board may revoke, suspend or otherwise limit Licensee's license in that Licensee has engaged in an act of sexual misconduct related to the Licensee's professional practice, as described above.

26. Pursuant to K.S.A. 65-2836(b), the Board may revoke, suspend or otherwise limit Licensee's license in that Licensee has committed acts of dishonorable conduct as described above.

WHEREFORE, Petitioner prays that the Board make findings of fact and conclusions of law that Licensee committed these acts in violation of the Kansas Healing Arts Act, that Licensee's license to practice the healing arts in the State of Kansas be revoked, suspended or otherwise limited, and that the Board assess such administrative fines and impose such costs against Licensee as it shall deem just and proper and as authorized by law.

Respectfully submitted,



Stacy L. Cook #16385  
Litigation Counsel  
Kelli Benintendi #16032  
Associate Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603  
Telephone (785) 296-7413

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing FIRST AMENDED PETITION TO REVOKE, SUSPEND OR OTHERWISE LIMIT LICENSE was served on the 15<sup>th</sup> day of January, 2002 by United States mail, first-class postage prepaid and addressed to:

John T. Schroll, M.D.  
8901 W. 74<sup>th</sup>, #248  
Shawnee Mission, Kansas 66204

Thomas E. Wright  
Evelyn V. Wilson  
Wright, Henson, Somers, Sebelius, Clark & Baker, LLP  
2<sup>nd</sup> Floor, 100 SE 9<sup>th</sup> Street  
P.O. Box 3555  
Topeka, Kansas 66601-3555

and the original was hand-delivered to:

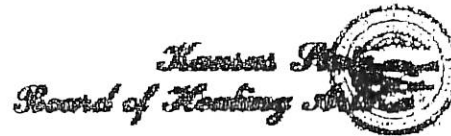
Lawrence T. Bucning, Jr.  
Executive Director  
235 S. Topcka Boulevard  
Topcka, Kansas 66603-3068



Stacy L. Cook

1-17

- |                   |                          |                 |             |
|-------------------|--------------------------|-----------------|-------------|
| Ⓞ OUR MISSION     | Ⓞ PUBLIC INFORMATION     | Ⓞ STATISTICS    | Ⓞ E-MAIL US |
| Ⓞ THE BOARD       | Ⓞ LICENSURE INFORMATION  | Ⓞ VERIFICATIONS | Ⓞ LINKS     |
| Ⓞ STAFF DIRECTORY | Ⓞ DISCIPLINARY PROCEDURE | Ⓞ STATUTES      | Ⓞ FORMS     |
| Ⓞ CONTACTS        | Ⓞ BOARD ACTIONS          | Ⓞ RULES & REGS  | Ⓞ HOME      |



## MISSION STATEMENT

To protect the public by authorizing only those persons who meet and maintain certain qualifications to engage in the health care professions regulated by this Board. Also, to utilize the least restrictive yet effective means to protect the public from incompetence, unprofessional conduct or other proscribed practice by persons who have been granted authority to practice in this State and from unauthorized practice by persons and entities who have not been granted authority to practice in this State.

## PROGRAM GOALS ESTABLISHED TO ASSIST WITH AGENCY MISSION

- Licensing and Renewal
- Investigation and Disciplinary
- Enforcement and Litigation
- Impaired Provider Programs
- Information and Education

## AGENCY PHILOSOPHY

The Kansas State Board of Healing Arts will perform its regulatory functions in accordance with all appropriate statutes and rules and regulations and in an open, courteous and efficient manner. The Board affirms that the protection of the public health, safety and welfare is the utmost responsibility. The Board and its staff will approach its responsibility so that the public and the professions can be assured of a balanced and sensible approach to regulation performed aggressively, but fairly, with the benefit to the citizens of this State being the primary concern.

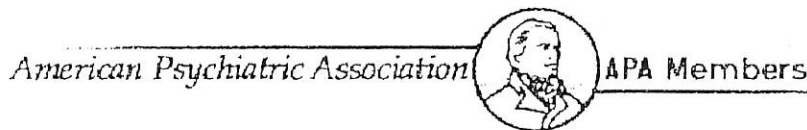
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[Disciplinary Procedure](#)	[Board Actions](#)	[Rules & Regs](#)	[Statutes](#)	[Verifications](#)		
[Forms](#)	[E-mail Us](#)	[Database](#)	[Contacts](#)	[Links](#)	[Site Map](#)	[Home](#)

**Kansas State Board of Healing Arts**  
 235 S. Topeka Boulevard - Topeka, KS 66603-3068  
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# The Principles of Medical Ethics

*With Annotations Especially Applicable to  
Psychiatry*

2001 Edition

Members of the American Psychiatric Association will find additional value in the publication Code of Medical Ethics, Current Opinions With Annotations, prepared by the AMA Council on Ethical and Judicial Affairs, available from the American Medical Association, by calling 8006218335.

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American Psychiatric Association  
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- against the governing body.
- F. Public education as carried out by an ethical psychiatrist would not utilize appeals based solely upon emotion, but would be presented in a professional way and without any potential exploitation of patients through testimonials.
4. A psychiatrist should not be a participant in a legally authorized execution.

## Section 2

*A physician shall deal honestly with patients and colleagues, and strive to expose those physicians deficient in character or competence, or who engage in fraud or deception.*

1. The requirement that the physician conduct himself/herself with propriety in his/her profession and in all the actions of his/her life is especially important in the case of the psychiatrist because the patient tends to model his/her behavior after that of his/her psychiatrist by identification. Further, the necessary intensity of the treatment relationship may tend to activate sexual and other needs and fantasies on the part of both patient and psychiatrist, while weakening the objectivity necessary for control. Additionally, the inherent inequality in the doctor/patient relationship may lead to exploitation of the patient. Sexual activity with a current or former patient is unethical.
2. The psychiatrist should diligently guard against exploiting information furnished by the patient and should not use the unique position of power afforded him/her by the psychotherapeutic situation to influence the patient in any way not directly relevant to the treatment goals.
3. A psychiatrist who regularly practices outside his/her area of professional competence should be considered unethical. Determination of professional competence should be made by peer review boards or other appropriate bodies.
4. Special consideration should be given to those psychiatrists who, because of mental illness, jeopardize the welfare of their patients and their own reputations and practices. It is ethical, even encouraged, for another psychiatrist to intercede in such situations.
5. Psychiatric services, like all medical services, are dispensed in the context of a contractual arrangement between the patient and the physician. The provisions of the contractual arrangement, which are binding on the physician as well as on the patient, should be explicitly established.
6. It is ethical for the psychiatrist to make a charge for a missed appointment when this falls within the terms of the specific contractual agreement with the patient. Charging for a missed appointment or for one not canceled 24 hours in advance need not, in itself, be considered unethical if a patient is fully advised that the physician will make such a charge. The practice, however, should be resorted to infrequently and always with the utmost consideration for the patient and his/her circumstances.
7. An arrangement in which a psychiatrist provides supervision or administration to other physicians or nonmedical persons for a percentage of their fees or gross income is not acceptable; this would constitute fee splitting. In a team of practitioners, or a multidisciplinary team, it is ethical for the psychiatrist to receive income for administration, research, education, or consultation. This should be based on a mutually agreed upon and set fee or salary, open to renegotiation when a change in the time demand occurs. (See also Section 5, Annotations 2, 3, and 4.)

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- Re: Dill contest rules

From: Afentra  
To:  
Date: 11/18/03 6:33PM  
Subject: Re: Dill contest rules

Hey Ken,

OK, DILF stands for Dad I'd like to fuck...like a MILF...you get the idea. We had everyone who thought that they were a "DILF" to email a pic and we would have listeners vote as to the best DILF.

It was for Fathers DAy 2003 and the winner received a boatload of prizes, now from what I remember the only rule we did have was the actual DILF's had to give us permission to use their photos for legal reasons...other than that...thats it.

A :-)

11/18/03 10:07 AM >>>

I would appreciate it if you could mail me the description of the contest and the rules.

Thanks

Ken



December 15, 2004

Governor Kathleen Sebelius  
Office of the Governor  
Capitol, 300 SW 10th Avenue, Suite 212S  
Topeka, KS 66612-1590

Dear Governor Sebelius:

I am writing you because of a terribly distressing situation that has occurred to me this past year. I am a 49 year old Leawood resident who has been practicing as a psychologist in Kansas City, Missouri for 23 years. The first four words of the MISSION STATEMENT for the Board of Healing Arts are "To protect the public...". Unfortunately, I am writing you because after my experience with the Board over the past 14 months, "protecting the public" is hardly the mission that the Board follows. I would like to share the following information with you.

In October 2003, I filed an official complaint with the Board (Exhibit A) regarding my wife's relationship with Dr. Douglas Geenens. I had sent my wife to Dr. Geenens to have her antidepressants monitored and by the third session, he had convinced her to divorce me to be with him. I had known Dr. Geenens since the early 1990's, and we had sent each other numerous referrals. Never did I believe that sending my wife to him would have resulted in the end of our marriage and the most distressing year and a half of my life.

After filing the complaint with the Board, I began discussions with Dr. Geenens former partner, Dr. Rory Murphy. Dr. Murphy shared with me numerous situations of other unethical behaviors by Dr. Geenens that had occurred during their partnership. Although he was not at liberty to share most of these with me, what he did tell me was distressing enough that he agreed to speak with the Board about these behaviors. It became apparent to me that Dr. Geenens modus operandi with many patients and drug reps who visited his office was to use his position to sexually manipulate these women. In early November, Dr. Murphy and I met with the Board's investigator, Mr. Steven French. Mr. French spent two hours interviewing me about my complaint and then spent another two hours alone with Dr. Murphy about his numerous cases of unethical and unprofessional behaviors related to Dr. Geenens. After meeting with Dr. Murphy and myself, Mr. French went to meet with Dr. Geenens and my wife (who was working in his office) to obtain information about the complaint I had filed. The following Sunday, Dr. Geenens followed me to a Starbucks and assaulted me (Exhibit B) prior to the Sunday morning sports psychology show I host with former Chiefs kicker, Nick Lowery.

After this incident, I began doing some research about Dr. Geenens and found out numerous distressing pieces of information. He had been sued twice in wrongful death lawsuits (Exhibit C) and was involved in another lawsuit against Pfizer. In all three lawsuits, he had been the treating psychiatrist for three teenage boys who had all committed suicide. As a colleague of his for over twelve years, I was shocked that I (and just about every other colleague of his) had known nothing about these deaths. I am also enclosing a copy of the New York Times Magazine (Exhibit D) from November 21, 2004, which has the cover story about the death of Matthew Miller, one of the three boys who died that Dr. Geenens had been treating.

I also found out that Dr. Geenens had entered a radio station contest in Kansas City in June 2003. The contest was at 96.5 The Buzz and was entitled the "Dilf" contest. Dr. Geenens emailed them

two pictures of himself (Exhibit E). One is a head shot of him and the other is a picture that was taken by the mother of a patient of his (also unethical). Dr. Geenens emailed these to the station and was the third runner-up in the contest. After finding out about Dr. Geenens entry into the contest, I went to the station headquarters at Entercom radio (where I used to host a show) and got a copy of the picture and the instructions for the contest from a former colleague of mine who still worked at the station.

In the fall of 2003, I ran into Dr. and Mrs. [redacted] at the Kansas City airport. They were shocked to hear about my separation from my wife. As we discussed what had happened, I told them about how my wife had left me for her psychiatrist. [redacted] turned pale as we talked and asked me if the psychiatrist had been Dr. Geenens. I told her it was and then she asked if I remembered that I had sent her to see him several years before. She then shared with me that he had told her the exact same things he had told my wife about living in an unhealthy marriage. She also told me that he had even come over to her house to do a therapy session with her. This eventually led to her terminating her relationship with him. The [redacted] have also now filed an official complaint against Dr. Geenens.

In December 2003, I had two conversations on the same day with two different psychiatrists. Each had found out I had filed a complaint with the Board. The first psychiatrist told me about a patient he had been treating who had formerly seen Dr. Geenens. This female had told him that Dr. Geenens had seen her on a Saturday and had on soccer shorts. Apparently, he was not wearing any underwear and exposed himself to the patient. She left his office and didn't come back.. The second psychiatrist called me later that day. He had a patient in his office when he called who also had been a former patient of Dr. Geenens. He asked me if I had filed a complaint with the Board and after telling him that I had, he proceeded to share with me his patient's story. After several sessions with Dr. Geenens, the patient said Dr. Geenens called her in the middle of the night telling her he was masturbating thinking about her. This woman stopped seeing him immediately and was now in therapy with the psychiatrist who was speaking with me on the phone. I phoned Mr. French that day about both of these incidents and he spoke with both psychiatrists and the patient in the second psychiatrist's office. In addition to these two professionals, I have had numerous conversations with other psychiatrists and psychologists who have shared information with me about other unethical situations involving Dr. Geenens. However, all of these professionals have been afraid to come forward because of fear of reprisals from Dr. Geenens.

As my wife and I completed the paperwork about our divorce (which was finalized in June 2004) I found out that my wife had worked in Dr. Geenens office from the summer on in 2003 and had made almost \$6,000. Dr. Geenens had also loaned her over \$6,000 in September and October 2003. I also found out that on several of the alternate weekends that my sons stayed with me at my mother's home, Dr. Geenens and his two young daughters stayed in my house and his daughters slept in my sons' beds. Governor Sebelius, this is about the most outlandish unethical behavior that anyone can commit. All of this financial information was turned over to the Board in legal documents from my divorce.

In March 2004, I moved back into my house after having been forced to leave in September 2003. Upon returning, I found out that Dr. Geenens had stolen numerous pieces of my sports collections from me. My wife even admitted that she hadn't taken these items, but knew who did. I filed a police report about this.

Governor, throughout this entire period I repeatedly called Mr. French with this and other pieces of

information about Dr. Geenens. On several occasions, I called and spoke with the Board's attorney, Stacy Cook as well as Mr. French about my frustrations with the long process the Board had been taking to investigate. I was repeatedly told that it would just take time because they needed to put all of this information together before it could be presented to the Board. However, I was told that they could not share any information with me about the case or when or if it would come to a conclusion.

In October 2004, the attorney I have in my civil suit against Dr. Geenens, (Exhibit F) called Fox 4 News about the long delay that had occurred in my complaint and they aired a story about the Board's inactions.

Finally, this past weekend, the Board met and decided to suspend Dr. Geenens for one week (Exhibit G). Governor, this is a disgrace. After reading the consent order, you will find that the Board did not consider anything other than my complaint in disciplining Dr. Geenens. NOTHING else is mentioned other than my complaint. Dr. Geenens was given one week off, a two day class to attend and will have to be supervised for two years. THIS IS A TRAVESTY. Dr. Geenens represents everything that is wrong with mental health. He has no limits. He has repeatedly demonstrated that he has no understanding of boundaries, ethics or professionalism. The New York Times article demonstrates that he has an allegiance to Pfizer and not to his patients. He has demonstrated patterns of being a sexual predator, and of having no consideration of his patients needs. HOW COULD THE BOARD SUSPEND HIM FOR ONE WEEK?

In the article in The Kansas City Star (Exhibit H) on December 14, 2004, Mr. Buening states that the Board "looked for a way to fulfill it's obligation to protect the public, without destroying his career". How is this protecting the public? Governor, Dr. Geenens should have had his license revoked permanently, not suspended for one week. Every ethical guideline in mental health states that having sex with a current or former patient is unethical, unprofessional and is prohibited (Exhibit I). Obviously the Board of Healing Arts in Kansas does not think that it is. The decision that the Board has made essentially says that in Kansas a psychiatrist can have sex with a patient (current or former), take a week off and go back to work.

Dr. Geenens and my ex-wife are together all of the time. In my opinion, this is a continual violation of the consent order by being involved socially and sexually with an ex-patient. My sons won't speak with her. Her family and friends are disgusted and frustrated with her, because she won't listen to their reasons why this is wrong. What has happened to my ex-wife is exactly why there are ethical guidelines. Whenever a patient comes into any therapist's office, whether it is a social worker, marriage and family counselor, psychologist or psychiatrist, they are vulnerable. The reason we have ethical guidelines is very clear. Governor, this decision is wrong. This man needs to be removed from practice. I am writing you because I did the correct thing. I filed a complaint and waited for a ruling. The ruling is wrong and needs to be corrected before Dr. Geenens harms someone else. I am writing you not just because of the destruction to my family, but because of what I have found out about this man. I am asking for your help and assistance in reviewing the Board's actions and getting Dr. Geenens license permanently revoked.

I can be reached on my cell phone. My number is 913-221-5745. I hope to hear from you soon.  
Thank you for your time.

Sincerely,



Andrew A. Jacobs Ph.D.  
12012 Wenonga Lane  
Leawood, KS 66209

# KANSAS

OFFICE OF THE GOVERNOR

KATHLEEN SEBELIUS, GOVERNOR

July 1, 2005

Dr. Andrew Jacobs  
12012 Wenonga  
Leawood, Kansas 66209

Re: Douglas Geenens

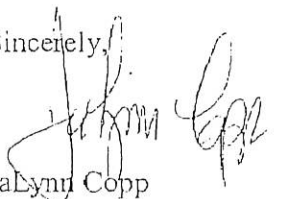
Dear Dr. Jacobs:

I have finally reviewed all the material you sent me, including the deposition of Dr. Geenens. Some of Dr. Geenens behavior does seem to be questionable. However, as it is not our office's job to investigate possible violations by doctors, I have forwarded your material, with the additional complaints to the Board of Healing Arts, and have asked them to review it for possible violations outside the previous Consent Order. I trust they will take the appropriate action if there are additional violations.

As I am sure you are aware, our office does not have any jurisdiction over the Board of Healing Arts or how they conduct themselves, including past or future discipline against doctors. I am aware of your concerns and have asked the Board of Healing Arts to let me know the outcome of their review.

Thank you for your attention to this matter as well as your patience with me in reviewing the material. I really appreciate it.

Sincerely,



JaLynn Copp  
Assistant Chief Counsel  
Office of the Governor

Capitol, 300 SW 10th Ave., Ste. 2125, Topeka, KS 66612-1590

Voice 785-295-3232 Fax 785-296-7973 www.ks.gov/governor.org governor@state.ks.us

2-9

July 15, 2005

Lawrence T. Buening, Jr., Executive Director  
Kansas Board of Healing Arts  
235 S. Topka Boulevard  
Topeka, KS 66603-3068

Dear Mr. Buening:

As President of the Kansas Psychiatric Society I want to express a concern that we have when issues come before your Board that particularly concern psychiatry. We want to be sure that you are authorized to take seriously the charges and to take appropriate actions.

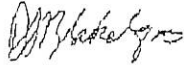
It has come to our attention that Dr. Doug Geenens has been accused of sexual relationship with a former patient. We have even been advised that this may be an ongoing relationship.

We know you have done investigations of this. It is not our place to second guess your investigations. You have the data, we do not. We do encourage you however, if this sort of thing has happened, to take it quite seriously. The principles of medical ethics, with annotations especially applicable to psychiatry, include in it the following: "The requirement that the physician conduct himself/herself with propriety in his or her profession and in all the actions of his or her life is especially important in the case of a psychiatrist because the patient tends to model his or her behavior after that of his or her psychiatrist by identification. Further, the necessary intensity of the treatment relationship may tend to activate sexual and other needs and fantasies on part of both patient and psychiatrist, while weakening objectivity and control. Additionally, the apparent inequality in the doctor/patient relationship may lead to exploitation of the patient. *Sexual activity with a current or former patient is unethical*". (My italics)

Psychiatry has been vulnerable to serious transgression in the past. It weakens the field, and it undermines the patient's right to expect ethical treatment. It has to be dealt with forcefully. If the allegations about Dr. Geenens are accurate, we urge you to reconsider your penalties: for him, and any other psychiatrist so involved. On line on your website it looks like he has received a

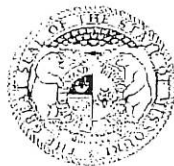
negotiated penalty of two weeks of suspension, followed by six months of supervised practice. This sounds inadequate. We urge you to support all psychiatrists and all patients by being sure that all psychiatrists are held to a high standard when it comes to sexual relationships with patients. That includes adequate penalties when there are violations.

Sincerely,



David S. Blakely, M.D.  
President of the Kansas Psychiatric Society

Cc: Steve Kearney, Executive Director of the Kansas Psychiatric Society  
KPS Board of Directors



Matt Blunt  
Governor  
State of Missouri

David T. Brocker, Director  
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance  
Financial Institutions  
and Professional Registration  
Douglas M. Ommen, Director

STATE BOARD OF REGISTRATION FOR THE HEALING ARTS

3605 Missouri Boulevard  
P.O. Box 4  
Jefferson City, MO 65102-0004  
573-751-0098  
866-289-5755 TOLL FREE  
573-751-3166 FAX  
800-735-2966 TTY  
website: [www.pr.mo.gov/healingarts.asp](http://www.pr.mo.gov/healingarts.asp)

Tina Steinman  
Executive Director

October 17, 2007

Andrew A. Jacobs, Ph.D.  
12012 Wenonga Lane  
Leawood, KS 66209

Dear Dr. Jacobs:

Please be advised that Dr. Douglas Geenens has retired his license to practice medicine in the State of Missouri, effective October 1, 2007.

This action closes the Board's case involving Dr. Geenens.

If you have any questions regarding this action, please contact this office.

Sincerely,

Tina Steinman  
Executive Director

TS/ms



**G**  
**GEENENS**  
psychiatry

Leewood Corporate Manor II  
4707 College Blvd, Suite 201  
Overland Park, KS 66211  
913-906-9030 (phone)  
913-906-9028 (fax)

August 3, 2007

To: Geenens Psychiatry Patients

From: Dr. Doug Geenens and Ronda Gray

Re: Changes in practice

To our loyal patients...

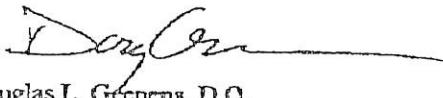
Things change! As of September, 2007, Ronda Gray will no longer be working at Geenens Psychiatry and Dr. Geenens will be transitioning out of practice.

We will no longer be accepting new patients and we will facilitate the transfer of care to other practitioners.

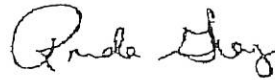
We want to express our gratitude to those of you who have entrusted your lives with us. We have done our best to care for you. We can only hope that your subsequent care is a continuation towards health. We will make every attempt to keep your prescriptions filled until transfer of care can be arranged.

If you have any questions, please don't hesitate to call the office.

Professionally yours,



Douglas L. Geenens, D.O.



Ronda Gray, ARNP



KANSAS STATE BOARD OF HEALING ARTS

235 S. Topeka Blvd.  
Topeka, KS 66603-3068  
Phone: (785) 296-7413  
Fax #1 (785) 296-0852  
Fax #2 (785) 368-7102

FAX COVER SHEET

Date: 12/11/04 Time: 4:05P No. of Pages: 13  
(Including Cover Sheet)

To: Andrew Jacobs Fax #: 816-756-3151

Location: \_\_\_\_\_

From: July Buehler Phone: \_\_\_\_\_

Subject: Douglas Thomas, DO

Message: Consent Order follows

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**FILED**

**BEFORE THE BOARD OF THE HEALING ARTS  
OF THE STATE OF KANSAS**

DEC 17 2004

KANSAS STATE BOARD OF  
HEALING ARTS  
*[Signature]*

In the Matter of )  
Douglas Geenens, D.O. )  
Kansas License No. 5-22577 )  
\_\_\_\_\_ )

Docket No. 05-HA-

**CONSENT ORDER**

COMES NOW the Kansas State Board of Healing Arts ("Board"), by and through Stacy L. Cook, Litigation Counsel, ("Petitioner"), and Douglas Geenens, D.O., ("Licensee"), by and through B K Christopher and move the Board for approval of a Consent Order affecting Licensee's license to practice osteopathic medicine and surgery in the State of Kansas. The parties stipulate and agree to the following:

1. Licensee's last known mailing address to the Board is 4707 College Blvd., #201, Overland Park, Kansas, 66211.
2. Licensee is or has been entitled to engage in the practice of osteopathic medicine and surgery in the State of Kansas, having been issued License No. 5-22577 on February 10, 1989. Licensee's license status is active.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of osteopathic medicine and surgery.
4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 65-2836. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

5. The Kansas Healing Arts Act is constitutional on its face and as applied in this case.

6. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

7. Licensee voluntarily and knowingly waives his right to a hearing. Licensee voluntarily and knowingly waives his right to a present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

8. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order of behalf of the Board.

9. Licensee's specialty is psychiatry.

10. On January 31, 2003, Licensee began providing medical care and treatment to "Patient A," a forty-three year-old female.

11. Patient A was referred to Licensee by her spouse, a psychologist who had previously referred other patients to Licensee for psychiatric treatment.

12. Licensee treated Patient A for depression and marital issues.

13. Licensee treated Patient A on approximately three occasions.

14. On April 22, 2003, Licensee terminated the physician-patient relationship with Patient A.

15. Following the termination of the physician-patient relationship, Licensee and Patient A began a social relationship.

16. Approximately two months after the termination of the physician-patient relationship, Licensee engaged in a sexually intimate relationship with Patient A.

17. Pursuant to K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(16), the Board has grounds to revoke, suspend or otherwise limit Licensee's license.

18. According to K.S.A. 65-2838(b), the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

19. In lieu of the conclusion of formal proceedings, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action with respect to his license:

- (a) Licensee's license shall be suspended for the duration of six months. The suspension shall be stayed except from December 12, 2004 through December 18, 2004. If Licensee engages in conduct determined to be unprofessional conduct during this time then the Board may remove the stay of suspension;
- (b) Licensee is publicly censured for engaging in conduct determined by the Board to be unprofessional conduct;
- (c) Licensee agrees to attend and successfully complete the

course on maintaining proper boundaries at Vanderbilt Medical Center held March 9 through March 11, 2005. Licensee must submit proof of satisfactory completion of the course. Licensee must insure that a report of his participation shall be submitted to the Board. Licensee is responsible for all associated expenses; and

- (d) Licensee agrees to submit to psychoanalytically-oriented case supervision with particular emphasis on boundary and countertransference issues. The goal of the case supervision is to provide Licensee with insight into areas of weaknesses regarding countertransference and boundary issues. The case supervision shall be performed by a training analyst who is licensed to practice medicine and who is approved by the Board. Licensee is required to meet with the case supervisor a minimum of two times per month, one hour on each occasion. Licensee is expected to present current and past cases for review of the supervisor. Licensee agrees that the case supervisor shall be provided with a copy of the evaluation from Dr. Strasburger and may discuss the supervision with Board staff. Licensee agrees that the case supervisor shall provide a report to the Board each month confirming participation by Licensee and describing the activities. The report is due on or before the

fifteenth day of the following month. Licensee is responsible for all expenses associated with the case supervisor. Such supervision shall be conducted for at least two years and Licensee must obtain Board approval in order to terminate this provision. The case supervisor shall notify the Board of any concerns or recommendations regarding Licensee's practice. Licensee agrees to follow all recommendations of the case supervisor, including any recommendations on the frequency of the meetings. If the Board determines, with the input of the case supervisor, that more intensive work is required, the Board may require case supervision of two times per week for three months.

20. Licensee's failure to comply with the provisions of the Consent Order may result in the Board taking further disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act.

21. Nothing in the Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Healing Arts Act, or to investigate complaints received under the Risk Management law, K.S.A. 65-4921 et seq., that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Healing Arts Act.

22. Licensee hereby releases the Board, its individual members (in their official and personal capacities), attorneys, employees and agents, hereinafter

collectively referred to as ("Releasees"), from any and all claims, including but not limited to, those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to persecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

23. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to the National Practitioner Databank, Federation of State Medical Boards, and any other reporting entities requiring disclosure of the Consent Order. The parties agree that the report of Dr. Strasburger is privileged and shall not be disclosed pursuant to K.S.A. 65-4925.

24. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

25. Licensee agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance



or rejection of any offer of settlement.

26. Licensee, by signature to this document waives any objection to the participation of the Board members, including the Disciplinary Panel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member in any future proceeding on the basis that the Board member has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

27. Licensee acknowledges that he has read this Consent Order and fully understands the contents.

28. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

29. All correspondence or communication between Licensee and the Board relating to this Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Stacy L. Cook, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

30. Licensee shall obey all federal, state and local laws and rules governing the practice of osteopathic medicine and surgery in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

31. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. This Consent Order shall constitute the Board's Order when filed with the Office of the Executive Director for the Board and no further Order is required.

32. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

**IT IS THEREFORE ORDERED** that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

**IT IS FURTHER ORDERED** that in lieu of the conclusion of formal proceedings, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action with respect to his license:


- (a) Licensee's license shall be suspended for the duration of six months. The suspension shall be stayed except from December 12, 2004 through December 18, 2004. If Licensee engages in conduct determined to be unprofessional conduct during this time then the Board may remove the stay of suspension;
- (b) Licensee is publicly censured for engaging in conduct determined by the Board to be unprofessional conduct;
- (c) Licensee agrees to attend and successfully complete the course on maintaining proper boundaries at Vanderbilt Medical Center held March 9 through March 11, 2005. Licensee must submit proof of satisfactory completion of the course. Licensee must insure that a report of his participation shall be submitted to the Board. Licensee is

- responsible for all associated expenses; and
- (d) Licensee agrees to submit to psychoanalytically-oriented case supervision with particular emphasis on boundary and countertransference issues. The goal of the case supervision is to provide Licensee with insight into areas of weaknesses regarding countertransference and boundary issues. The case supervision shall be performed by a training analyst who is licensed to practice medicine and who is approved by the Board. Licensee is required to meet with the case supervisor a minimum of two times per month, one hour on each occasion. Licensee is expected to present current and past cases for review of the supervisor. Licensee agrees that the case supervisor shall be provided with a copy of the evaluation from Dr. Strasburger and may discuss the supervision with Board staff. Licensee agrees that the case supervisor shall provide a report to the Board each month confirming participation by Licensee and describing the activities. The report is due on or before the fifteenth day of the following month. Licensee is responsible for all expenses associated with the case supervisor. Such supervision shall be conducted for at least two years and Licensee must obtain Board approval in order to terminate this provision. The case supervisor shall notify the Board of


any concerns or recommendations regarding Licensee's practice. Licensee agrees to follow all recommendations of the case supervisor, including any recommendations on the frequency of the meetings. If the Board determines, with the input of the case supervisor, that more intensive work is required, the Board may require case supervision of two times per week for three months.

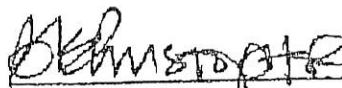
IT IS SO ORDERED on this 10<sup>th</sup> day of December, 2004

FOR THE KANSAS STATE  
BOARD OF HEALING ARTS:

  
Lawrence T. Buening, Jr.  
Executive Director


PREPARED AND APPROVED BY:

  
Stacy L. Cook #16385  
Litigation Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3065  
(785) 296-7413

  
BK Christopher #16387  
John G. Gromowsky #19688

Horn, Aylward & Bandy, LLC  
2600 Grand Blvd., Suite 500  
Kansas City, Missouri 64108

**AGREED TO BY:**

  
\_\_\_\_\_  
Douglas Geenepp, D.O.  
Licensee

*November 11*

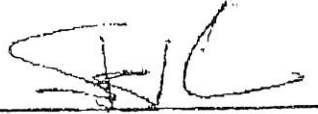
**CERTIFICATION OF SERVICE**

I, Stacy L. Cook, hereby certify that the Consent Order was served this \_\_\_\_\_  
day of November, 2004, by depositing the same in the United States mail, postage  
prepaid, and addressed to the following:

*not-delivery*  
BK Christopher  
John G. Gromowsky  
Horn, Aylward & Bandy, LLC  
2800 Grand Blvd., Suite 500  
Kansas City, Missouri 64108

and the original was hand-delivered for filing to:

Lawrence T. Buening, Jr.  
Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3088



Stacy L. Cook