

**IN AND BEFORE THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, *ex rel.*,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND SUPERVISION,)

Plaintiff,)

v.)

MICHAEL REED SIMMONS, M.D.,)
LICENSE NO. MD33164)

Defendant.)

FILED

AUG 01 2019

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 19-04-5730

VERIFIED COMPLAINT

The State of Oklahoma, ex rel., Oklahoma State Board of Medical Licensure and Supervision (“Board”), alleges and states as follows for its Complaint against MICHAEL REED SIMMONS, M.D. (“Defendant”):

1. JURISDICTION

1. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma. 59 O.S. § 480, *et seq.* and Okla. Admin. Code 435:5-1-1 *et seq.*
2. In Oklahoma, Defendant holds Medical License No. 33164.

II. ALLEGATIONS OF UNPROFESSIONAL CONDUCT

3. This case was initiated as a result of information obtained from the Kansas Medical

Board that MICHAEL REED SIMMONS, M.D., was temporarily suspended on an emergency basis on March 22, 2019. The board found that Dr. Simmons was not currently safe to practice medicine with reasonable skill and safety. A full hearing was then scheduled for April 10, 2019.

4. On May 1, 2019, Dr. Simmons voluntarily surrendered his Kansas medical license by admitting all allegations contained in the Board of Healing Arts of the State of Kansas Petition in Docket No. 19-HA00024 filed August 31, 2018. (**Attached as Exhibit 1**) with the exception that Licensee did not affirmatively admit, but did not actively dispute, the following paragraphs of the Petition: 16, 17, 19-22, 25, 26, 49-51, 60, 62, 64(a), 64(b), 64(c), 65, 66, 81(a), 81(b), 81(c), 81(e), 82, 83, 92-94, 99-101, 103, 106 and 107.[Specific language from Board of Healing Arts of the State of Kansas Final Order of Revocation by Surrender, Docket No. 19-HA00024 filed June 7, 2019] (**Attached as Exhibit 2**)

III. VIOLATIONS

5. Based on the foregoing, and attached Exhibits 1 & 2, Defendant is guilty of unprofessional conduct as follows:
 - a. Disciplinary action of another state or jurisdiction against a license to practice medicine and surgery based upon acts of conduct by the licensee similar to acts or conduct that would constitute grounds for action as defined in this section OAC 435:10-7-4(31)
 - b. Dishonorable or immoral conduct which is likely to deceive, defraud, or harm the public. OAC 435:10-7-4(11) and Title 59 O.S. § 509(8)

- c. Practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery. OAC 435:10-7-4(18)
- d. Commission of any act of sexual abuse, misconduct, or exploitation related or unrelated to the licensee's practice of medicine and surgery. OAC 435:10-7-4(23)
- e. Engaging in physical conduct with a patient which is sexual in nature, or in any verbal behavior which is seductive or sexually demeaning to a patient. Title 59 O.S. § 509(17)
- f. Improper management of medical records. OAC 435:10-7-4(36)
- g. Failure to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient. Title 59 O.S. § 509(18)

IV. CONCLUSION

Given the foregoing, the undersigned respectfully requests the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to Defendant's professional license, including an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,




Cathy S. Adams, OBA No. 31930
Assistant Attorney General
313 NE 21st Street
Oklahoma City, Oklahoma 73105
405/522-0072

FOR: OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

VERIFICATION

I, Steve Washbourne, under penalty of perjury, under the laws of the State of Oklahoma, state as follows:

1. I have read the above Complaint regarding MICHEAL REED SIMMONS, M.D., Defendant; and
2. The factual statements contained therein are true and correct to the best of my knowledge and belief.



Steve Washbourne, Investigator
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

Date: 8-1-19

OKlahoma
County, State of Execution

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED BV

AUG 9 1 2018

KS State Board of Healing Arts

In the Matter of)
MICHAEL REED SIMMONS, M.D.)
Kansas License No. 04-24193)

Docket No.: 19-HA 00024

PETITION

COMES NOW the Petitioner, the Kansas State Board of Healing Arts ("Board"), by and through Courtney E. Manly, Associate Litigation Counsel, and Susan R. Gering, Deputy Litigation Counsel, ("Petitioner"), and initiates these proceedings against the license of Michael Reed Simmons, M.D. ("Licensee") under the provisions of K.S.A. 65-2801 *et seq.*, K.S.A. 65-2836, K.S.A. 65-2851a, and K.S.A. 77-501 *et seq.* For its cause of action, Petitioner alleges and states:

FACTS COMMON TO ALL COUNTS

1. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of healing arts, specifically the practice of medicine and surgery. K.S.A. 65-2801 *et seq.*
2. Licensee's last known mailing address to the Board is: 1026 N. Highway 69, Frontenac, Kansas 66763.
3. Licensee is or has been entitled to practice medicine and surgery in Kansas, having been issued Kansas License No. 04-24193 on August 15, 1992. Licensee's current license status is Active, and he last renewed such license on July 30, 2018.
4. At all times relevant to the allegations set forth in the Petition, Licensee has held an Active license to practice medicine and surgery in Kansas.

Petition
Michael Reed Simmons, M.D.
Kansas License No. 04-24193



5. Petitioner requests a Protective Order to be entered to protect all confidential information under 42 C.F.R. Part II, K.S.A. 65-2839a(d), K.S.A. 65-4915, K.S.A. 65-2836(i), and K.S.A. 65-2898a.

6. Since issuance of licensure in a regulated profession as a medical doctor in Kansas, Licensee did commit the following act(s):

COUNT I

7. Petitioner incorporates herein by reference, paragraphs 1 through 6.

8. On Licensee's 2014 and 2015 renewal applications to practice medicine and surgery in Kansas, he disclosed he was under investigation by the Missouri State Board of Registration for the Healing Arts ("Missouri Board"). For both renewal applications he explained:

The allegation that I was prescribing and distributing controlled substances without a Missouri Controlled Substances Registration was investigated by the Missouri Board of Healing Arts during February-August of 2013. On August 14, 2013, the Board issued a non-disciplinary letter indicating that it was closing its file. *Exhibit A, Letter from Board.*

In late August of 2013, the Missouri Board opened a new investigation based on an anonymous letter. *Exhibit B, Anonymous Letter.* The pending allegations are that in June and July of 2013, I prescribed controlled substances without a Missouri registration and authorized two ARNPs to prescribe medication in Missouri through use of my Kansas DEA number, and that I made inappropriate comments to one patient. I deny any allegation of wrongdoing. I have terminated the collaborative practice agreement with the ARNPs and closed my office in Joplin, Missouri.

(emphasis in original).

9. For the first Missouri Board investigation Licensee reported on his 2014 and 2015 renewal applications, Licensee completed a prescribing course, and the Missouri Board issued a non-disciplinary Letter of Concern on or about August 14, 2013.

10. On or about August 13, 2015, Licensee entered into a Settlement Agreement with the Missouri Board to settle the second investigation reported on Licensee's 2014 and 2015 renewal.

11. This Settlement Agreement was considered public disciplinary action against Licensee's license to practice medicine and surgery in Missouri.

12. The joint stipulation of facts under the Settlement Agreement include, but are not limited to:

- a. In 2013, Licensee practiced at two clinics, one in Frontenac, Kansas, and one in Joplin, Missouri.
- b. On February 4, 2013, Licensee was informed by Investigator Adam Boyd with the Missouri Board that he was not registered to prescribe controlled substances in Missouri.
- c. Licensee had a Kansas DEA number and was not aware that Missouri required a separate registration to prescribe controlled substances in Missouri.
- d. At no time has Licensee ever held a Missouri Controlled Substances Registration.
- e. While practicing in Missouri prior to February 4, 2013, Licensee administered and prescribed Testosterone to multiple patients in Missouri.
- f. Licensee's prescribing of Testosterone in Missouri prior to February 4, 2013 without a valid Missouri Controlled Substances Registration is a violation of section 195.030.3, RSMo and 19 CSR 30-1.017(2).

13. Under the Settlement Agreement, Licensee was subject to the following disciplinary action against his license to practice medicine and surgery in Missouri:

Petition
Michael Reed Simmons, M.D.
Kansas License No. 04-24193

- a. Licensee's Missouri license to practice medicine and surgery was placed on probation for a period of two (2) years; and
- b. Within six (6) months of the effective date of the Settlement Agreement, Licensee agreed to successfully complete a course on prescribing, and a course on boundary issues.

14. This disciplinary action was reported to the National Practitioner Data Bank ("NPDB").

15. On Licensee's 2016 renewal application to practice medicine and surgery in Kansas, he disclosed the Missouri Board took disciplinary action against his license to practice in Missouri, which included 2 years' probation, and attendance of a prescribing course, and a boundaries course.

16. Licensee's acts and conduct constitute acts in violation of the Kansas Healing Arts Act as follows:

- a. K.S.A. 65-2836(b), generally, in that Licensee has committed an act of unprofessional or dishonorable conduct; and
- b. K.S.A. 65-2836(j), in that Licensee has had a license to practice the healing arts revoked, suspended or limited, has been censured, or has had other disciplinary action taken, by the proper authority of another state, when the Missouri Board issued disciplinary action against licensee's license to practice medicine and surgery in Missouri, by placing his license under a two (2) year probationary term, and requiring attendance of a prescribing course and boundaries course.

17. Under K.S.A. 65-2836 *et seq.*, the Board has grounds to revoke, suspend, censure, place on probation, fine, or otherwise limit Licensee's license for violation of the Kansas Healing Arts Act.

COUNT II

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

19. On or about July 3, 2014, the Board received an anonymous complaint alleging Licensee had a sexual relationship with a patient. Specifically, it stated Licensee had a sexual relationship with Patient 1, while both she and her husband, Patient 2, were being treated by Licensee. According to the complaint, Licensee was expelled from a local Business Network International ("BNI") group, where Licensee verbally admitted to BNI members "he had seduced and had a sexual relationship with [Patient 1]."

20. For approximately two years, Patient 1, a female, was treated by Licensee for many medical issues, including but not limited to: menopausal problems, hypothyroidism, fatigue, anxiety, mood swings, and hormone replacement therapy.

21. During the Board's investigation, Patient 1 was interviewed by a Board Investigator, about her relationship with Licensee. Patient 1 stated the following:

- a. Both she and her husband started out as friends with Licensee through BNI, and then both began being seen and treated by Licensee for medical issues.
- b. Patient 1 was tired and stressed, and Licensee counseled her on diet and exercise.
- c. Patient 1 would text Licensee about her health, and then Licensee started texting inappropriately, including "what he would like to do to [her]."

- d. At some point after Licensee's staff quit, Patient 1 assisted Licensee with basic paperwork.
- e. While Patient 1 was Licensee's patient, Licensee kissed her, including at his office.
- f. Licensee had pushed Patient 1 against a wall and "tried to feel [her] up," but she stopped him.
- g. Patient 1 told Patient 2, her husband, about her relationship with Licensee.
- h. Patient 1 felt like Licensee took advantage of her vulnerability.

22. During the Board's investigation, Patient 2, was interviewed by a Board Investigator about his wife's relationship with Licensee. Patient 2 stated the following:

- a. He became friends with Licensee through BNI, and then both he and his wife began being seen and treated by Licensee for medical issues.
- b. Licensee treated Patient 1 for around two (2) years.
- c. Around August 2013, Patient 1 also started working for Licensee.
- d. Patient 1 disclosed to Patient 2 that she and Licensee had kissed, and "he felt her up."
- e. Patient 2 filed a complaint with BNI to have Licensee removed from the group.
- f. Licensee admitted to several BNI members that he had a relationship with Patient 1.

23. Further, on or about February 5, 2016, Licensee received Subpoena No. 6206 from the Board, requesting:

Copies of ANY and ALL medical records, including but not limited to laboratory reports, radiographic imaging and reports, treatment records, notes, correspondence and billing records in your possession and control or subject to your possession and control, regardless of source pertaining to [Patient 1] between January 1, 2013 and present.

(emphasis in original).

Petition
Michael Reed Simmons, M.D.
Kansas License No. 04-24193

24. On or about February 24, 2016, the Board received four (4) pages of medical records from Licensee for Patient 1 in response to Subpoena No. 6206 along with an affidavit of custodian of records Licensee signed as the custodian.

25. Licensee's acts and conduct constitute acts in violation of the Kansas Healing Arts Act as follows:

- a. K.S.A. 65-2836(b), in that Licensee committed an act of unprofessional or dishonorable conduct;
- b. K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(16), in that Licensee commissioned any act of sexual abuse, misconduct, or other improper sexual contact, which exploits the licensee-patient relationship, with a patient, when Licensee engaged in a romantic relationship with Patient 1. Licensee exploited the licensee-patient relationship by engaging in this romantic relationship with Patient 1 at a time when Patient 1 believed she was vulnerable, resulting in her feeling taken advantage of;
- c. Licensee has violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(25), in that Licensee failed to keep written medical records which accurately describe the services rendered to the patient, including patient histories, pertinent findings, examination results and test results for Patient 1;
- d. Licensee has violated K.S.A. 65-2836(k), in that Licensee violated K.A.R. 100-24-1 by failing to maintain an adequate record for Patient 1 for whom the Licensee performed a professional service;

e. In the alternative, if Licensee did keep written medical records which accurately describe the services rendered to Patient 1 under K.S.A. 65-2836(b)(25) and maintained an adequate record in accordance with K.A.R. 100-24-1, Licensee violated K.S.A. 65-2836(r) in that he failed to furnish the board, or its investigators or representatives, any information legally requested by the board; and

f. Licensee has violated K.S.A. 65-2836(f), in that Licensee has willfully and/or repeatedly violated this act.

26. Under K.S.A. 65-2836 *et seq.*, the Board has grounds to revoke, suspend, censure, place on probation, fine, or otherwise limit Licensee's license for violation of the Kansas Healing Arts Act.

COUNT III

27. Petitioner incorporates herein by reference, paragraphs 1 through 26.

28. On or about February 5, 2016, Licensee received Subpoena No. 6206 from the Board, requesting:

Copies of ANY and ALL medical records, including but not limited to laboratory reports, radiographic imaging and reports, treatment records, notes, correspondence and billing records in your possession and control or subject to your possession and control, regardless of source pertaining to [Patient 2] between January 1, 2013 and present.

(emphasis in original).

29. On or about February 24, 2016, the Board received records from Licensee for Patient 2 in response to Subpoena No. 6206 along with an affidavit of custodian of records Licensee signed as the custodian.

Petition
Michael Reed Simmons, M.D.
Kansas License No. 04-24193

30. Patient 2, was a forty-two (42) year old male, with a history of Hypertension, Hypothyroidism, Gastroesophageal reflux disease ("GERD"), and Hypogonadism.

31. On January 21, 2013, and February 19, 2013, it was documented Patient 2 was to receive injections of Testosterone Cypionate 200mg for testicular failure, Cyanocobalamin ("B12") 1000 mcg, and Oxytocin 10 units for "menopause, menopausal symptoms." Patient 2 received injections for Testosterone and B12.

32. Additionally, on February 19, 2013, Patient 2 was seen by Licensee for a clinical visit, and for follow up on hormone replacement therapy. Patient 2's chief complaint(s) were: nasal congestion/sneezing, headache, and fatigue. Licensee's assessment of Patient 2 was testicular failure, hypercholesterolemia, hypertension, and GERD. It appears labs for TSH, T3 Free, T4 Free, estrogen, Progesterone, PSA, Lipids, B12, VitD, and CMP were ordered.

33. For this visit, there is no indication or documentation that a genitourinary exam was performed by Licensee on Patient 2 for Patient 2's hypogonadism/testicular failure.

34. On March 8, 2013, Patient 2 called Licensee with a sinus infection, and Licensee prescribed a Z-Pac.

35. On May 6, 2013, Patient 2 presented to Licensee for a clinical visit, with chief complaint(s) of sinus problems and nasal congestions/sneezing. Licensee diagnosed Patient 2 with sinusitis, and prescribed Prednisone 10mg tabs #100 to take "as directed" and Cefuroxime 500mg #28 tablets to take "1 each 2 times a day orally."

36. On May 31, 2013, June 28, 2013, July 26, 2013, and August 12, 2013, it was documented Patient 2 was to receive injections of Testosterone Cypionate 200mg for testicular failure, Cyanocobalamin ("B12") 1000 mcg, and Oxytocin 10 units for "menopause, menopausal

symptoms.” Patient 2 received injections for Testosterone and B12 each time. From Licensee’s documentation, it is unclear if Patient 2 received Pitocin on two (2) occasions.

37. On August 13, 2013, Patient 2 presented to Licensee for a clinical visit with a blood pressure of 153/102, following an emergency room visit the evening prior, for Hypertension. Patient 2 stated, his blood pressure “runs high on a continual basis.”

38. Despite Patient 2’s current high blood pressure, Licensee’s plan was for Patient 2 to follow up three (3) months later. Licensee prescribed Toprol XL 100mg daily and Clonidine (Catapres) .1mg. In Licensee’s documentation, he documented the frequency of the Clonidine prescription two different ways; once as twice a day, and once as twice a day prn. Licensee also discontinued Patient 2’s Olmesartan 20mg prescription.

39. On September 9, 2013, and September 30, 2013, it was documented Patient 2 was to receive injections of Testosterone Cypionate 200mg for testicular failure, Cyanocobalamin (“B12”) 1000 mcg, and Oxytocin 10 units for “menopause, menopausal symptoms.” On both dates, Patient 2 received an injection for Testosterone.

40. On October 17, 2013, Patient 2 called Licensee reporting continued high blood pressure. Licensee documented an action plan of starting “Catapres TTS2” and tapering off Toprol. Licensee prescribed Catapres-TTS-2 0.2 mg/24 hr film, extended release – 1 patch applied topically once a week, for twenty-eight (28) days.

41. On October 22, 2013, Patient 2 presented to Licensee for a clinical visit, regarding a hormone follow-up. Patient 2 stated, “Something is not right. I feel like I am in tornado mode.” His symptoms included mood swings, anger, irritability, and crying spells, all of which were worsening.

42. As part of his psychiatric examination of Patient 2 for this visit, Licensee documented, "Insight and judgment appear both to be intact and appropriate. Mood and affect are described as normal mood and full affect."

43. Licensee's assessment of Patient 2 for this visit was: Hypothyroidism, Sinusitis, Testicular failure, Hypercholesterolemia, Hypertension and GERD.

44. Licensee documented, "discussed at length his moods and his hormones. Doubt this is hormonal. Suggest reduction of alcohol... [and] counselling regarding anxiety."

45. Licensee prescribed Patient 2 Zyprexa, an antipsychotic, 2.5 mg #30 tablets, once a day.

46. There are no lab reports for Patient 2 in the records Licensee submitted.

47. During the Board's investigation, Patient 2, was interviewed by a Board Investigator about his wife's relationship with Licensee. Patient 2 stated the following:

- a. He became friends with Licensee through BNI, and then both he and his wife began being seen and treated by Licensee for medical issues.
- b. Licensee treated Patient 2 for approximately four (4) years.
- c. Patient 2 told Licensee he thought Licensee and his wife, Patient 1, were having an affair. Licensee responded by telling Patient 2 was that the issue was "[Patient 2] had not forgiven anyone," Licensee was a therapist on the side and could help, and that it was all in Patient 2's mind.
- d. Patient 2 told Licensee he was too close to his wife.
- e. Patient 1 disclosed to Patient 2 that she and Licensee had kissed, and "he felt her up."
- f. Patient 2 filed a complaint with BNI to have Licensee removed from the group.
- g. Licensee admitted to several BNI members that he had a relationship with Patient 1.

48. During the Board's investigation, Patient 1 was interviewed by a Board Investigator, about her relationship with Licensee. Patient 1 stated the following:

- a. Both she and her husband started out as friends with Licensee through BNI, and then both began being seen and treated by Licensee for medical issues.
- b. Patient 1 was tired and stressed, and Licensee counseled her on diet and exercise.
- c. Patient 1 would text Licensee about her health, and then Licensee started texting inappropriately, including "what he would like to do to [her]."
- d. While Patient 1 was Licensee's patient, Licensee kissed her, including at his office.
- e. Licensee had pushed Patient 1 against a wall and "tried to feel [her] up," but she stopped him.
- f. Patient 2 had suspicions his wife, Patient 1, was having an affair, and Licensee told Patient 2 to go for a ride on his bike, clear his head, take medication, and see Licensee for therapy.
- g. Patient 1 told Patient 2, her husband, about her relationship with Licensee.
- h. Patient 1 felt like Licensee took advantage of her vulnerability.

49. In his treatment of Patient 2, Licensee failed to adhere to the applicable standard of care to a degree constituting gross and/or ordinary negligence, specifically including, but not limited to, each of the following acts or omissions:

- a. Licensee failed to perform and/or document an adequate review of symptoms, timeline, exam, and labs for Patient 2's hypogonadism/testicular failure;
- b. Licensee failed to adequately document his care and treatment of Patient 2, including but not limited to, the supplementation of Testosterone and/or Armidex;

- c. Licensee failed to appropriately manage Patient 2's hypertension, including but not limited to, failing to educate Patient 2 regarding his diet, exercise, and self-monitoring;
- d. With no EKG or other objective data, Olmesartan was stopped, and replaced with a beta blocker at an extremely high dose;
- e. Licensee failed to discuss with Patient 2 how Testosterone injections can affect blood pressure; and
- f. Licensee's prescription for Zyprexa was not appropriate, as there was inadequate support to prescribe an antipsychotic.

50. Licensee's acts and conduct constitute acts in violation of the Kansas Healing Arts Act as follows:

- a. Licensee has violated K.S.A. 65-2836(b) in that Licensee committed an act or acts of unprofessional and/or dishonorable conduct or professional incompetency, that if continued would reasonably be expected to constitute an inability to practice the healing arts with reasonable skill and safety to patients or unprofessional conduct as defined by K.S.A. 65-2837, and amendments thereto;
- b. Licensee has violated K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(1), in that Licensee has committed an act of professional incompetency with one or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board;
- c. Licensee has violated K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(2), in that Licensee has committed repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence;

- d. Licensee has violated K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(3), in that Licensee has committed a pattern or practice or other behavior which demonstrates a manifest incapacity or incompetence to practice the healing arts.
- e. Licensee violated K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(12), in that Licensee committed conduct likely to deceive, defraud, or harm the public, by engaging in an intimate/romantic relationship with Patient 2's spouse and continued to provide care and treatment to Patient 2.
- f. Licensee has violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(25), in that Licensee failed to keep written medical records which accurately describe the services rendered to the patient, including patient histories, pertinent findings, examination results and test results for Patient 2;
- g. Licensee has violated K.S.A. 65-2836(k), in that Licensee violated K.A.R. 100-24-1 by failing to maintain an adequate record for Patient 2 for whom the Licensee performed a professional service;
- h. In the alternative, if Licensee did keep written medical records which accurately describe the services rendered to Patient 2 under K.S.A. 65-2836(b)(25) and maintained an adequate record in accordance with K.A.R. 100-24-1, Licensee violated K.S.A. 65-2836(r) in that he failed to furnish the board, or its investigators or representatives, any information legally requested by the board; and
- i. Licensee has violated K.S.A. 65-2836(f), in that Licensee has willfully and/or repeatedly violated this act.

51. Under K.S.A. 65-2836 *et seq.*, the Board has grounds to revoke, suspend, censure, place on probation, fine, or otherwise limit Licensee's license for violation of the Kansas Healing Arts Act.

COUNT IV

52. Petitioner incorporates herein by reference, paragraphs 1 through 52.

53. On or about February 5, 2016, Licensee received Subpoena No. 6206 from the Board, requesting:

Copies of ANY and ALL medical records, including but not limited to laboratory reports, radiographic imaging and reports, treatment records, notes, correspondence and billing records in your possession and control or subject to your possession and control, regardless of source pertaining to [Patient 3] between January 1, 2013 and present.

(emphasis in original).

54. On or about February 24, 2016, the Board received records from Licensee for Patient 3 in response to Subpoena No. 6206 along with an affidavit of custodian of records Licensee signed as the custodian.

55. On March 13, 2013, Patient 3, a fifty-one (51) year old male, presented to Licensee for a clinic visit, and for a hormone replacement therapy checkup. Patient 3 had a history of Hypertension, back pain, and testicular failure. His chief complaints were: weakness/tiredness, decreased libido, sleep disturbance, feeling irritable/angry/agitated or restless, stress, depression, memory loss or disorientation, and sexual fulfillment reduced.

56. Licensee assessed Patient 3 with testicular failure, back pain, and hypertension.

57. For this visit, there is no indication or documentation that a genitourinary exam was performed by Licensee on Patient 3 for Patient 3's hypogonadism/testicular failure.

Petition
Michael Reed Simmons, M.D.
Kansas License No. 04-24193

58. At this visit, Licensee ordered labs for Patient 3 for TSH, T3 Free, T4 Free, Estrogen, Progesterone, Testosterone, Lipid, PSA, CMP, VitD, and VitB12.

59. At that time, Patient 3's medications included Ketoprofen, Tylenol PM, Nature-Throid, Benazepril, Testosterone (topical), and Progesterone (topical).

60. On March 25, 2013, the pharmacy called for a medication refill, and Licensee approved a refill for Topiramate 25mg, #30 tablets, to be taken once a day by Patient 3.

61. On May 7, 2013, Patient 3 called Licensee regarding "lots of sinus pressure with sinus injection," and Licensee prescribed Cefuroxime, 500mg #14 tablets, with 1 tablet to be taken twice a day.

62. On July 9, 2013, Licensee approved a refill for Patient 3 for Topiramate 25mg, #30 tablets, one tablet to be taken orally daily.

63. There are no lab reports for Patient 3 in the records Licensee submitted.

64. In his treatment of Patient 3, Licensee failed to adhere to the applicable standard of care to a degree constituting gross and/or ordinary negligence, specifically including, but not limited to, each of the following acts or omissions:

- a. Licensee failed to discuss and/ or document how the diagnosis of testicular failure was determined;
- b. Licensee failed to perform and/or document an adequate review of symptoms, timeline, exam, and labs for Patient 3's hypogonadism/testicular failure; and
- c. There are no labs for Patient 3, including no subsequent labs to monitor the hormone therapy provided.

65. Licensee's acts and conduct constitutes acts in violation of the Kansas Healing Arts Act as follows:

- a. Licensee has violated K.S.A. 65-2836(b) in that Licensee committed an act or acts of unprofessional and/or dishonorable conduct or professional incompetency, that if continued would reasonably be expected to constitute an inability to practice the healing arts with reasonable skill and safety to patients or unprofessional conduct as defined by K.S.A. 65-2837, and amendments thereto;
- b. Licensee has violated K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(1), in that Licensee has committed an act of professional incompetency with one or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board;
- c. Licensee has violated K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(2), in that Licensee has committed repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence;
- d. Licensee has violated K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(3), in that Licensee has committed a pattern or practice or other behavior which demonstrates a manifest incapacity or incompetence to practice the healing arts;
- e. Licensee has violated K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(12), in that Licensee's conduct is likely to deceive, defraud, or harm the public;
- f. Licensee has violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(25), in that Licensee failed to keep written medical records which accurately describe the

- services rendered to the patient, including patient histories, pertinent findings, examination results and test results for Patient 3;
- g. Licensee has violated K.S.A. 65-2836(k), in that licensee violated K.A.R. 100-24-1 by failing to maintain an adequate record for Patient 3 for whom the Licensee performed a professional service;
 - h. In the alternative, if Licensee did keep written medical records which accurately describe the services rendered to Patient 3 under K.S.A. 65-2836(b)(25) and maintained an adequate record in accordance with K.A.R. 100-24-1, Licensee violated K.S.A. 65-2836(r) in that he failed to furnish the board, or its investigators or representatives, any information legally requested by the board; and
 - i. Licensee has violated K.S.A. 65-2836(f), in that Licensee has willfully and/or repeatedly violated this act.

66. Under K.S.A. 65-2836 *et seq.*, the Board has grounds to revoke, suspend, censure, place on probation, fine, or otherwise limit Licensee's license for violation of the Kansas Healing Arts Act.

COUNT V

67. Petitioner incorporates herein by reference, paragraphs 1 through 66.
68. On or about February 5, 2016, Licensee received Subpoena No. 6206 from the Board, requesting:

Copies of ANY and ALL medical records, including but not limited to laboratory reports, radiographic imaging and reports, treatment records, notes, correspondence and billing records in your possession and control or subject to your possession and control, regardless of source pertaining to [Patient 4] between January 1, 2013 and present.

Petition
Michael Reed Simmons, M.D.
Kansas License No. 04-24193

(emphasis in original).

69. On or about February 24, 2016, the Board received records from Licensee for Patient 4 in response to Subpoena No. 6206 along with an affidavit of custodian of records Licensee signed as the custodian.

70. Patient 4, was a fifty (50) year old female, who had a history of migraines, Fibromyalgia, Hypothyroidism, and Menopausal symptoms.

71. On January 23, 2013, Patient 4 called Licensee for a thyroid medication refill. Additionally, Licensee documented, "Pitocin injection will be sent via Alicia."

72. On January 24, 2013, Patient 4 received a nurse visit at home for a Pitocin injection, related to her diagnosis of "Menopause, menopausal symptoms."

73. On March 13, 2013, Patient 4 presented to Licensee for a clinical visit. Patient 4's chief complaints were: weakness/tiredness, decreased libido, sleep disturbance, feeling irritable/angry/agitated or restless, stress, depression, memory loss or disorientation, and sexual fulfillment reduced.

74. At this visit, Licensee's assessment of Patient 4 was Fibromyalgia, Menopause/menopausal symptoms, and Hypothyroidism. Her medications included, Imitrex, Zofran, Nature-Throid, Topiramate, Savella, Allegra, Requip, Singulair, LoEstrin Fe, Testosterone (topical), and Progesterone (topical).

75. Also, on March 13, 2013, Patient 4 received a home nurse visit that included a Pitocin injection.

76. On April 9, 2013, Patient 4 called Licensee with a migraine, and requested a refill of Zofran and Imitrex. Licensee prescribed Phenergan 25mg, and Imitrex, 100mg.

77. On April 23, 2013, Patient 4 received a nurse home visit for a Depo-estradiol cypionate and Oxytocin injection.

78. On August 5, 2013, the pharmacy called Licensee for a medication refill regarding Patient 4. Licensee approved a refill for Topiramate 50mg, #60, to take one tablet twice a day.

79. On September 6, 2013, at a nurse home visit with Patient 4, the plan documented was for Patient 4 to receive injections for Depo-estradiol cypionate, Testosterone, Progesterone, B12, and Pitocin. Patient 4 received an injection of Pitocin.

80. There are no lab reports for Patient 4 in the records Licensee submitted.

81. In treatment of Patient 4, Licensee failed to adhere to the applicable standard of care to a degree constituting gross and/or ordinary negligence, specifically including, but not limited to, each of the following acts or omissions:

- a. Licensee failed to discuss onset of menopausal symptoms and last age of menses;
- b. Licensee failed to obtain labs on Patient 4, specifically for FSH or estradiol levels;
- c. There are no laboratory results on Patient 4 to support the estradiol, testosterone, progesterone, B12, or Pitocin injections on Patient 4;
- d. Aggressive hormone supplementation of Pitocin for menopausal symptoms is considered off-label use; and
- e. Licensee failed to perform and/or document gynecological exam and information of Patient 4.

82. Licensee's acts and conduct constitutes acts in violation of the Kansas Healing Arts Act as follows:

- a. Licensee has violated K.S.A. 65-2836(b) in that Licensee committed an act or acts of unprofessional and/or dishonorable conduct or professional incompetency, that if continued would reasonably be expected to constitute an inability to practice the healing arts with reasonable skill and safety to patients or unprofessional conduct as defined by K.S.A. 65-2837, and amendments thereto;
- b. Licensee has violated K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(1), in that Licensee has committed an act of professional incompetency with one or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board;
- c. Licensee has violated K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(2), in that Licensee has committed repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence;
- d. Licensee has violated K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(3), in that Licensee has committed a pattern or practice or other behavior which demonstrates a manifest incapacity or incompetence to practice the healing arts;
- e. Licensee has violated K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(12), in that Licensee's conduct is likely to deceive, defraud, or harm the public;
- f. Licensee has violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(25), in that Licensee failed to keep written medical records which accurately describe the

services rendered to the patient, including patient histories, pertinent findings, examination results and test results for Patient 4;

- g. Licensee has violated K.S.A. 65-2836(k), in that Licensee violated K.A.R. 100-24-1 by failing to maintain an adequate record for Patient 4 for whom the Licensee performed a professional service;
- h. In the alternative, if Licensee did keep written medical records which accurately describe the services rendered to Patient 4 under K.S.A. 65-2836(b)(25) and maintained an adequate record in accordance with K.A.R. 100-24-1, Licensee violated K.S.A. 65-2836(r) in that he failed to furnish the board, or its investigators or representatives, any information legally requested by the board; and
- i. Licensee has violated K.S.A. 65-2836(f), in that Licensee has willfully and/or repeatedly violated this act.

83. Under K.S.A. 65-2836 *et seq.*, the Board has grounds to revoke, suspend, censure, place on probation, fine, or otherwise limit Licensee's license for violation of the Kansas Healing Arts Act.

COUNT VI

84. Petitioner incorporates herein by reference, paragraphs 1 through 83.

85. Licensee has previously been subject to public disciplinary action for violations of the Kansas Healing Arts Act in, *In the Matter of Michael Reed Simmons, M.D.*, Docket No. 02-HA-0055.

86. In that matter, on April 4, 2002, the Board filed a Petition for discipline against Licensee's license to practice medicine and surgery in Kansas.

Petition
Michael Reed Simmons, M.D.
Kansas License No. 04-24193

87. The Petition included three (3) counts, alleging violations of K.S.A. 65-2836(b), and K.S.A. 65-2837(b)(16). Specifically, Licensee had an inappropriate sexual relationship with three (3) individuals, including patients. One of those individuals is Patient 5 in this matter.

88. *In the Matter of Michael Reed Simmons, M.D.*, Docket No. 02-HA-0055 resolved in settlement in the form of a Consent Order.

89. On June 4, 2002, the Consent Order was filed by the Board, was considered public disciplinary action, and Licensee was subject to: thirty (30) day suspension; censure; \$5,000.00 fine and costs, required attendance of a three-day course at Vanderbilt University Medical Center, titled "Maintaining Proper Boundaries"; enter into and comply with all provisions of a monitoring contract with Kansas Medical Society – Medical Advocacy Program; and a chaperone present for all examination of female patients.

90. Patient 5, a female, was a patient of Licensee from at least approximately January 2012, through August 2016.

91. Licensee provided treatment of Patient 5 for numerous medical issues, including but not limited to: Depression, Anxiety, Attention Deficit Disorder with Hyperactivity, migraines, Hypothyroidism, Edema, Menopause, Diabetes, Fatigue, Mild cognitive impairment, and neurological problems.

92. On or about August 18, 2017, the Board received an anonymous complaint, alleging in part, Licensee was engaged in a sexual relationship with Patient 5, while she was his patient and employee. Additionally, the complaint stated Licensee had sent Patient 5 text message photos of his penis.

93. On or about August 21, 2017, the Board received a thumb drive from the anonymous complainant including text messages and Facebook Messenger conversations between Licensee and Patient 5 from approximately 2012 through 2016.

94. The text messages and Facebook Messenger conversations show:

- a. Licensee was treating Patient 5 for medical issues, many of which she and he discussed via text message.
- b. Licensee prescribed medication, including Xanax, to Patient 5 when she asked for it via text message.
- c. Licensee engaged in a sexual, romantic relationship with Patient 5.
- d. Licensee sent Patient 5 a text message photo of his penis on September 29, 2012, and February 10, 2014.

95. Additionally, Licensee sent a text message to Patient 5 regarding the previous Board action in which he and Patient 5 engaged in behavior that led to discipline. Also, he appeared to recognize that their interactions this time, could be considered violations, subject to discipline. Specifically, he stated:

Years ago there was a boundary violation in our interactions with each other. That resulted in some issues for me. Where we are plays in that same arena. Years ago it is your contention that you didn't complaint but someone that knew about it did. That puts me on a heightened state of vigilance because it could be a complaint from anywhere that creates an issue for me again. Which has it that we don't gout (sic) and about or associate with others due to the potential ramifications..So when things are said or alluded to orwhatever (sic) i get fearful.

96. On or about November 27, 2017, the Board received a response from Licensee, through his attorney, regarding the anonymous complaint.

97. In that response, Licensee admitted he and Patient 5 had a romantic relationship “somewhere between 1996 and 2000.” However, Licensee stated he began treating Patient 5 in 2012, and “during the time [Licensee] treated [Patient 5] as a patient, [Licensee] did not have anything other than a professional relationship with her.”

98. Additionally, Licensee indicated he hired Patient 5 for “temporary help” in 2013.

99. On or about October 5, 2017, Patient 5 submitted an affidavit to the Board Investigator.

The affidavit includes, but is not limited to:

- a. Patient 5 stating she became a patient of Licensee in January 2012.
- b. While a patient of Licensee, Patient 5 became involved in an intimate, personal relationship with Licensee in September 2012.
- c. Licensee sent Patient 5 a text message photo of his penis on September 29, 2012, and February 10, 2014.

100. Licensee’s acts and conduct constitutes acts in violation of the Kansas Healing Arts Act as follows:

- a. K.S.A. 65-2836(b), generally, in that Licensee committed an act of unprofessional or dishonorable conduct, including but not limited to, when Licensee sent Patient 5 text message photos of his penis on two (2) occasions;
- b. K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(16), in that Licensee commissioned any act of sexual abuse, misconduct or other improper sexual contact, which exploits the licensee-patient relationship, with a patient, when Licensee engaged in a sexual relationship with Patient 5, who he treated for multiple medical conditions, including psychiatric conditions;

- c. K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(23), in that Licensee prescribed, dispensed, administered, or distributed a prescription drug or substance, including a controlled substances, in an improper or inappropriate manner, when Patient 5 requested medication, including Xanax, via personal text message, and Licensee then prescribed it; and
- d. K.S.A. 65-2836(f), in that Licensee has willfully or repeatedly violated the Kansas Healing Arts Act, as he was previously disciplined for violating the Kansas Healing Arts Act, and willfully and/or repeatedly continues to do so.

101. Under K.S.A. 65-2836 *et seq.*, the Board has grounds to revoke, suspend, censure, place on probation, fine, or otherwise limit Licensee's license for violation of the Kansas Healing Arts Act.

COUNT VII

102. Petitioner incorporates herein by reference paragraphs 1 through 101.

103. On or about August 27, 2012, the Board received a complaint from Licensee's former employee, Kayla M. Barnhardt, alleging in part, that Licensee sent her a text message photograph of his wife naked on a horse, and it made her feel uncomfortable.

104. On or about May 31, 2012, Licensee sent a text message to Ms. Barnhart, who was his employee at the time, that included a naked picture of his former wife. Licensee followed up, by stating, "bareback id say (sic)."

105. Ms. Barnhardt responded via text message to Licensee, "Uncomfortable!!!"

106. Licensee's acts and conduct constitutes acts in violation of the Kansas Healing Arts Act as follows:

Petition
Michael Reed Simmons, M.D.
Kansas License No. 04-24193

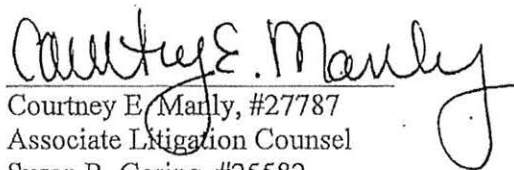
- a. K.S.A. 65-2836(b), generally, in that Licensee committed an act of unprofessional or dishonorable conduct, in that Licensee sent Ms. Bernhardt, an employee at the time, a text message photograph of his now former wife, naked.

107. Under K.S.A. 65-2836 *et seq.*, the Board has grounds to revoke, suspend, censure, place on probation, fine, or otherwise limit Licensee's license for violation of the Kansas Healing Arts Act.

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 medicine and surgery in the State of Kansas be revoked, suspended, placed on probation, censured, 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.

WHEREFORE, the Board further requests this matter to have a Presiding Officer appointed and be set for a Formal Hearing under K.S.A. 77-513.

Respectfully submitted,



Courtney E. Manly, #27787
Associate Litigation Counsel
Susan R. Gering, #25582
Deputy Litigation Counsel
800 SW Jackson Street
Lower Level Suite A
Topeka, KS 66612
(785) 296-1384
(785) 368-8210 – facsimile
courtney.manly@ks.gov
susan.gering@ks.gov

Petition
Michael Reed Simmons, M.D.
Kansas License No. 04-24193

CERTIFICATE OF SERVICE

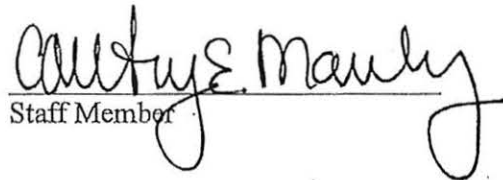
I hereby certify that I served a true and correct copy of the PETITION by United States mail, postage prepaid, on this 31 day of August, 2018 to the following:

Mark Stafford
Attorney for Licensee
Forbes Law Group, LLC
6900 College Blvd., Suite 840
Overland Park, KS 66211

Michael Reed Simmons, M.D.
Licensee
1026 N. Highway 69
Frontenac, KS 66763

And the original was hand-filed with:

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


Staff Member

Petition
Michael Reed Simmons, M.D.
Kansas License No. 04-24193

JUN 07 2019

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

KS State Board of Healing Arts

In the Matter of)
MICHAEL REED SIMMONS, M.D.)
)
Kansas License No. 04-24196)
_____)

Docket No. 19-HA00024

FINAL ORDER OF REVOCATION BY SURRENDER

On April 10 and May 1, 2019, hearings were held before the presiding officer, a member of the agency head appointed pursuant to K.S.A. 77-514(g) by the Kansas State Board of Healing Arts ("Board"), on the emergency temporary suspension that was issued in this case on March 22, 2019. Michael Reed Simmons, M.D. ("Licensee") appeared in person and by counsel, Mark Stafford. Disciplinary counsel for the Board, Reese Hays, and litigation counsel for the Board, Courtney Manly, appeared to present the case in support of continuation of the emergency suspension on behalf of the disciplinary panel of the Board ("Petitioner").

Based on the agency record, including but not limited to the pleadings, motions, briefs, and exhibits filed in connection with this case, as well as the testimony, evidence, admissions, stipulations, and arguments presented at the hearings on April 10 and May 1, 2019, the presiding officer makes the following findings, conclusions, and orders.

1. At the May 1, 2019 hearing, Licensee voluntarily surrendered his license to practice medicine and surgery in Kansas.

2. Licensee admitted all allegations contained in the Petition filed in this matter on August 31, 2018 (incorporated here by reference), with the exception that Licensee did not affirmatively admit, but did not actively dispute, the following paragraphs of the Petition: 16, 17, 19-22, 25, 26, 49-51, 60, 62, 64(a), 64 (b), 64(c), 65, 66, 81(a), 81(b), 81(c), 81(e), 82, 83, 92-94, 99-101, 103, 106, and 107.

3. Prior to and at the hearing, and after consultation with his legal counsel, Licensee was fully advised of his rights, including but not limited to his right to a formal hearing, to dispute all allegations in the Petition and other pleadings and filings in this matter, to present evidence, and to otherwise dispute all allegations made against him in this case. Being reminded of these rights at the hearing, Licensee waived all rights to dispute the Petition and all associated rights to appeal under the Kansas Administrative Procedure Act and the Kansas Judicial Review Act.

4. Licensee was advised, and stipulated that, if his surrender was accepted, his license would be revoked pursuant to his surrender. Licensee stipulated that his surrender would be treated as a revocation for all purposes, including but not limited to reporting and any future application for reinstatement pursuant to K.S.A. 65-2844.



5. The presiding officer accepted Licensee's surrender of his license based on the entire agency record, including but not limited to the stipulations described above, and therefore ordered the same **to be treated as a revocation for all purposes**, including but not limited to reporting and any future application for reinstatement pursuant to K.S.A. 65-2844.

6. The parties agreed that costs would be assessed against Licensee, and that the Petitioner would be permitted to file a statement of the costs of the proceeding within 7 days of receipt of the transcript of the May 1, 2019 hearing. The parties agreed that Licensee would be permitted to file any objection or response to the statement of costs within 7 days after Petitioner filed the statement of costs.

7. A statement of costs was timely filed on May 10, 2019, and is incorporated here. Licensee filed no objection or response to the statement of costs. The presiding officer finds the costs described therein reasonable and appropriate to be assessed against Licensee pursuant to K.S.A. 65-2846 and the stipulations above. Based on the agency record and the facts, conclusions, and stipulations described above, the presiding officer assesses costs in the amount of \$5,847.60 against the Licensee.

8. The presiding officer is a member of the agency head, appointed pursuant to K.S.A. 77-514(g), and therefore this Order constitutes the final order of the Board, pursuant to K.S.A. 77-526(a).

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee's licensee, Kansas License No. 04-24196, is **REVOKED** pursuant to licensee's surrender.

IT IS FURTHER ORDERED that Respondent is hereby ordered to pay **COSTS** in the amount of **\$5,847.60**. These costs shall be paid in full within 30 days of the filing of this Final Order, or, in the alternative, Respondent may submit a proposed payment schedule for Board consideration and approval. Payment shall be submitted to the attention of: Compliance Coordinator, Kansas State Board of Healing Arts, 800 SW Jackson Street, Lower Level, Suite A, Topeka, Kansas 66612.

IT IS SO ORDERED.

KANSAS STATE BOARD OF HEALING ARTS

/s/ Tucker Poling, KS #23266, for
Robin Durrett, D.O.
Presiding Officer

NOTICE REGARDING DUTY TO MAINTAIN PATIENT RECORDS

PLEASE TAKE NOTICE that pursuant to K.A.R. 100-24-2, you are required to maintain each of your patients' records for a minimum of 10 years from the last date of service. Because you cannot actively practice, K.A.R. 100-24-3 requires that you notify the Board on or before June 11, 2018, of the location of your patients' records, the name of the designated agent to maintain the records, along with the telephone number and mailing address of the agent. If you will be maintaining the records yourself, you shall give your contact information instead. This information will be provided to former patients who contact the Board to inquire as to the location of their records. You should also be aware that if you are unable or refuse to allow patients access to their records, the Board may petition the court for appointment of a custodian of the records pursuant to K.S.A. 65-28,128.

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing Order was served this 24th day of June, 2019 by depositing the same in the United States Mail, first-class postage prepaid, and emailing the same, and addressed to:

Mark Stafford
Forbes Law Group, LLC
6900 College Blvd., Suite 840
Overland Park, KS 66211
mstafford@forbeslawgroup.com
Attorney for Licensee

Michael R. Simmons, MD
[REDACTED]
[REDACTED]
Licensee

And copies were delivered to:

Susan R. Gering, Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson Lower Level, Ste A
Topeka, KS 66612

And a copy was given to:

Robin Durrett, D.O.
KSBHA Presiding Officer
Kansas State Board of Healing Arts

and the original was filed with the office of the Executive Director.

 _____