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APR 16 2010

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of

ANN K. NEUHAUS, M.D.
Kansas License No. 04-21596

Docket No. 10-HA 00129

PETITION

COMES NOW, the Kansas State Board of Healing Arts ("Board"), by and through Kelli J. Stevens, Litigation Counsel ("Petitioner"), and initiates these proceedings against Ann K. Neuhaus, M.D. ("Licensee") pursuant to the provisions of 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 the healing arts, specifically the practice of medicine and surgery. K.S.A. 65-2801 *et seq.*

2. Licensee's last known mailing address as she provided to the Board is:
(confidential) Nortonville, Kansas 66060.

3. Licensee is or has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued license no. 04-21596 on approximately December 5, 1986 and having renewed her license on approximately June 30, 2009.

4. On or about October 18, 1999, a Stipulation and Agreement and Enforcement Order was filed with the Board in Docket Number 00-HA00020 imposing disciplinary action in the form of limitations on Licensee's license to practice medicine

and surgery in Kansas. The allegations underlying the Stipulation and Agreement and Enforcement Order were that Licensee had violated federal regulations concerning controlled substances and had her U.S. Drug Enforcement Agency registration limited.

5. On or about August 24, 2001, a Consent Order was filed with the Board in Docket Number 01-HA00014 imposing disciplinary action in the form of further limitations on Licensee's license to practice medicine and surgery in Kansas. The allegations underlying the Consent Order were that Licensee repeatedly deviated from the standard of care in treating patients.

6. Licensee is a general practitioner who is not board-certified in any specialty. However, Licensee's practice for the at least the past ten (10) years has primarily involved providing abortion services and/or providing consultation regarding abortion services.

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

COUNT I

8. Petitioner incorporates herein by reference paragraphs 1 through 7 inclusive.

9. On or about July 22, 2003, Licensee performed an evaluation of Patient #1, a fourteen (14) year-old female who was more than twenty-six (26) weeks pregnant with a viable fetus.

10. The purpose of Licensee's evaluation of Patient #1 was to assess whether Patient #1 qualified for a referral for an abortion of a viable fetus pursuant to the provisions of K.S.A. 65-6703(a).

11. Licensee's evaluation of Patient #1 involved making a determination whether an abortion was necessary to preserve the life of Patient #1, or if a continuation of Patient #1's pregnancy would cause a substantial and irreversible impairment of a major bodily function of Patient #1.

12. The documentation in Licensee's patient chart for Patient #1 indicates a psychiatric diagnosis of Anxiety Disorder, Not Otherwise Specified.

13. On or about July 22, 2003, Licensee determined that Patient #1 would suffer a substantial and irreversible impairment of a major physical or mental function if she were forced to continue the pregnancy.

14. On or about July 22, 2003, Licensee made a referral of Patient #1 to George Tiller, M.D. for an abortion of a viable fetus.

15. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence in evaluating Patient #1 and determining whether an abortion was necessary to preserve the life of Patient #1, or if a continuation of Patient #1's pregnancy would cause a substantial and irreversible impairment of a major bodily function, including but not limited to, each of the following acts or omissions:

- a. Licensee failed to perform an adequate patient interview;
- b. Licensee failed to perform an adequate review of the patient's history;

- c. Licensee failed to perform an adequate evaluation of the behavioral or functional impact of the patient's condition and symptoms;
- d. Licensee failed to perform an adequate mental status examination of the patient; and
- e. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence which is believed and alleged and will be disclosed upon proper discovery in the course of these proceedings.

16. Licensee's acts and conduct during the course of treating Patient #1 constitute violations of the Kansas Healing Arts Act as follows:

- a. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(2), in that Licensee has committed repeated instances of failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the Board;
- b. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(24), in that Licensee has repeated failure to practice healing arts with that level of care, skill and treatment which is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances; and
- c. K.S.A. 65-2836(k), in that Licensee has violated a lawful regulation promulgated by the Board, specifically, K.A.R. 100-24-1, by failing to meet the minimum requirements for an adequate patient record.

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

COUNT II

18. Petitioner incorporates herein by reference paragraphs 8 through 17 inclusive.

19. On or about July 8 or July 9, 2003, Licensee performed an evaluation of Patient #2, a ten (10) year-old female who was more than twenty-eight (28) weeks pregnant with a viable fetus.

20. The purpose of Licensee's evaluation of Patient #2 was to assess whether Patient #2 qualified for a referral for an abortion of a viable fetus pursuant to the provisions of K.S.A. 65-6703(a).

21. Licensee's evaluation of Patient #2 involved making a determination that an abortion was necessary to preserve the life of Patient #2, or if a continuation of Patient #2's pregnancy would cause a substantial and irreversible impairment of a major bodily function of Patient #2.

22. The documentation in Licensee's patient chart for Patient #2 indicates a psychiatric diagnosis of Major Depressive Disorder, Single Episode.

23. On or about July 8 or July 9, 2003, Licensee determined that Patient #2 would suffer a substantial and irreversible impairment of a major physical or mental function if she were forced to continue the pregnancy.

24. On or about July 9, 2003, Licensee made a referral of Patient #2 to George Tiller, M.D. for an abortion of a viable fetus.

25. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence in evaluating Patient #2 and determining whether an abortion was necessary to preserve the life of Patient #2 or if a continuation of Patient #2's pregnancy would cause a substantial and irreversible impairment of a major bodily function, including but not limited to, each of the following acts or omissions:

- a. Licensee failed to perform an adequate patient interview;
- b. Licensee failed to perform an adequate review of the patient's history;
- c. Licensee failed to perform an adequate evaluation of the behavioral or functional impact of the patient's condition and symptoms;
- d. Licensee failed to perform an adequate mental status examination of the patient; and
- e. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence which is believed and alleged and will be disclosed upon proper discovery in the course of these proceedings.

26. Licensee's acts and conduct during the course of treating Patient #2 constitute violations of the Kansas Healing Arts Act as follows:

- a. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(2), in that Licensee has committed repeated instances of failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the Board;

- b. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(24), in that Licensee has repeated failure to practice healing arts with that level of care, skill and treatment which is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances; and
- c. K.S.A. 65-2836(k), in that Licensee has violated a lawful regulation promulgated by the Board, specifically, K.A.R. 100-24-1, by failing to meet the minimum requirements for an adequate patient record.

27. Pursuant to K.S.A. 65-2836, the Board has grounds to revoke, suspend, censure, place on probation, fine or otherwise limit Licensee's license for violations of the Kansas Healing Arts Act.

COUNT III

28. Petitioner incorporates herein by reference paragraphs 18 through 27 inclusive.

29. On or about August 5, 2003, Licensee performed an evaluation of Patient #3, a fifteen (15) year-old female who was approximately twenty-six (26) weeks pregnant with a viable fetus.

30. The purpose of Licensee's evaluation of Patient #3 was to assess whether Patient #3 qualified for a referral for an abortion of a viable fetus pursuant to the provisions of K.S.A. 65-6703(a).

31. Licensee's evaluation of Patient #3 involved making a determination whether an abortion was necessary to preserve the life of Patient #3, or if a continuation

of Patient #3's pregnancy would cause a substantial and irreversible impairment of a major bodily function of Patient #3.

32. The documentation in Licensee's patient chart for Patient #3 indicates a psychiatric diagnosis of Major Depressive Disorder, Single Episode.

33. On or about August 5, 2003, Licensee determined that Patient #3 would suffer a substantial and irreversible impairment of a major physical or mental function if she were forced to continue the pregnancy.

34. On or about August 5, 2003, Licensee made a referral of Patient #3 to George Tiller, M.D. for an abortion of a viable fetus.

35. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence in evaluating Patient #3 and determining whether an abortion was necessary to preserve the life of Patient #3, or if a continuation of Patient #3's pregnancy would cause a substantial and irreversible impairment of a major bodily function, including but not limited to, each of the following acts or omissions:

- a. Licensee failed to perform an adequate patient interview;
- b. Licensee failed to perform an adequate review of the patient's history;
- c. Licensee failed to perform an adequate evaluation of the behavioral or functional impact of the patient's condition and symptoms;
- d. Licensee failed to perform an adequate mental status examination of the patient; and
- e. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence which is believed and

alleged and will be disclosed upon proper discovery in the course of these proceedings.

36. Licensee's acts and conduct during the course of treating Patient #3 constitute violations of the Kansas Healing Arts Act as follows:

- a. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(2), in that Licensee has committed repeated instances of failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the Board;
- b. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(24), in that Licensee has repeated failure to practice healing arts with that level of care, skill and treatment which is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances; and
- c. K.S.A. 65-2836(k), in that Licensee has violated a lawful regulation promulgated by the Board, specifically, K.A.R. 100-24-1, by failing to meet the minimum requirements for an adequate patient record.

37. Pursuant to K.S.A. 65-2836, the Board has grounds to revoke, suspend, censure, place on probation, fine or otherwise limit Licensee's license for violations of the Kansas Healing Arts Act.

COUNT IV

38. Petitioner incorporates herein by reference paragraphs 28 through 37 inclusive.

39. On or about August 5, 2003, Licensee performed an evaluation of Patient #4, a fifteen (15) year-old female who was approximately twenty-eight (28) weeks pregnant with a viable fetus.

40. The purpose of Licensee's evaluation of Patient #4 was to assess whether Patient #4 qualified for a referral for an abortion of a viable fetus pursuant to the provisions of K.S.A. 65-6703(a).

41. Licensee's evaluation of Patient #4 involved making a determination whether an abortion was necessary to preserve the life of Patient #4, or if a continuation of Patient #4's pregnancy would cause a substantial and irreversible impairment of a major bodily function of Patient #4.

42. The documentation in Licensee's patient chart for Patient #4 indicates a psychiatric diagnosis of Acute Stress Disorder, Moderate.

43. On or about August 5, 2003, Licensee determined that Patient #4 would suffer a substantial and irreversible impairment of a major physical or mental function if she were forced to continue the pregnancy.

44. On or about August 5, 2003, Licensee made a referral of Patient #4 to George Tiller, M.D. for an abortion of a viable fetus.

45. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence in evaluating Patient #4 and determining whether an abortion was necessary to preserve the life of Patient #4, or if a continuation of Patient #4's pregnancy would cause a substantial and irreversible impairment of a major bodily function, including but not limited to, each of the following acts or omissions:

- a. Licensee failed to perform an adequate patient interview;

- b. Licensee failed to perform an adequate review of the patient's history;
- c. Licensee failed to perform an adequate evaluation of the behavioral or functional impact of the patient's condition and symptoms;
- d. Licensee failed to perform an adequate mental status examination of the patient; and
- e. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence which is believed and alleged and will be disclosed upon proper discovery in the course of these proceedings.

46. Licensee's acts and conduct during the course of treating Patient #4 constitute violations of the Kansas Healing Arts Act as follows:

- a. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(2), in that Licensee has committed repeated instances of failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the Board;
- b. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(24), in that Licensee has repeated failure to practice healing arts with that level of care, skill and treatment which is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances; and

- c. K.S.A. 65-2836(k), in that Licensee has violated a lawful regulation promulgated by the Board, specifically, K.A.R. 100-24-1, by failing to meet the minimum requirements for an adequate patient record.

47. Pursuant to K.S.A. 65-2836, the Board has grounds to revoke, suspend, censure, place on probation, fine or otherwise limit Licensee's license for violations of the Kansas Healing Arts Act.

COUNT V

48. Petitioner incorporates herein by reference paragraphs 38 through 47 inclusive.

49. On or about August 12, 2003, Licensee performed an evaluation of Patient #5, a fifteen (15) year-old female who was approximately twenty-five (25) weeks pregnant with a viable fetus.

50. The purpose of Licensee's evaluation of Patient #5 was to assess whether Patient #5 qualified for a referral for an abortion of a viable fetus pursuant to the provisions of K.S.A. 65-6703(a).

51. Licensee's evaluation of Patient #5 involved making a determination whether an abortion was necessary to preserve the life of Patient #5, or if a continuation of Patient #5's pregnancy would cause a substantial and irreversible impairment of a major bodily function of Patient #5.

52. The documentation in Licensee's patient chart for Patient #5 indicates a psychiatric diagnosis of Major Depressive Disorder, Single Episode.

53. On or about August 12, 2003, Licensee determined that Patient #5 would suffer a substantial and irreversible impairment of a major physical or mental function if she were forced to continue the pregnancy.

54. On or about August 12, 2003, Licensee made a referral of Patient #5 to George Tiller, M.D. for an abortion of a viable fetus.

55. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence in evaluating Patient #5 and determining whether an abortion was necessary to preserve the life of Patient #5, or if a continuation of Patient #5's pregnancy would cause a substantial and irreversible impairment of a major bodily function, including but not limited to, each of the following acts or omissions:

- a. Licensee failed to perform an adequate patient interview;
- b. Licensee failed to perform an adequate review of the patient's history;
- c. Licensee failed to perform an adequate evaluation of the behavioral or functional impact of the patient's condition and symptoms;
- d. Licensee failed to perform an adequate mental status examination of the patient; and
- e. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence which is believed and alleged and will be disclosed upon proper discovery in the course of these proceedings.

56. Licensee's acts and conduct during the course of treating Patient #5 constitute violations of the Kansas Healing Arts Act as follows:

- a. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(2), in that Licensee has committed repeated instances of failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the Board;
- b. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(24), in that Licensee has repeated failure to practice healing arts with that level of care, skill and treatment which is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances; and
- c. K.S.A. 65-2836(k), in that Licensee has violated a lawful regulation promulgated by the Board, specifically, K.A.R. 100-24-1, by failing to meet the minimum requirements for an adequate patient record.

57. Pursuant to K.S.A. 65-2836, the Board has grounds to revoke, suspend, censure, place on probation, fine or otherwise limit Licensee's license for violations of the Kansas Healing Arts Act.

COUNT VI

58. Petitioner incorporates herein by reference paragraphs 48 through 57 inclusive.

59. On or about August 26, 2003, Licensee performed an evaluation of Patient #6, a fourteen (14) year-old female who was approximately twenty-five (25) weeks pregnant with a viable fetus.

60. The purpose of Licensee's evaluation of Patient #6 was to assess whether Patient #6 qualified for a referral for an abortion of a viable fetus pursuant to the provisions of K.S.A. 65-6703(a).

61. Licensee's evaluation of Patient #6 involved making a determination whether an abortion was necessary to preserve the life of Patient #6, or if a continuation of Patient #6's pregnancy would cause a substantial and irreversible impairment of a major bodily function of Patient #6.

62. The documentation in Licensee's patient chart for Patient #6 indicates a psychiatric diagnosis of Acute Stress Disorder.

63. On or about August 26, 2003, Licensee determined that Patient #6 would suffer a substantial and irreversible impairment of a major physical or mental function if she were forced to continue the pregnancy.

64. On or about August 26, 2003, Licensee made a referral of Patient #6 to George Tiller, M.D. for an abortion of a viable fetus.

65. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence in evaluating Patient #6 and determining whether an abortion was necessary to preserve the life of Patient #6, or if a continuation of Patient #6's pregnancy would cause a substantial and irreversible impairment of a major bodily function, including but not limited to, each of the following acts or omissions:

- a. Licensee failed to perform an adequate patient interview;
- b. Licensee failed to perform an adequate review of the patient's history;

- c. Licensee failed to perform an adequate evaluation of the behavioral or functional impact of the patient's condition and symptoms;
- d. Licensee failed to perform an adequate mental status examination of the patient; and
- e. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence which is believed and alleged and will be disclosed upon proper discovery in the course of these proceedings.

66. Licensee's acts and conduct during the course of treating Patient #6 constitute violations of the Kansas Healing Arts Act as follows:

- a. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(2), in that Licensee has committed repeated instances of failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the Board;
- b. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(24), in that Licensee has repeated failure to practice healing arts with that level of care, skill and treatment which is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances; and
- c. K.S.A. 65-2836(k), in that Licensee has violated a lawful regulation promulgated by the Board, specifically, K.A.R. 100-24-1, by failing to meet the minimum requirements for an adequate patient record.

67. Pursuant to K.S.A. 65-2836, the Board has grounds to revoke, suspend, censure, place on probation, fine or otherwise limit Licensee's license for violations of the Kansas Healing Arts Act.

COUNT VII

68. Petitioner incorporates herein by reference paragraphs 58 through 67 inclusive.

69. On or about September 9, 2003, Licensee performed an evaluation of Patient #7, a fifteen (15) year-old female who was approximately twenty-five (25) weeks pregnant with a viable fetus.

70. The purpose of Licensee's evaluation of Patient #7 was to assess whether Patient #7 qualified for a referral for an abortion of a viable fetus pursuant to the provisions of K.S.A. 65-6703(a).

71. Licensee's evaluation of Patient #7 involved making a determination whether an abortion was necessary to preserve the life of Patient #7, or if a continuation of Patient #7's pregnancy would cause a substantial and irreversible impairment of a major bodily function of Patient #7.

72. The documentation in Licensee's patient chart for Patient #7 indicates a psychiatric diagnosis of Major Depressive Disorder, Single Episode.

73. On or about September 9, 2003, Licensee determined that Patient #7 would suffer a substantial and irreversible impairment of a major physical or mental function if she were forced to continue the pregnancy.

74. On or about September 9, 2003, Licensee made a referral of Patient #7 to George Tiller, M.D. for an abortion of a viable fetus.

75. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence in evaluating Patient #7 and determining whether an abortion was necessary to preserve the life of Patient #7, or if a continuation of Patient #7's pregnancy would cause a substantial and irreversible impairment of a major bodily function, including but not limited to, each of the following acts or omissions:

- a. Licensee failed to perform an adequate patient interview;
- b. Licensee failed to perform an adequate review of the patient's history;
- c. Licensee failed to perform an adequate evaluation of the behavioral or functional impact of the patient's condition and symptoms;
- d. Licensee failed to perform an adequate mental status examination of the patient; and
- e. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence which is believed and alleged and will be disclosed upon proper discovery in the course of these proceedings.

76. Licensee's acts and conduct during the course of treating Patient #7 constitute violations of the Kansas Healing Arts Act as follows:

- a. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(2), in that Licensee has committed repeated instances of failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the Board;

- b. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(24), in that Licensee has repeated failure to practice healing arts with that level of care, skill and treatment which is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances; and
- c. K.S.A. 65-2836(k), in that Licensee has violated a lawful regulation promulgated by the Board, specifically, K.A.R. 100-24-1, by failing to meet the minimum requirements for an adequate patient record.

77. Pursuant to K.S.A. 65-2836, the Board has grounds to revoke, suspend, censure, place on probation, fine or otherwise limit Licensee's license for violations of the Kansas Healing Arts Act.

COUNT VIII

78. Petitioner incorporates herein by reference paragraphs 68 through 77 inclusive.

79. On or about November 4, 2003, Licensee performed an evaluation of Patient #8, a thirteen (13) year-old female who was approximately twenty-five (25) weeks pregnant with a viable fetus.

80. The purpose of Licensee's evaluation of Patient #8 was to assess whether Patient #8 qualified for a referral for an abortion of a viable fetus pursuant to the provisions of K.S.A. 65-6703(a).

81. Licensee's evaluation of Patient #8 involved making a determination whether an abortion was necessary to preserve the life of Patient #8, or if a continuation

of Patient #8's pregnancy would cause a substantial and irreversible impairment of a major bodily function of Patient #8.

82. The documentation in Licensee's patient chart for Patient #8 does not indicate a specific psychiatric diagnosis.

83. On or about November 4, 2003, Licensee determined that Patient #8 would suffer a substantial and irreversible impairment of a major physical or mental function if she were forced to continue the pregnancy.

84. On or about November 4, 2003, Licensee made a referral of Patient #8 to George Tiller, M.D. for an abortion of a viable fetus.

85. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence in evaluating Patient #8 and determining whether an abortion was necessary to preserve the life of Patient #8, or if a continuation of Patient #8's pregnancy would cause a substantial and irreversible impairment of a major bodily function, including but not limited to, each of the following acts or omissions:

- a. Licensee failed to perform an adequate patient interview;
- b. Licensee failed to perform an adequate review of the patient's history;
- c. Licensee failed to perform an adequate evaluation of the behavioral or functional impact of the patient's condition and symptoms;
- d. Licensee failed to perform an adequate mental status examination of the patient; and
- e. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence which is believed and

alleged and will be disclosed upon proper discovery in the course of these proceedings.

86. Licensee's acts and conduct during the course of treating Patient #8 constitute violations of the Kansas Healing Arts Act as follows:

- a. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(2), in that Licensee has committed repeated instances of failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the Board;
- b. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(24), in that Licensee has repeated failure to practice healing arts with that level of care, skill and treatment which is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances; and
- c. K.S.A. 65-2836(k), in that Licensee has violated a lawful regulation promulgated by the Board, specifically, K.A.R. 100-24-1, by failing to meet the minimum requirements for an adequate patient record.

87. Pursuant to K.S.A. 65-2836, the Board has grounds to revoke, suspend, censure, place on probation, fine or otherwise limit Licensee's license for violations of the Kansas Healing Arts Act.

COUNT IX

88. Petitioner incorporates herein by reference paragraphs 78 through 87 inclusive.

89. On or about November 4, 2003, Licensee performed an evaluation of Patient #9, a fifteen (15) year-old female who was more than twenty-five (25) weeks pregnant with a viable fetus.

90. The purpose of Licensee's evaluation of Patient #9 was to assess whether Patient #9 qualified for a referral for an abortion of a viable fetus pursuant to the provisions of K.S.A. 65-6703(a).

91. Licensee's evaluation of Patient #9 involved making a determination whether an abortion was necessary to preserve the life of Patient #9, or if a continuation of Patient #9's pregnancy would cause a substantial and irreversible impairment of a major bodily function of Patient #9.

92. The documentation in Licensee's patient chart for Patient #9 indicates a psychiatric diagnosis of Major Depressive Disorder, Single Episode.

93. On or about November 4, 2003, Licensee determined that Patient #9 would suffer a substantial and irreversible impairment of a major physical or mental function if she were forced to continue the pregnancy.

94. On or about November 4, 2003, Licensee made a referral of Patient #9 to George Tiller, M.D. for an abortion of a viable fetus.

95. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence in evaluating Patient #9 and determining whether an abortion was necessary to preserve the life of Patient #9, or if a continuation of Patient #9's pregnancy would cause a substantial and irreversible impairment of a major bodily function, including but not limited to, each of the following acts or omissions:

- a. Licensee failed to perform an adequate patient interview;

- b. Licensee failed to perform an adequate review of the patient's history;
- c. Licensee failed to perform an adequate evaluation of the behavioral or functional impact of the patient's condition and symptoms;
- d. Licensee failed to perform an adequate mental status examination of the patient; and
- e. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence which is believed and alleged and will be disclosed upon proper discovery in the course of these proceedings.

96. Licensee's acts and conduct during the course of treating Patient #9 constitute violations of the Kansas Healing Arts Act as follows:

- a. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(2), in that Licensee has committed repeated instances of failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the Board;
- b. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(24), in that Licensee has repeated failure to practice healing arts with that level of care, skill and treatment which is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances; and

- c. K.S.A. 65-2836(k), in that Licensee has violated a lawful regulation promulgated by the Board, specifically, K.A.R. 100-24-1, by failing to meet the minimum requirements for an adequate patient record.

97. Pursuant to K.S.A. 65-2836, the Board has grounds to revoke, suspend, censure, place on probation, fine or otherwise limit Licensee's license for violations of the Kansas Healing Arts Act.

COUNT X

98. Petitioner incorporates herein by reference paragraphs 88 through 97 inclusive.

99. On or about November 4, 2003, Licensee performed an evaluation of Patient #10, an eighteen (18) year-old female who was more than twenty-five (25) weeks pregnant with a viable fetus.

100. The purpose of Licensee's evaluation of Patient #10 was to assess whether Patient #10 qualified for a referral for an abortion of a viable fetus pursuant to the provisions of K.S.A. 65-6703(a).

101. Licensee's evaluation of Patient #10 involved making a determination whether an abortion was necessary to preserve the life of Patient #10, or if a continuation of Patient #10's pregnancy would cause a substantial and irreversible impairment of a major bodily function of Patient #10.

102. The documentation in Licensee's patient chart for Patient #10 indicates a psychiatric diagnosis of Acute Stress Disorder, Severe.

103. On or about November 4, 2003, Licensee determined that Patient #10 would suffer a substantial and irreversible impairment of a major physical or mental function if she were forced to continue the pregnancy.

104. On or about November 4, 2003, Licensee made a referral of Patient #10 to George Tiller, M.D. for an abortion of a viable fetus.

105. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence in evaluating Patient #10 and determining whether an abortion was necessary to preserve the life of Patient #10, or if a continuation of Patient #10's pregnancy would cause a substantial and irreversible impairment of a major bodily function, including but not limited to, each of the following acts or omissions:

- a. Licensee failed to perform an adequate patient interview;
- b. Licensee failed to perform an adequate review of the patient's history;
- c. Licensee failed to perform an adequate evaluation of the behavioral or functional impact of the patient's condition and symptoms;
- d. Licensee failed to perform an adequate mental status examination of the patient; and
- e. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence which is believed and alleged and will be disclosed upon proper discovery in the course of these proceedings.

106. Licensee's acts and conduct during the course of treating Patient #10 constitute violations of the Kansas Healing Arts Act as follows:

- a. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(2), in that Licensee has committed repeated instances of failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the Board;
- b. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(24), in that Licensee has repeated failure to practice healing arts with that level of care, skill and treatment which is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances; and
- c. K.S.A. 65-2836(k), in that Licensee has violated a lawful regulation promulgated by the Board, specifically, K.A.R. 100-24-1, by failing to meet the minimum requirements for an adequate patient record.

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

COUNT XI

108. Petitioner incorporates herein by reference paragraphs 98 through 107 inclusive.

109. On or about November 18, 2003, Licensee performed an evaluation of Patient #11, a sixteen (16) year-old female who was more than twenty-nine (29) weeks pregnant with a viable fetus.

110. The purpose of Licensee's evaluation of Patient #11 was to assess whether Patient #11 qualified for a referral for an abortion of a viable fetus pursuant to the provisions of K.S.A. 65-6703(a).

111. Licensee's evaluation of Patient #11 involved making a determination whether an abortion was necessary to preserve the life of Patient #11, or if a continuation of Patient #11's pregnancy would cause a substantial and irreversible impairment of a major bodily function of Patient #11.

112. The documentation in Licensee's patient chart for Patient #11 indicates a psychiatric diagnosis of Major Depressive Disorder, Single Episode.

113. On or about November 18, 2003, Licensee determined that Patient #11 would suffer a substantial and irreversible impairment of a major physical or mental function if she were forced to continue the pregnancy.

114. On or about November 18, 2003, Licensee made a referral of Patient #11 to George Tiller, M.D. for an abortion of a viable fetus.

115. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence in evaluating Patient #11 and determining whether an abortion was necessary to preserve the life of Patient #11, or if a continuation of Patient #11's pregnancy would cause a substantial and irreversible impairment of a major bodily function, including but not limited to, each of the following acts or omissions:

- a. Licensee failed to perform an adequate patient interview;
- b. Licensee failed to perform an adequate review of the patient's history;

- c. Licensee failed to perform an adequate evaluation of the behavioral or functional impact of the patient's condition and symptoms;
- d. Licensee failed to perform an adequate mental status examination of the patient; and
- e. Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence which is believed and alleged and will be disclosed upon proper discovery in the course of these proceedings.

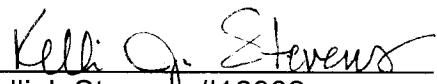
116. Licensee's acts and conduct during the course of treating Patient #11 constitute violations of the Kansas Healing Arts Act as follows:

- a. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(a)(2), in that Licensee has committed repeated instances of failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the Board;
- b. K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(24), in that Licensee has repeated failure to practice healing arts with that level of care, skill and treatment which is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances; and
- c. K.S.A. 65-2836(k), in that Licensee has violated a lawful regulation promulgated by the Board, specifically, K.A.R. 100-24-1, by failing to meet the minimum requirements for an adequate patient record.

117. Pursuant to K.S.A. 65-2836, the Board has grounds to revoke, suspend, censure, place on probation, fine or otherwise limit Licensee's license for violations 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 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.

Respectfully submitted,


Kelli J. Stevens #16032
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068
(785) 296-7413

CERTIFICATE OF SERVICE

I, hereby certify that I served a true and correct copy of the above and foregoing
PETITION via United States mail, first-class, postage prepaid, on this 16th day of
April, 2010, to the following:

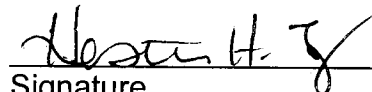
Ann K. Neuhaus, M.D.

(confidential)

Nortonville, Kansas 66060

and the original was filed with the office of:

Kathleen Selzler Lippert
Acting Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068



Signature