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

KANSAS STATE BOARD OF
HEALING ARTS

Docket No. 01-HA-14

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

AMENDED PETITION TO REVOKE, SUSPEND OR OTHERWISE LIMIT LICENSE

COMES NOW Kansas State Board of Healing Arts ("Board"), by and through Kelli J. Benintendi, Associate Counsel, ("Petitioner") and initiates these proceedings pursuant to the provisions of K.S.A. 65-2838, K.S.A. 65-2851a, and K.S.A. 77-501 *et seq.* For its cause of action, Petitioner alleges and states:

1. On or about December 5, 1986, Ann K. Neuhaus, M.D., ("Licensee"), was issued license number 4-21596. Licensee last renewed her license on or about June 26, 2000. At all times relevant to the allegations as set forth below, Licensee has held a license to engage in the practice of medicine and surgery in the State of Kansas.

2. Licensee's last known mailing address to the Board is 205 West Eighth Street, Lawrence, Kansas 66044.

3. Licensee is represented by legal counsel, Donald G. Strole, Attorney at Law, 16 E. 13th Street, Lawrence, Kansas 66044.

4. Since the issuance of Licensee's license, while engaged in a regulated profession as a medical doctor authorized to engage in the practice of the healing arts in the State of Kansas pursuant to K.S.A. 65-2801, *et seq.*, Licensee did commit the following acts:

COUNT I

5. Petitioner incorporates herein by reference paragraphs 1 through 4, inclusive.

6. On or about December 2, 1999, Licensee administered sedation to and performed a therapeutic abortion on patient A.B.

7. In the treatment of A.B., Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence, specifically including, but not limited to, each of the following acts or omissions:

- (A) Licensee failed to document patient A.B.'s previous adverse experiences with sedation or anesthesia;
- (B) Licensee failed to perform a focused physical examination of the cardiovascular and pulmonary systems on patient A.B. beyond a simple recording of blood pressure and pulse;
- (C) Licensee failed to monitor and to document in the medical record, patient A.B.'s intra- and post-procedure vital signs;
- (D) Licensee failed to have an a time-based record for patient A.B., which included periodic documentation of vital signs and oxygen saturations;
- (E) Licensee failed to have a time-based record for patient A.B. which documented timing or incremental doses of each drug administered to A.B. Instead, Licensee merely documented the total amount of each drug administered; and

(F) Licensee failed to document that patient A.B. met specified discharge criteria and failed to have a specific method for assessing patient A.B. prior to discharge.

8. Pursuant to K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(a)(2) and 65-2837(a)(3), by failing to adhere to the applicable standard of care to a degree which constitutes ordinary negligence as determined by the Board, the Board may revoke, suspend or otherwise limit Licensee's license to practice the healing arts in the State of Kansas.

9. Licensee failed to provide informed consent to A.B., pursuant to K.S.A. 1999 Supp. 65-6709, prior to performing a therapeutic abortion on A.B., in that A.B. was not informed in writing at least 24 hours before the abortion of the probable gestational age of the fetus at the time the abortion was to be performed.

10. Pursuant to K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b) and K.S.A. 65-6712, by failing to provide appropriate informed consent, Licensee has committed unprofessional conduct, for which the Board may revoke, suspend or otherwise limit Licensee's license to practice the healing arts in the State of Kansas.

11. Licensee failed to maintain an adequate patient medical record for A.B., as required by K.A.R. 100-24-1.

12. Pursuant to K.S.A. 65-2836(k), the Board may revoke, suspend or otherwise limit Licensee's license to practice the healing arts in the State of Kansas in that Licensee violated K.A.R. 100-24-1, a lawful regulation promulgated by the Board.

WHEREFORE, Petitioner prays that the Board make findings of fact and conclusions of law that Licensee committed these acts in violation of the Kansas Healing

Arts Act, that Licensee's license to practice the healing arts in the State of Kansas be revoked, suspended or otherwise limited, and that the Board assess such administrative fines and impose such costs against Licensee as it shall deem just and proper and as authorized by law.

COUNT II

13. Petitioner incorporates herein by reference paragraphs 1 through 12, inclusive.

14. On or about March 8, 2000, Licensee administered sedation to and performed a therapeutic abortion on patient S.D. Licensee also administered a reversal agent to patient S.D. at the conclusion of the procedure.

15. In the treatment of S.D., Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence, specifically including, but not limited to, each of the following acts or omissions:

- (A) Licensee failed to document patient S.D.'s previous adverse experiences with sedation or anesthesia;
- (B) Licensee failed to perform a focused physical examination of the cardiovascular and pulmonary systems on patient S.D. beyond a simple recording of blood pressure and pulse;
- (C) Licensee failed to monitor and to document in the medical record, patient S.D.'s intra- and post-procedure vital signs;
- (D) Licensee failed to have a time-based record for patient S.D., which included periodic documentation of vital signs and oxygen

saturations;

- (E) Licensee failed to have a time-based record for patient S.D. which documented timing or incremental doses of each drug administered to S.D. Instead, Licensee merely documented the total amount of each drug administered;
- (F) Licensee failed to document that patient S.D. met specified discharge criteria and failed to have a specific method for assessing patient S.D. prior to discharge; and
- (G) Licensee failed to appropriately delay the discharge of S.D. until a time past the effectiveness of the reversal agent which patient S.D. received.

16. Pursuant to K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(a)(2) and 65-2837(a)(3), by failing to adhere to the applicable standard of care to a degree which constitutes ordinary negligence as determined by the Board, the Board may revoke, suspend or otherwise limit Licensee's license to practice the healing arts in the State of Kansas.

17. Licensee failed to provide informed consent to S.D., pursuant to K.S.A. 1999 Supp. 65-6709, prior to performing a therapeutic abortion on S.D., in that S.D. was not informed in writing at least 24 hours before the abortion of the probable gestational age of the fetus at the time the abortion was to be performed.

18. Pursuant to K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b) and K.S.A. 65-6712, by failing to provide appropriate informed consent, Licensee has

committed unprofessional conduct, for which the Board may revoke, suspend or otherwise limit Licensee's license to practice the healing arts in the State of Kansas.

19. Licensee failed to maintain an adequate patient medical record for S.D., as required by K.A.R. 100-24-1.

20. Pursuant to K.S.A. 65-2836(k), the Board may revoke, suspend or otherwise limit Licensee's license to practice the healing arts in the State of Kansas in that Licensee violated K.A.R. 100-24-1, a lawful regulation promulgated by the Board.

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

COUNT III

21. Petitioner incorporates herein by reference paragraphs 1 through 20, inclusive.

22. On or about May 24, 2000, Licensee administered sedation to and performed a therapeutic abortion on patient C.L.

23. In the treatment of C.L., Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence, specifically including, but not limited to, each of the following acts or omissions:

- (A) Licensee failed to document patient C.L.'s previous adverse experiences with sedation or anesthesia;

- (B) Licensee failed to perform a focused physical examination of the cardiovascular and pulmonary systems on patient C.L. beyond a simple recording of blood pressure and pulse;
- (C) Licensee failed to monitor and to document in the medical record, patient C.L.'s intra- and post-procedure vital signs;
- (D) Licensee failed to have a time-based record for patient C.L., which included periodic documentation of vital signs and oxygen saturations;
- (E) Licensee failed to have a time-based record for patient C.L. which documented timing or incremental doses of each drug administered to C.L. Instead, Licensee merely documented the total amount of each drug administered; and
- (F) Licensee failed to document that patient C.L. met specified discharge criteria and failed to have a specific method for assessing patient C.L. prior to discharge.

24. Pursuant to K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(a)(2) and 65-2837(a)(3), by failing to adhere to the applicable standard of care to a degree which constitutes ordinary negligence as determined by the Board, the Board may revoke, suspend or otherwise limit Licensee's license to practice the healing arts in the State of Kansas.

25. Licensee failed to provide informed consent to C.L., pursuant to K.S.A. 1999 Supp. 65-6709, prior to performing a therapeutic abortion on C.L., specifically including, but not limited to the following acts or omissions:

- (A) C.L. was not informed in writing at least 24 hours before the abortion of the probable gestational age of the fetus at the time the abortion was to be performed; and
- (B) Licensee failed to obtain from C.L. a copy of the written certification as set forth in K.S.A. 65-6709(e) and (f).

26. Pursuant to K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b) and K.S.A. 65-6712, by failing to provide appropriate informed consent, Licensee has committed unprofessional conduct, for which the Board may revoke, suspend or otherwise limit Licensee's license to practice the healing arts in the State of Kansas.

27. Licensee failed to maintain an adequate patient medical record for C.L., as required by K.A.R. 100-24-1.

28. Pursuant to K.S.A. 65-2836(k), the Board may revoke, suspend or otherwise limit Licensee's license to practice the healing arts in the State of Kansas in that Licensee violated K.A.R. 100-24-1, a lawful regulation promulgated by the Board.

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

COUNT IV

29. Petitioner incorporates herein by reference paragraphs 1 through 28, inclusive.

30. On or about March 8, 2000, Licensee administered sedation to and performed a therapeutic abortion on patient H.S. Licensee also administered a reversal agent to patient H.S. at the conclusion of the procedure.

31. In the treatment of H.S., Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary negligence, specifically including, but not limited to, each of the following acts or omissions:

- (A) Licensee failed to document patient H.S.'s previous adverse experiences with sedation or anesthesia;
- (B) Licensee failed to perform a focused physical examination of the cardiovascular and pulmonary systems on patient H.S. beyond a simple recording of blood pressure and pulse;
- (C) Licensee failed to monitor and to document in the medical record, patient H.S.'s intra- and post-procedure vital signs;
- (D) Licensee failed to have a time-based record for patient H.S., which included periodic documentation of vital signs and oxygen saturations;
- (E) Licensee failed to have a time-based record for patient H.S. which documented timing or incremental doses of each drug administered to H.S. Instead, Licensee merely documented the total amount of each drug administered;
- (F) Licensee failed to document that patient H.S. met specified discharge criteria and to have a specific method for assessing patient H.S. prior to discharge; and

(G) Licensee failed to intentionally delay the discharge of H.S. until a time past the effectiveness of the reversal agent which patient H.S. received.

32. Pursuant to K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(a)(2) and 65-2837(a)(3), by failing to adhere to the applicable standard of care to a degree which constitutes ordinary negligence as determined by the Board, the Board may revoke, suspend or otherwise limit Licensee's license to practice the healing arts in the State of Kansas.

33. Licensee failed to provide informed consent to H.S., pursuant to K.S.A. 1999 Supp. 65-6709, prior to performing a therapeutic abortion on H.S., in that Licensee failed to obtain from H.S. a copy of the written certification as set forth in K.S.A. 65-6709(e) and (f).

34. Pursuant to K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b) and K.S.A. 65-6712, by failing to provide appropriate informed consent, Licensee has committed unprofessional conduct, for which the Board may revoke, suspend or otherwise limit Licensee's license to practice the healing arts in the State of Kansas.

35. Pursuant to K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(a)(2) and 65-2837(a)(3), by failing to adhere to the applicable standard of care to a degree which constitutes ordinary negligence as determined by the Board, the Board may revoke, suspend or otherwise limit Licensee's license to practice the healing arts in the State of Kansas.

36. Licensee failed to maintain an adequate patient medical record for H.S., as required by K.A.R. 100-24-1.

37. Pursuant to K.S.A. 65-2836(k), the Board may revoke, suspend or otherwise limit Licensee's license to practice the healing arts in the State of Kansas in that Licensee violated K.A.R. 100-24-1, a lawful regulation promulgated by the Board.

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

COUNT V

38. Petitioner incorporates herein by reference paragraphs 1 through 37, inclusive.

39. On or about June 7, 2000, patient A.G. presented to Licensee's clinic for the purpose of having Licensee perform a therapeutic abortion under a local anesthetic.

40. Prior to the abortion being performed, Patient A.G. gave limited consent to having the procedure performed with a local anesthetic and specifically refused to be sedated.

41. Patient A.G. subsequently withdrew consent to the abortion procedure and attempted to leave the procedure room.

42. Licensee, and/or staff under Licensee's control and direction, administered sedation to patient A.G. and Licensee subsequently performed an abortion on patient A.G.

43. In the treatment of A.G., Licensee failed to adhere to the applicable standard of care to a degree constituting ordinary or gross negligence, specifically including, but not

limited to, each of the following acts or omissions:

- (A) Licensee and/or staff under Licensee's control and direction, administered sedation to A.G., even though A.G. had specifically refused to consent to being sedated;
- (B) Licensee performed an abortion procedure on A.G. after A.G. withdrew consent to the abortion;
- (C) Licensee failed to obtain informed consent from A.G. for the administration of sedation;
- (D) Licensee failed to document patient A.G.'s previous adverse experiences with sedation or anesthesia;
- (E) Licensee failed to perform a focused physical examination of the cardiovascular and pulmonary systems on patient A.G. beyond a simple recording of blood pressure and pulse;
- (F) Licensee failed to monitor and to document in the medical record, patient A.G.'s intra- and post-procedure vital signs;
- (G) Licensee failed to have a time-based record for patient A.G., which included periodic documentation of vital signs and oxygen saturations;
- (H) Licensee failed to have a time-based record for patient A.G. which documented timing or incremental doses of each drug administered to A.G. Instead, Licensee merely documented the total amount of each drug administered;

- (I) Licensee failed to document that patient A.G. met specified discharge criteria and failed to have a specific method for assessing patient A.G. prior to discharge; and
- (J) 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 procedures in the course of these proceedings.

44. Pursuant to K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(a)(2) and 65-2837(a)(3), by failing to adhere to the applicable standard of care to a degree which constitutes gross or ordinary negligence as determined by the Board, the Board may revoke, suspend or otherwise limit Licensee's license to practice the healing arts in the State of Kansas.

45. Licensee failed to provide informed consent to A.G., pursuant to K.S.A. 1999 Supp. 65-6709, prior to performing a therapeutic abortion on A.G., in that A.G. was not informed in writing at least 24 hours before the abortion of the probable gestational age of the fetus at the time the abortion was to be performed.

46. Pursuant to K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b) and K.S.A. 65-6712, by failing to provide appropriate informed consent, Licensee has committed unprofessional conduct, for which the Board may revoke, suspend or otherwise limit Licensee's license to practice the healing arts in the State of Kansas.

47. Licensee failed to maintain an adequate patient medical record for H.S., as required by K.A.R. 100-24-1.

48. Pursuant to K.S.A. 65-2836(k), the Board may revoke, suspend or otherwise limit Licensee's license to practice the healing arts in the State of Kansas in that Licensee violated K.A.R. 100-24-1, a lawful regulation promulgated by the Board.

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

COUNT VI

49. Petitioner incorporates herein by reference paragraphs 1 through 48, inclusive.

50. On or about August 28, 2000, Petitioner and Licensee stipulated in the emergency hearing held before Presiding Officer Kyle Tipton, M.D. in Board of Healing Arts Docket 00-HA-20, that Licensee had unmarked pre-drawn syringes at her practice location at 205 West 8th Street, Lawrence, Kansas.

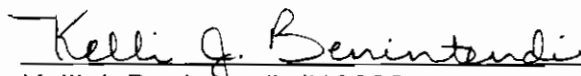
51. Licensee's practice of keeping unmarked pre-drawn syringes at her practice location constitutes a failure to adhere to the applicable standard of care to a degree constituting ordinary negligence.

52. Pursuant to K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(a)(2) and 65-2837(a)(3), by failing to adhere to the applicable standard of care to a degree

which constitutes ordinary negligence as determined by the Board, the Board may revoke, suspend or otherwise limit Licensee's license to practice the healing arts in the State of Kansas.

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

Respectfully submitted,



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

CERTIFICATE OF SERVICE


I, Kelli J. Benintendi, Associate Counsel, Kansas State Board of Healing Arts, hereby certify that I served a copy of the above PETITION TO REVOKE, SUSPEND OR OTHERWISE LIMIT LICENSE by depositing the same in the U.S. mail, postage prepaid, on this the 2nd day of February, 2001, addressed to:

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

Donald G. Strole
Attorney at Law
16 E. 13th Street
Lawrence, Kansas 66044

and the original and one copy were hand-delivered for filing to:

Lawrence T. Buening, Jr.
Executive Director
Kansas State Board of Healing Arts
235 South Topeka Boulevard
Topeka, Kansas 66603-3068


Kelli J. Benintendi
Associate Counsel