

MAR 15 2021

AD

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

**In the Matter of
BRUCE N. PARSA, D.O.**

)
)
)
)
)

KSBHA Docket No. 21-HA00036

Application for Reinstatement

FINAL ORDER

On February 12, 2021, this matter came before the Kansas State Board of Healing Arts (“Board”) for a Conference Hearing on Dr. Bruce N. Parsa, D.O.’s (“Applicant”) application for reinstatement to practice osteopathic medicine in Kansas. Applicant appeared electronically, and through counsel Kelli Stevens, of Forbes Law Group. The Board appeared through Matthew Gaus, Associate Litigation Counsel. Dr. Estep, Dr. Varner, Dr. DeGrado, and John Settich, Ph.D were recused.

Under the authority granted to the Board by the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act, (“KAPA”), K.S.A. 77-501 *et seq.*, the Board enters this Final Order. After reviewing the agency record, hearing the arguments of the parties, and being duly advised in the premises, the Board makes the following findings, conclusions, and orders.

PROCEDURAL HISTORY

On or about August 4, 2020, Applicant submitted an Application for Reinstatement of his license to practice osteopathic medicine in Kansas. That application was deemed complete and filed with the Board on January 5, 2021. The Board submitted a Response to Applicant’s Application for Reinstatement on January 12, 2021. Through counsel, Applicant submitted a Reply to Response to Application and Incorporated Memorandum in Support of Granting Reinstatement on January 27, 2021.

A Notice of Hearing was filed and served on January 15, 2021, and February 2, 2021, setting a Conference Hearing regarding Applicant’s application for reinstatement. No objection to the Notice of Hearing was filed.¹

FINDINGS OF FACT

¹ In advance of the oral arguments, the Board was provided the entire agency record to facilitate a comprehensive understanding of the underlying matter, including all exhibits, briefs, and motions filed by the parties in advance of oral arguments. The entire agency record was considered by the Board in rendering its decision.

1. On or about August 25, 2003, Applicant surrendered his license to practice osteopathic medicine in Kansas via Consent Order for multiple violations of the Kansas Healing Arts Act, including but not limited to, conviction of a felony.
2. Per the Consent Order, his surrender was treated as revocation, and any application for reinstatement would be governed by K.S.A. 65-2844 and *Vakas v. Kansas State Board of Healing Arts*, 248 Kan. 589 (1991).
3. On or about October 20, 2003, Applicant pled guilty to four counts of Distribution of Controlled Substances after DEA Registration Revocation and one count of Conspiracy to Distribute or Dispense a Scheduled II Controlled Substance. He was sentenced to prison, assessed a \$500 fine, subject to three years of supervised release after prison, and required to
CONFIDENTIAL
4. In February 2004, Applicant's license to practice osteopathic medicine in Missouri was revoked by the Missouri State Board of Registration for the Healing Arts ("Missouri Board") based on his felony convictions.
5. Applicant began serving his prison sentence in September 2004. While in prison, he
CONFIDENTIAL
6. He was released from prison on October 5, 2007, and immediately began his three-year supervised release.
7. He successfully completed his post-release supervision and was discharged on Oct. 4, 2010.
8. Following his release from prison, he worked for an ophthalmology clinic performing ancillary duties, taught classes at Colorado Technical University, and worked with a physician recruitment firm to assist physicians reentering practice following substance abuse treatment.

CONFIDENTIAL

11. He now serves as a MPHP Board Member.

Final Order

In the Matter of Bruce Parsa, D.O.; KSBHA Docket No. 21-HA00036

12. In April 2011, Missouri granted Applicant a temporary license. Under this license, he completed a PGY5 year of training through UMKC School of Medicine in the Psychiatry Department.
13. In March 2012, after 15 months of additional training, Applicant was granted a full license to practice osteopathic medicine by the Missouri Board.
14. In July 2012, he began full time employment at Northwest Missouri Psychiatry Rehabilitation Center (“NMPRC”) as a staff psychiatrist.
15. From 2013-2018, Applicant had a Missouri Narcotics and Dangerous Drugs (“MBNDD”) probationary license. He completed the probation on or about October 4, 2018 and was granted full authority by MBNDD on Sept. 2, 2020.
16. On Sept. 24, 2015, Applicant became Board certified through the American Board of Psychiatry and Neurology.
17. In 2019, the Office of the Inspector General, Department of Health and Human Services, approved Applicant to again participate in Medicare.
18. CONFIDENTIAL
19. On August 4, 2020, Applicant submitted an Application for Reinstatement seeking an Exempt license in Kansas.

CONFIDENTIAL

APPLICABLE LAW

I. Standard

A. Reinstatement

K.S.A. 65-2844: A person whose license...has been revoked may apply for reinstatement after the expiration of three years from the effective date of the revocation...The burden of proof by clear and convincing evidence shall be on the applicant to show sufficient rehabilitation to justify reinstatement.

In considering whether to grant reinstatement, the Board must look at the *Vakas* factors. *Vakas v. Kansas Bd. of Healing Arts*, 248 Kan. 589, 808 P.2d 1355 (1991). The factors include: (1) present moral fitness; (2) demonstrated consciousness of the wrongful conduct and disrepute

Final Order

In the Matter of Bruce Parsa, D.O.; KSBHA Docket No. 21-HA00036

which the conduct brought the profession; (3) extent of Applicant's **CONFIDENTIAL**; (4) the seriousness of the original misconduct; (5) Conduct subsequent to discipline; (6) the time which has elapsed since the original discipline; (7) Applicant's character, maturity, and experience at the time of revocation; and (8) Applicants present competence.

B. Felony Conviction

Under K.S.A. 65-2836(c): ...In the case of a person who has been convicted of a felony and applies for reinstatement, "the application shall be denied unless 2/3 majority of the board members present and voting on such application determine by clear and convincing evidence that such person will not pose a threat to the public in such person's capacity as a licensee and that such person has been sufficiently rehabilitated to warrant the public trust."

CONCLUSIONS OF LAW

This is a case in which a physician voluntarily surrendered his license, which was treated as revocation, and has a felony conviction. However, denial of reinstatement is not the legally or practically appropriate resolution under the facts of this case. Applicant has sufficiently met his burden.

Under K.S.A. 65-2844 and considering the *Vakas* factors, Applicant has proven by clear and convincing evidence that he has been sufficiently rehabilitated to justify reinstatement.

While the underlying facts of Applicant's original misconduct are significant, Applicant **CONFIDENTIAL**, has not made excuses for his actions, and has been transparent with the Board.

CONFIDENTIAL, the Board considered whether Applicant appreciated the wrongfulness of his actions, whether he is committed to never repeating such actions, and whether there is a significant danger that he will repeat similar actions. The Board found by clear and convincing evidence, that Applicant understands the wrongfulness of his actions, has rehabilitated himself, and there is very little danger that he will ever commit any similar bad acts as a member of the medical profession again.

Applicants original misconduct occurred around 18 years ago. Since then, Applicant's **CONFIDENTIAL**

(5) he is now a Board Member for MPHP; (6) he completed an additional PGY5 year of residency; (7) regained full licensure in Missouri; (8) began full time employment in 2012 at NMPRC as a psychiatrist; (9) regained prescription authority from

Final Order

In the Matter of Bruce Parsa, D.O.; KSBHA Docket No. 21-HA00036

MBNDD; (10) became Board certified through the American Board of Psychiatry and Neurology; (11) regained the ability to (12) participate in Medicare; and (13) **CONFIDENTIAL**
CONFIDENTIAL. Applicants action and testimony at the Conference Hearing demonstrate he is fully committed to recovery.

Furthermore, Applicant has demonstrated present moral fitness and competency. Since 2012, Applicant has been a practicing psychiatrist at NMPRC where he has received employee recognition. He also now serves as a Board Member for MPHP. Additionally, he gained board certification in psychiatry by the American Board of Psychiatry and Neurology.

Applicant has proven by clear and convincing evidence that he will not pose a threat to the public as a physician and he has been sufficiently rehabilitated to warrant the public trust.

Applicant violated K.S.A 65-2836(c), in that he was convicted of a felony. Accordingly, there is a presumption of denial of reinstatement. However, in this case, Applicant has overcome that presumption. On February 12, 2021, at the Conference Hearing on Applicant's application to for reinstatement, 2/3 majority of the Board members present and voting found Applicant had proven, by clear and convincing evidence, that he does not pose a threat to the public in his capacity as a physician and he has been sufficiently rehabilitated to warrant the public trust, for the same reasons and rationale as described above.

Therefore, the Board grants Applicant's application for reinstatement of an exempt license to practice osteopathic medicine in Kansas.

ORDER

IT IS THEREFORE ORDERED, Applicant's application to for reinstatement of an exempt license to practice osteopathic medicine, is **GRANTED**.

IT IS SO ORDERED.

KANSAS STATE BOARD OF HEALING ARTS



Tucker Poling, Executive Director

Final Order

In the Matter of Bruce Parsa, D.O.; KSBHA Docket No. 21-HA00036

NOTICE OF APPEAL RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Under K.S.A. 77-529, parties may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, a party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court, as authorized by K.S.A. 77-601, *et seq.* Reconsideration of a Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the Final Order. A copy of any petition for judicial review must be served upon Tucker Poling, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

Final Order

In the Matter of Bruce Parsa, D.O.; KSBHA Docket No. 21-HA00036

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **FINAL ORDER** was served, by depositing the same in the United States mail, postage prepaid, and emailed on this 15th day of March 2021 addressed to:

Bruce Parsa, D.O.
CONFIDENTIAL

Applicant

Kelli J. Stevens
Forbes Law Group, LLC
13117 West 131st St.
Overland Park, KS 666213
Kstevens@forbeslawgroup.com
Attorney for Applicant

And hand-delivered to:

Matthew Gaus, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level - Suite A
Topeka, Kansas 66612

Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level - Suite A
Topeka, Kansas 66612

Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level - Suite A
Topeka, Kansas 66612

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



Jennifer Cook, Paralegal

Final Order

In the Matter of Bruce Parsa, D.O.; KSBHA Docket No. 21-HA00036