

OCT 13 2021

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BEFORE THE BOARD OF HEALING ARTS OF THE STATE OF KANSAS

In the Matter of)
Everette T. Sitzman M.D.)
License No. 04-22079)
Docket No. 22-HA 00015

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Ruslan Ivanov, Litigation Counsel ("Petitioner"), and Everette T. Sitzman M.D. ("Licensee") by and through his Counsel, and move the Board for approval of a Consent Order affecting Licensee's license to practice as a medical doctor in Kansas. The Parties stipulate and agree to the following:

- 1. Licensee's last known mailing address to the Board is: CONFIDENTIAL
CONFIDENTIAL . Licensee's last known e-mail address to the Board is: CONFIDENTIAL
2. Licensee was issued license number 04-22079 to practice medicine and surgery in Kansas on December 4, 1987. Licensee last renewed his license with an Active designation on or about June 16, 2021.
3. During all times relevant to the facts set forth in this Consent Order Licensee held an Active license to practice medicine and surgery in Kansas.
4. The Board has received information and investigated the same, and has reason to believe there are grounds to take action under K.S.A 65-2836(b), K.S.A. 65-2837(b)(23) and 65-2837(b)(25). Specifically:
a. On September 28, 2018, CONFIDENTIAL
CONFIDENTIAL L expressing concern over Licensee's prescribing of chlorpromazine

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(“Thorazine”) at a rate of 100 mg IM every six (6) hours as needed to a patient who coded after the second dose was administered. **CONFIDENTIAL**

CONFIDENTIAL

- b. On July 19, 2018 at 1015, Licensee ordered Thorazine 100 mg (IM once/now and Thorazine 100mg orally, every six (6) hours as needed for agitation, to Patient R.K., a patient at **CONFIDENTIAL** (“Patient”). Licensee cited Patient’s aggressive, combative, and psychotic behaviors as the reason for the order. Patient was reportedly behaving oddly, expressing paranoia, suicidal and homicidal ideation.
- c. On July 19, 2018 at 1029, Licensee reissued a one-time order of Thorazine 100mg as **CONFIDENTIAL** staff had been unable to administer the entire first dose. Licensee then ordered Thorazine be discontinued. After that order, Licensee ordered Zyprexa Zydis 10 mg at bedtime orally and if Patient were to refuse the Zyprexa Zydis orally, he was to be given Zyprexa IM.
- d. On July 19, 2018 at 1115 Licensee documented the Zyprexa, but the documentation created by Licensee was illegible. .
- e. On July 19, 2018 at 1750, Thorazine was administered again despite the previous order to discontinue. Following this administration of Thorazine, Patient became hypotensive and tachycardic.
- f. On July 19, 2018, Patient was transported by EMT to **CONFIDENTIAL** **CONFIDENTIAL** for treatment and evaluation.
- g. No documentation exists within Patient’s medical records of the conversation Licensee alleges he had with Patient about Thorazine and other medications.

5. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 77-505. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

6. The Board is the sole and exclusive administrative agency in Kansas authorized to regulate the practice of the healing arts, and specifically the practice of medicine and surgery. K.S.A. 65-2801 *et seq.* and K.S.A. 65-2869.

7. The Kansas Healing Arts Act is constitutional on its face and as applied in this case. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

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

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

10. Licensee acknowledges that if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses, or other evidence, the Board has sufficient evidence to

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prove that Licensee has violated the Kansas Healing Arts Act with respect to the above allegations. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

11. Licensee violated K.S.A. 65-2837(b) of the Kansas Healing Arts Act in that he engaged in conduct or professional practice on a single occasion that, if continued would reasonably be expected to constitute an inability to practice the healing arts with reasonable skill and safety to patients, in that Licensee ordered unnecessarily high Thorazine doses which resulted in a hypotensive and tachycardic event, requiring Patient's transfer to **CONFIDENTIAL** **CONFIDENTIAL**.

12. Licensee violated K.S.A. 65-2837(b)(23) of the Kansas Healing Arts Act in that he committed unprofessional conduct by prescribing, dispensing or administering a prescription drug, Thorazine, in an improper or inappropriate manner. Licensee ordered unnecessarily high Thorazine doses which resulted in a hypotensive and tachycardic event, requiring Patient's transfer to **CONFIDENTIAL** to

13. Licensee violated K.S.A. 65-2837(b)(25) of the Kansas Healing Arts Act in that he committed unprofessional conduct by failing to keep written medical records that accurately describe the services rendered to the patient, by failing to document accurate administration of Thorazine and conversations with Patient about Thorazine, as well as Patient's medication history.

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

15. All pending **CONFIDENTIAL** materials in **CONFIDENTIAL** regarding Licensee were fully reviewed and considered by the Board members who serve on the

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Board's Disciplinary Panel. Disciplinary Panel No. 35 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

16. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Licensee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Licensee's license to practice medicine and surgery in Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee has failed to comply with any of the terms or conditions set forth in this Consent Order. The Board acknowledges that at any such hearing, Licensee retains the right to confront and examine all witnesses, present evidence, testify on his own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*

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

18. Licensee hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees and agents, hereinafter collectively referred to as "Releasees", from any and all claims, including but not limited to those for alleged damages, actions, liabilities, both administrative and civil, including the Kansas Judicial Review Act, K.S.A.

77-601 *et seq.* arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

19. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.

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

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

22. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings on the basis that the Board member or

General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

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

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

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

26. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 77-505 and K.S.A. 65-2836.. This Consent Order shall constitute the Board's Order when filed with the office of the Executive Director for the Board and no further Order is required.

27. Licensee shall immediately notify the Board or its designees of any citation, arrest or charge filed against him or any conviction for any traffic or criminal offense excluding speeding and/or parking violations.

28. Licensee shall immediately notify the Board or its designee of any complaint filed, or investigation opened, by the proper licensing authority of another state, territory, District of Columbia, or other county, or by a per review body, a health care facility, a professional association or society, or by a governmental agency.

29. Licensee shall at all times keep Board staff informed of his current practice locations addresses and telephone numbers. Licensee shall provide the above information in writing to the Board within **ten days** of any such change.

30. This Consent Order constitutes **public disciplinary action**.

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

32. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against his license to practice medicine and surgery:

EDUCATION: RECORDKEEPING COURSE

33. Licensee shall successfully complete the **CPEP Medical Record Keeping Seminar**, or a substantially similar course as approved by the Board prior to registration, **within 180 calendar days** of the execution of this Consent Order. Information regarding the course is available at: cpepdoc.org.

34. Licensee shall provide **proof of successful completion** of the **CPEP Medical Record Keeping Seminar**, or a substantially similar course as approved by the Board, **within 30 days** of successfully completing the program.

35. All costs associated with such program shall be at Licensee's own expense, including, but not limited to, all costs associated with registration for the program, the cost of travel to and from the program, and the cost of accommodations while attending the program.

36. Any hours earned by Licensee toward continuing education as a result of successfully completing the CPEP Medical Record Keeping Seminar shall be in addition to those continuing education hours required for renewal of licensure.

37. Licensee shall sign any and all releases necessary to allow CPEP to communicate with the Board. Licensee shall provide a copy of such releases to the Board's Compliance Coordinator and any failure to execute such a release, failure to provide copies to the Board, or any premature revocation of such release shall constitute a violation of this agreement.

38. All documentation required pursuant to this Consent Order shall be mailed to the Board by certified mail, addressed to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612
KSBHA_compliancecoordinator@ks.gov

EDUCATION: PRESCRIBING CONTROLLED DRUGS

39. Licensee shall successfully complete the **CPEP Prescribing Controlled Drugs: Critical Issues and Common Pitfalls** course, or a substantially similar course as approved by the Board prior to registration, **within 180 calendar days** of the execution of this Consent Order. Information regarding the course is available at: cpepdoc.org.

40. Licensee shall provide **proof of successful completion** of the **CPEP Prescribing Controlled Drugs: Critical Issues and Common Pitfalls** course, or a substantially similar course as approved by the Board, **within 30 days** of successfully completing the program.

41. All costs associated with such program shall be at Licensee's own expense, including, but not limited to, all costs associated with registration for the program, the cost of travel to and from the program, and the cost of accommodations while attending the program.

42. Any hours earned by Licensee toward continuing education as a result of successfully completing the CPEP Prescribing Controlled Drugs: Critical Issues and Common Pitfalls course shall be in addition to those continuing education hours required for renewal of licensure.

43. Licensee shall sign any and all releases necessary to allow CPEP to communicate with the Board. Licensee shall provide a copy of such releases to the Board's Compliance Coordinator and any failure to execute such a release, failure to provide copies to the Board, or any premature revocation of such release shall constitute a violation of this agreement.

44. All documentation required pursuant to this Consent Order shall be mailed to the Board by certified mail, addressed to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612
KSBHA_compliancecoordinator@ks.gov

TIMEFRAME

45. This Order will terminate upon a showing that Licensee has successfully completed all requirements of this Consent Order on or before the dates specified.

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

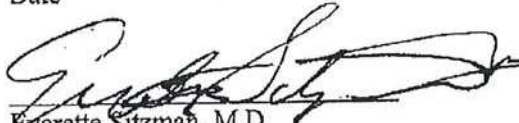
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Kansas License No. 04-22079

IT IS SO ORDERED on this 8th day of October, 2021.

**FOR THE KANSAS STATE BOARD OF
HEALING ARTS:**

Susan Hill

10/8/2021
Date


Everette Sitzman, M.D.
Licensee

9/16/21
Date

N/A
Attorney for Licensee

N/A
Date

PREPARED BY:

/s Ruslan D. Ivanov

Ruslan Ivanov #26902
Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612
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ruslan.ivanov@ks.gov

APPROVED BY:

N/A

Attorney for Licensee

Address: _____

Phone: _____

Email: _____

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, as well as via email, on this 8th day of October, 2021, to the following:

Everette Sitzman M.D.
Licensee
CONFIDENTIAL

N/A

Attorney for Licensee

And the original was hand-filed with:


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

And a copy was hand-delivered to:

Ruslan Ivanov
Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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

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



Staff Member

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